

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
July 14, 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, Ken Burchfield, 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 7:02 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.

Ms. Elaine Grote of 612 Sunrise Park questioned the access onto the new Kohl's site. She believed there was to be no road across from Sunrise Park Drive and there is one being built. It is already difficult to make a left out of Sunrise Park. Mr. Mortensen advised that will be a right turn out only; however, drivers can make a left into that site. Chairman Pobuda advised there are long range plans with MDOT for that interchange as well as the addition of traffic lights.

The call to the public was closed at 7:07 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 special use application, site plan, and environmental impact assessment for proposed indoor commercial recreation in the General Commercial Zoning district, located at 2630 Grand River, Sec. 6, in the existing Quality Farm & Fleet building, petitioned by Mark Ouilette and Blythe Patterson. (PC 03-16)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.

Mr. Robert King from Lindhout Associates and Mark Ouilette and Blythe Patterson, the property owners, were present to represent the petitioner.

Mr. King advised they are planning to make very minimal modifications to the building. They will paint the building tan with green accent stripes. They are proposing to heavily landscape the Grand River frontage as well as clean up and improve the existing hedgerow between the site and the adjoining bank site. They are planning on using the existing pole sign and just change the face. The design details of this have not been worked out yet.

They are below the required parking limits; however, they feel the parking requirements are based on the square footage of the building and most of the floor space of their business will be taken up with an indoor go cart track, which will only serve eight carts at a time. They feel the amount of people that will be in the building will be less than if it was used as a retail store. They have spoken to the adjoining shop owners and they have received positive feedback from them. They want a use on this site.

Chairman Pobuda asked what age clientele they are expecting (i.e. will kids be dropped off by their parents or will people need to park). Mr. Ouilette advised that the age group varies. Some will be dropped off and others will drive themselves there.

Mr. King advised they will have the following activities: go cart track, private party rooms, electronic golf simulator, video games, and pool tables.

Commissioner Mortensen questioned the outside storage shown on the plan with a canopy and fencing. Mr. King advised this is the existing loading dock for Quality Farm & Fleet. That will stay there and there will not be any outdoor storage.

Commissioner Cahill asked how the go-carts are powered. They are electric so there will be no loud noise.

Mr. Purdy reviewed his letter of July 8, 2003.

1. The Planning Commission needs to make a recommendation to the Township Board on the special land use.
2. The building does not meet the 100-foot setback requirement to the residential district to the south, which is required because this is a special use. The setback varies from 120 to 70 feet, with the average being 95 feet. This would require a variance from the ZBA. Commissioner Cahill is concerned about the kinds loitering behind the building. Ms. Patterson advised they would like to install fencing to the rear of the site, which will help screen it from the residential area. They are also installing surveillance cameras. Mr. Purdy feels these are both good suggestions, however, the applicant may want to consider hiring a security guard to patrol the site during hours of operation. Ms. Patterson advised they are planning on developing a good relationship with the police and will contact them if they find any mischief. They do not want this to be a place for mischief to take place. All commissioners agree with the securing measures proposed.
3. The parking requirements are not met. They are required to have 182 space and they only have 218. Mr. Purdy advised that if they took out the proposed landscape islands, they would meet the requirements, however, he would prefer to have the landscaping and allow the parking deficiency. All commissioners agree that the proposed parking is sufficient.
4. The sidewalk along Grand River must be eight feet wide and concrete. The applicant is proposing asphalt. Ms. Patterson noted that a concrete sidewalk is very expensive; however, they will do that if it is required. All commissioners would like to have concrete as all of the surrounding sites have installed concrete sidewalks. Commissioner Burchfield suggested having the applicant post a bond for the sidewalk for a period of one year. He stated this use is going to be an improvement to the site. Commissioner Mortensen feels a bond should not be given and the sidewalk should be installed. All other commissioners will allow the bond.
5. Mr. Purdy advised that easements for the service drives need to be provided to the Township. Mr. King advised that all of the easements are described on the site plan.

The call to the public was made at 7:42 p.m.

Ms. Pat Ray, who lives directly behind the site, has the following concerns.

1. She is questioning why this would not be considered a rezoning as opposed to a special land use.
2. What type of lighting is being proposed for the parking lot?
3. There is an apartment complex close to this site and there is already a drug problem over there and she is concerned about the kids from there coming to this site and loitering in her yard.
4. The teen traffic in her subdivision from the apartment complex is already a problem.
5. Will this affect her property value?

Mr. Paul Bradley, who lives in Chilson Hills subdivision agrees with all of Pat's comments and had the following concerns:

1. What type of food and beverages will be served? Will alcohol be permitted? If there is food served, what kind of Dumpster will be used?
2. Will there be a stipulation for legal guardians to be present for children after a certain time in the evening?
3. Is there any future plan for outdoor activity to be added?

Ms. Barb Troll, who also lives in Chilson Hills subdivision, lives directly behind Krugh Ford and she has many kids from the apartments cutting through her yard. She also feels there should be a guardian after a certain hour of the evening.

Chairman Pobuda closed the call to the public at 7:48 p.m.

Mr. Purdy responded to the public's comments.

This is a special land use and not a rezoning to require the Planning Commission can hold a public hearing and hear and address the concerns of the neighbors.

They are proposing 27 ½ foot tall light poles in the parking lot and the light fixtures will be shoebox style and downward directed, which means the lights will shine directly onto the parking lot and not out into the surrounding area. The photometric grid provided show the light intensity at the rear of the site will be .10 footcandle, which is fairly dim. Also, the footcandle under the light in the parking lot will be 8, which is typical for a commercial site.

Chairman Pobuda advised that the concerns of the residents regarding the children from the apartments entering their property or the drug use are not occurring on this site and the Township nor the Planning Commission can control what people do on other property. Ms. Patterson feels that installing the fencing will deter children from entering the site that way.

Chairman Pobuda advised the Planning Commission has no control over value of surrounding sites.

Ms. Patterson advised they will not be preparing any food, however, customers can bring in their own food and drink. There will be no alcohol or smoking allowed in the building; however, a smoking area will be designated in the current screened portion outside of the building and the only access to this area will be through the building.

Mr. Purdy does not believe that the Planning Commission can require guardianship on the site. Kelly will discuss this with the Township Attorney.

Ms. Huntley stated they have no concerns at this time.

Commissioner Litogot advised that a colored rendering of the building needs to be presented to the Township Board for approved.

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the Special Land Use for a proposed indoor commercial recreation, which will include video games, golf simulator, go cart track, etc., in the General Commercial Zoning district, located at 2630 Grand River, Sec. 6, in the existing Quality Farm & Fleet building, petitioned by Mark Ouilette and Blythe Patterson. as it is compatible and in accordance with the Township's comprehensive plan and meets the general purpose of the Township's General Commercial District. This motion is made with the following conditions:

1. The petitioner shall obtain a variance from the ZBA for less than the required 100-foot setback to the south.
2. No outdoor storage shall be permitted on the site, except the temporary storage of the existing chain link fence and the proposed allotted smoking area.
3. The petitioner shall install and operate a video surveillance system with constant video taping during business operations.
4. The petitioner will install a fence along the south property line from the southwest corner to the detention pond.
5. The petitioner shall provide a bond deemed adequate by the Township Engineer and Manager for the completion within one year of an eight-foot wide concrete sidewalk with curb cuts and ramps provide at the driveway and any extra costs for shall be born by the petitioner
6. There will be no outdoor speakers.
7. There will be no food preparation on the site nor alcohol served or brought onto the premises.

The motion carried unanimously.

Moved by Figurski, seconded by Burchfield, to recommend to the Township Board approval of the Impact Assessment dated May 28, 2003 for Great Escapes Sports Complex prepared by Lindhout Associates Architects with the following changes:

1. Page 2, Item E, the subparagraph, last sentence shall read "all existing site lighting shall be shielded and downward directed".
2. All operational and security requirements of the Special Land Use shall be included in the Impact Assessment.

The motion carried unanimously.

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the Site Plan for a proposed indoor commercial recreation in the General Commercial Zoning district, located at 2630 Grand River, Sec. 6, in the existing Quality Farm & Fleet building, petitioned by Mark Ouilette and Blythe Patterson with the following conditions:

1. Township Board approval of the Special Land Use permit and all of its conditions as recommended by motion this evening.

2. Township Board approval of the Impact Assessment dated May 22, 2002 as recommended for approval after amended by the Planning Commission as recommend by motion this evening.
3. The building colors shall be earthtones; tan paint with muted green accent colors. The petitioner will be required to submit colored renderings of the building for all elevations prior to the Township Board meeting.
4. Additional landscape islands shall be provided as depicted on the Lindhout Associates Architect site plan dated June 18, 2003 as well as the colored drawings presented at this evening's meeting.
5. The petitioner is to provide, prior to the Township Board meeting, copies of existing recorded easements that are depicted on the Site Plan as well as grant an easement for shared flow and parking to the property to the west and make a good faith attempt to obtain a reciprocal easement for shared flow and parking from the westerly property owner.
6. The petitioner is to remove existing spotlights and replace all with downward directed shoebox fixtures.
7. The petitioner shall comply with the Howell Area Fire Department's code requirements.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2...Review of special use application, site plan, and environmental impact assessment for proposed outdoor storage at Lot 16 of Grand Oaks Industrial Park, 1091 Victory Drive, Howell, Sec. 5, petitioned by Mark 1 Restoration. (PC 02-06).

- **Planning Commission disposition of petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.

Mr. Wayne Perry from Desine Engineering and Scott Evett, the owner of Mark 1 Restoration, were present to represent the petitioner.

Mr. Perry advised this site plan was before the Planning Commission one year ago and they were asked to come back with written comments from the property owner regarding the proposed revisions.

Mr. Evett stated there were two outstanding issues from the last Planning Commissioner meeting, which were the screening of the site and the proposed encroachment into the wetlands. He made the following points referencing his letter dated April 9, 2003:

1. They are proposing no liquid storage in the area to protect the wetlands, which will protect them more than the required buffers.
2. There is very little activity on this site as it is used for storage. Their business is done on other sites.
3. This would be a big help for his business. It would be a hardship for him to move. They are in a central location for all of the areas that they serve.

They have not outgrown this site. This expansion is critical to his business.

Mr. Purdy reviewed his letter of July 8, 2003.

1. The variance granted by the ZBA for the parking lot front yard setback has expired.
2. Sample building materials and colors of the extension must be presented. Mr. Perry advised the colors will be the same color as the existing building and will be split-faced block. Commissioners Litogot, Cahill and Figurski would like to see samples. Commissioners Mortensen and Brown feel the picture provided is acceptable.

Commissioner Mortensen noted that he feels the Planning Commission needs to address Item #6, which is the issue of a reduced wetland buffer, on Mr. Purdy's letter first before any other issues are discussed. He feels that the petitioner has outgrown this site. The Planning Commission is being asked to ignore ordinances to "cram" a business into a site that it has outgrown. An eight-foot wetland buffer is not acceptable.

Commissioner Brown agrees somewhat with Commissioner Mortensen. He is comfortable with the addition and the parking; however, he feels the outdoor storage is too large. He questioned how the business would work if the 25-foot wetland buffer was met.

Commissioner Cahill is not convinced that the wetland buffer should be waived.

Commissioner Litogot does not like the proposed outdoor storage and want the 25-foot wetland buffer. There is currently a "junk pit" on the back of this site. Mr. Evett disagrees. Everything that is on that site is continually used.

Commissioner Burchfield agrees with what Commissioner Brown said. He will allow the outdoor storage, but does not like the wetland buffer reductions.

Chairman Pobuda advised the applicant that he needs to determine if he would like the Planning Commission to review this plan with the 25-foot wetland buffer. Mr. Evett stated that he needs to put on the addition to the building so if he needs to meet the 25-foot buffer then he will do it. He asked to proceed for approval at this meeting with his agreeing to the 25-foot buffer.

Commissioner Litogot is in favor of tabling and would like to see a revised site plan showing the 25-foot buffer. Commissioner Burchfield agrees with Commissioner Litogot; however, he feels some issues should be discussed with the petitioner before it is tabled. Commissioner Mortensen feels it has to be tabled and a new plan needs to be submitted. He does not have an issue with the building addition or the parking. Commissioners Brown and Cahill agree.

Mr. Purdy continued with his review. He advised that any rooftop equipment must be screened. Mr. Evett advised there is not rooftop equipment.

Ms. Huntley has no outstanding issues on this item.

The call to the public was made at 8:55 p.m. with no response.

Moved by Burchfield, seconded by Litogot, to table Open Public Hearing #2 to enable the petitioner to provide a plan that demonstrates compliance with the 25-foot wetland buffer. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 3...Review of rezoning application, site plan, and environmental impact assessment to rezone 80 acres in the northwestern half of Section 12, Euler & McClements Rd., petitioned by Joyce Oliveto. The request is to rezone property from PRF (public/recreational facilities) to RR (rural residential).

(PC 03-13)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding impact assessment.
 - B. Recommendation regarding rezoning request.
 - C.

Mr. Joyce Oliveto was present. She is requesting to have her 80 acres of property rezoned to rural residential (2 acre) and she will sell of four parcels. She advised that the church, who is the land contract holder for her property, has submitted the letter where they grant permission to have this property rezoned.

The call to the public was made at 8:57 p.m. with no response.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment dated June 5, 2003 for the rezoning of 80 acres in the northwestern half of Section 12, Euler & McClements Rd., petitioned by Joyce Oliveto. The request is to rezone property from PRF (public/recreational facilities) to RR (rural residential). **The motion carried unanimously.**

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the rezoning request for the rezoning of 80 acres in the northwestern half of Section 12, Euler & McClements Rd., petitioned by Joyce Oliveto. The request is to rezone property from PRF(public/recreational facilities) to RR(rural residential) citing the following reasons:

1. The rezoning is consistent with the Master Plan.
2. The rezoning will serve as a transition from the LDR zoning to the east.
3. Joyce Oliveto's letter dated June 19, 2003 allows the non-conforming use of the 80-acre parcel be consistent with existing non-conforming regulations.

The motion carried unanimously.

OPEN PUBLIC HEARING # 4...Review of site plan application and site plan for proposed amendment to the Chemung Forest/Woodland Springs PUD Agreement regarding Lots 77 & 21, petitioned by Boss Engineering. (PC 03-19).

- **Planning Commission disposition of petition**

- A. Recommendation regarding amendment to PUD Agreement.

Mr. Mike Boss and David _____, from Bingham Homes, who is the owner of the four lots in question, were present to represent the petitioner.

Mr. Boss advised that there are four lots that are restricted due to their wetlands at the rear of the site. They would like to be consistent with the current homes in the subdivision, which have side entry garages. When they were developing this property, they noted on the PUD that for sites with wetlands, there shall be a 35-foot setback from the wetlands to allow a 25-foot front yard setback. They would like to change the 35-foot wetland setback back to 25-foot, which is what is required.

Commissioner Burchfield does not feel that the Planning Commission should amend the PUD so that the developer can build homes that are more marketable.

Mr. Boss advised that every home has a side entry garage with a beautiful front exposure and these four lots would only be able to be built as ranches with front entry garages. He feels the neighborhood, the neighbors, the homeowners as well as the Township will benefit from this change. He agrees that he erred when he designed these lots and did not anticipate the caliber of homes that would be built in this development. He feels the PUD is meant to be flexible. He advised that Lots 77 and 21 are the two lots that are the most impact and they are the ones that they are asking for relief. The builder is not sure if he can build a home with a two-car garage on these two sites.

Chairman Pobuda stated that the building envelope on these sites is the same as many of the other lots so why can't a smaller home be built. Commissioner Litogot stated that since the PUD was approved five years ago, the types of homes that people are wanting to buy have changed and they cannot fit on these four lots.

Commissioner Mortensen will not vote for this without reviewing the entire PUD agreement and seeing what types of homes are surrounding these four lots. He would also like to see the developer or a representative of him or her at the meeting.

Mr. Boss advised that the 25-foot front yard setback is going to be maintained and if the wetland setback is reduced to 25 feet, then it will comply with Township ordinance.

Commissioner Figurski does not want to change the PUB.

Commissioner Brown agrees with Commissioner Mortensen. He does not want to set a precedent for this PUD.

Commissioner Cahill stated a PUD is an agreement between two parties. There are negotiations and give-and-take throughout the process and if the agreement wants to be amended, the petitioner should give something for taking away a benefit that they gave to the Township. He does not see a compelling reason why it should change. The developer is the person who the Township made the agreement with and he is whom the Planning Commission should be discussing this issue.

Commissioner Litogot advised that Oak Point and Northshore were PUD's that have been opened and revised in the past.

Moved by Mortensen, seconded by Litogot, to table Open Public Hearing #4 at the petitioner's request so he can return to the Planning Commission with more information as well as a representative of the developer. **The motion carried (Litogot – yes; Burchfield – no; Pobuda – yes; Figurski – yes; Mortensen – yes; Brown – yes; Cahill – yes).**

Moved by Figurski, seconded by Litogot, to approve the minutes of June 23, 2003. **The motion carried unanimously.**

Member Discussion

Ms. Kolakowski has spoken to the Township Attorney regarding the Work Session portion of the meeting. This time should be limited to speaking of items only on the agenda. Also, the meeting needs to be opened at 6:30 p.m. and should be advertised as such. Currently it is advertised as starting at 7:00 p.m. It should be kept as one meeting.

Chairman Pobuda thanked Ms. Kolakowski for her response to the young man requesting connecting Lakewood Knoll and Lake Chemung with bike paths. It was a good letter

Commissioner Cahill questioned all of the RV's that have been parked in the Wal-Mart parking lot. Ms. Kolakowski will check with the code enforcement officer.

Commissioners Figurski and Litogot feel the off premise sign ordinance needs to be enforced. There are many "repossessed RV's" and "Shrink Wrap Company" signs on telephone poles throughout the Township.

Approved Minutes 7-14-03

The meeting adjourned at 9:58 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary