

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
November 11, 2002  
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, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager, and Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. 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.

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

1. Open Public Hearing #1 will be postponed until the December 9, 2002 Planning Commission Meeting.
2. Open Public Hearing #2 becomes #1.
3. Open Public Hearing #3 becomes #2.
4. Both Public Hearing #1 and #2 shall have the proposed rezoning changed to **MDR PUD**.

**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 7:04 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 rezoning application, environmental impact assessment, and site plan to rezone 7.5 acres located on the north side of

Bendix Road, in Section 13, approximately 0.13 miles west of Hacker Road, petitioned by First National Bank, 1<sup>st</sup> Trust Investments. The request is to rezone property from SR (suburban residential) to MDR PUD (medium density residential Planned Unit Development) (PC 02-31)

- **Planning Commission Disposition of Petition**
  - A. Recommendation regarding Impact Assessment
  - B. Recommendation regarding rezoning application

Mr. Neil Plante of Boss Engineering, and Ms. Susan Grimes Munsell of 1<sup>st</sup> National Bank, who represents the trustees of this piece of property, were present to represent the petitioner.

Mr. Plante stated they originally asked for MDR PUD zoning and that did not work with this particular piece of property because of the 100 yard front-yard setback required. Also, Ms. Munsell feel the PUD should be negotiated by the developer and not the trustees for the property. They are now seeking straight MDR zoning.

Ms. Munsell stated they do not want to negotiate all of the fine points of the development of the property because the bank is not going to develop it. They do not object, however, to the property being rezoned MDR PUD. They would like to sell the property to expedite the setting up of scholarships that is planned for the profits.

Commissioner Mortensen feels that a normal step in this process is to get an option from a developer and then he negotiates the rezoning, PUD Agreement, etc. and the property is purchased based on these negotiations and what is going to be built there.

Ms. Munsell advised they do have an option on the property and one of the contingencies is to be able to develop 36 units on it. They have a purchase agreement pending.

Commissioner Mortensen advised that the Planning Commission cannot determine at this point if 36 units are going to fit on this property. He feels they are trying to “put the cart before the horse”. Commissioner Burchfield concurred. He stated the property owner has the burden of showing the Planning Commission what is being planned to be built there before it is rezoned, such as building materials, use, etc. He added that he feels this area needs to be rezoned, but suggested the entire north side of Bendix Road be considered for rezoning.

Chairman Pobuda stated the Planning Commission and Township are in favor of the rezoning; however, they feel they need to see a plan.

The call to the public was made at 7:23 p.m. with no response.

Commissioner Cahill agrees. He feels the Planning Commission should know what is being proposed before moving forward. He would like to see a comprehensive plan.

Commissioner Mortensen suggested that if there is a developer that is interested in this property, they should attend one of the informal staff meetings held on Wednesday mornings to review ideas, etc.

Mr. Archinal stated the feeling of the Planning Commission is to rezone this as well as all of the north side of Bendix Road to MDR. He suggested readvertising the public hearing to that affect so the public hearing can be held at the December meeting. This will give the bank what they need with regard to the rezoning. All commissioners agree.

Mr. Purdy concurred. He feels the most appropriate action would be to look at all of the property on the north side of Bendix Road, make the public notice, have the public hearing, and then if it is rezoned to MDR, it would leave the option open for a PUD development.

Commissioner Mortensen raised the question of this property being the only one on the north side of Bendix Road developed as a PUD. Mr. Purdy feels that would be satisfactory and would not be a case of split zoning.

Commissioner Burchfield asked that if the entire north side of Bendix Road is rezoned to straight MDR, could it be developed without public sewer and water. Mr. Purdy stated single-family homes can be built with well and septic, but multiple family dwellings would have to be serviced by public sewer and water. He noted that conditions, such as requiring the site to be serviced by public sewer and water, cannot be placed on a rezoning.

**Moved** by Cahill, seconded by Burchfield, to table Open Public Hearing #1 in order to have the Township advertise the entire north side of Bendix Road for rezoning to MDR. **The motion carried unanimously.**

**Open Public Hearing #2...** Review of rezoning application environmental impact assessment, and site plan to rezone 1 acre parcel (Parcel #8) located on the north side of Bendix Road, in Section 13, in the northwest corner of the intersection of Bendix and Hacker Roads, petitioned by First National Bank, 1<sup>st</sup> Trust Investments. The request is to rezone property from SR (suburban residential) to MDR PUD (medium density residential Planned Unit Development) (PC 02-32)

- **Planning Commission Disposition of Petition**
  - A. Recommendation regarding Impact Assessment
  - B. Recommendation regarding rezoning application

Mr. Plante and Ms. Munsell were present again to represent the petitioner. Mr. Plante stated that based on what was discussed with regard to Open Public Hearing #1, they do not wish to proceed because this would be considered a case of spot zoning. They would like to wait until next month's meeting when the entire north side of Bendix Road will be proposed to be rezoned to MDR.

Commissioner Mortensen advised the petitioner that there is no assurance that the Planning Commission is going to be successful in rezoning the entire north side of the road to MDR and if the entire side is not rezoned, this piece would probably not be rezoned alone because then it would be spot zoning.

The call to the public was made at 7:39 p.m. with no response.

**Moved** by Litogot, seconded by Burchfield, to table Open Public Hearing #2 at the request of the petitioner. **The motion carried unanimously.**

**Moved** by Figurski, seconded by Mortensen, to approve the minutes of October 28, 2002 with the insertion of the following on Page 2, second paragraph:

“Chairman Pobuda noted that Commissioner Burchfield requested he be excused from the table during this hearing due to his capacity as attorney for the PUD material. All members were in favor.”

**The motion carried unanimously**

#### **Member Discussion**

**Moved** by Burchfield, seconded by Figurski, to direct Township Staff to notice for public hearing a zoning change from SR to MDR for the north and south sides of Bendix Road, which will include nine parcels. **The motion carried unanimously.**

Mr. Archinal advised the Commissioners that the Michigan Society of Planning conferences are scheduled for next October in Traverse City, Michigan. They are a very useful tool and advised that if anyone wishes to go, please contact him within the next week as they like to make reservations early.

The meeting adjourned at 7:45 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary