

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
June 11, 2001  
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, Jerrold Joseph, James Mortensen, and Ken Burchfield. Also present was Michael Archinal, Township Manager; Caryn Champine from Langworthy, Strader, LeBlanc & Associates, Inc.; and Mark Coleman 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 7:03 p.m.

The Pledge of Allegiance was recited.

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

Open Public Hearing #3 is tabled until the June 26, 2001 meeting per the petitioner's request.

Open Public Hearing #4 will become Open Hearing Public #3.

Open Public Hearing #5 will become Open Public Hearing #4.

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, to rezone property at 4560 Crooked Lake Road, Section 21. The request is to rezone property from CE (Country Estates) to RR (Rural Residential), petitioned by Milton & Karen Garner. (PC 01-16)

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

Wayne Perry from Design Engineers was present to represent the petitioner. The petitioner is asking to rezone 15 acres of property located south of Crooked Lake Road and east of Nixon from Country Estates to Rural Residential. They will split the land into four parcels; one will be 2 acres, one will be 3 acres, one will be four acres and one will be 5.93 acres. The property can currently be split into three parcels. With the rezoning, it will add one additional parcel. They are not changing the proposed use of the property.

Commissioner Joseph stated it is a good plan. He would prefer to see two acre parcels, instead of one acre, which is how it is currently master planned.

Caryn Champine reviewed her letter of May 16, 2001.

She stated the use is less intense than the master plan has allowed and it still creates the right transition.

Caryn suggested considering area properties at this time for rezoning. Chairman Pobuda preferred to not discuss that this evening. All commissioners agreed.

Commissioner Mortensen asked if this could be considered spot zoning. Ms. Champine stated no. There is no impact that would be seen with standard spot zoning. Commissioner Mortensen also asked what types of zoning is surrounding this property. Mr. Perry stated there is residential parcels to the east, agricultural across the street, and country estates to the west.

Mr. Coleman had no engineering concerns with this rezoning request.

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

Mr. Art Beyer of 4751 Stillmeadow Drive asked about access to these parcels.

Mr. Dave Trzcinski of 4661 Crooked Lake Road stated that he owns five acres to the northwest of this site. He is interested in this request and he is in favor of it because he is hoping to divide his property in the future. The neighbor south of him could not be here this evening, but he agrees with the request as well.

Ms. Bradley of 4733 Stillmeadow Drive asked how close can the buildings be to their property line and what will this do to the property value of their homes. She is also concerned about the access onto these sites.

Mr. Jim Carpenter of 4715 Stillmeadow Drive is opposed to this request. He feels it should stay at 5 acres. He is also concerned about the access.

Ms. Lisa Buyer of 4751 Stillmeadow Drive has the same concerns as the other neighbors. She feels the wildlife needs to be preserved.

Mr. Tim Bradley of 4733 Stillmeadow Drive asked what the size of the divided parcels will be and also, once these pieces are divided and sold, can those smaller pieces then be divided again.

The petitioner addressed each of the neighbors' concerns.

1. The four parcels will be split into 2 acres, 3 acres, 4 acres, and 5.93 acres. The only parcel that will be able to be divided further is the piece that is proposed at 5.93 acres. Based on the Land Division Act, this is the only parcel that can be divided and it can be divided one more time. Mr. Archinal concurred with this information.
2. Ms. Champine addressed the issue of setbacks. The change in zoning would change the setbacks from 75 feet to 50 feet in the front and from 40 feet to 30 feet on the sides.
3. Mr. Perry stated he has no way of knowing the impact this rezoning will have on the wildlife in the area.
4. Mr. Curt Grech, the developer of this property, addressed the concern of the property value of current residents. He gave a brief description of the homes that are proposed for these sites. The three proposed homes will be from 2,500 to 3,200 square feet and will be appraised from \$280,000 - \$350,000.
5. There is a 33-foot-wide access easement on the east side that will be used for the two parcels to the east. There is also an easement on the west side that will access the two parcels on this side.
6. With regard to safety, there will only be two access points for all four of these sites.

Commissioner Mortensen stated that this is master planned for one acres parcels and what is being proposed is far less dense and will provide for larger homes.

Commissioner Figurski noted dust control measures during construction should be added to the Impact Assessment on Page 3, Section B. She also stated that in Section G, it states that the road is paved. The road is not paved all of the way to that area.

**Moved** by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment to rezone property at 4560 Crooked Lake Road, Section 21 from CE (Country Estates) to RR (Rural Residential), petitioned by Milton & Karen Garner. (PC 01-16) with the following change:

1. Dust control measures during construction shall be added to Page 3, Section B.

Commissioner Mortensen added to the motion that this rezoning recommendation is being made because not only is it consistent with the master

plan, but it is a less intense use than the master plan envisioned. **The motion carried unanimously.**

**Moved** by Burchfield, seconded by Joseph, to recommend to the Township Board approval of the rezoning request for the property at 4560 Crooked Lake Road, Section 21 from CE (Country Estates) to RR (Rural Residential), petitioned by Milton & Karen Garner. (PC 01-16) because this rezoning is not only consistent with the master plan, but it is a less intense use than the master plan envisioned. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...**Review of a site plan, and environmental impact assessment, for an 8,200 sq. ft. First National Bank Operation Center Office located at the southwest corner of Grand River and Dorr Road, petitioned by First National Bank. (PC 01-07)

**Planning Commission disposition of petition**

- A. Recommendation regarding impact assessment.
- B. Disposition of site plan.

B. Recommendation regarding rezoning request.

Mr. Peter Finkbeiner from Boss Engineering and Mr. Kevin Iris from Irish Construction were present to represent the petitioner.

Mr. Finkbeiner stated that after several meetings with the Planning Commission as well as township staff, they decided to take a fresh look at the site and address the issues that were raised by the Planning Commission and staff. They feel their new layout completely solves or avoids all of these issues.

Chairman Pobuda noted that the Planning Commission appreciates this from the petitioner.

Mr. Finkbeiner stated the changes they have made.

1. They are destroying the existing building and building a new one instead of adding onto the existing building. This solved the problem of two variances needed for setbacks from Dorr Road.
2. The driveway they proposed has been eliminated. They are moving the existing drive 70 feet south on Dorr Road. This addresses the problems that the Planning Commission as well as the Livingston County Road Commission had with the third driveway. This driveway will be an exit only access and the entrance on Grand River will be an enter only drive.
3. They are going to replace ALL lighting on the site. They will replace it with the same lighting proposed on the addition, which conforms to the Township ordinance. Chairman Pobuda stated the light fixture detail is not shown on the plans. Mr. Finkbeiner apologized for this and stated the fixtures are the same that were proposed for the addition.

Commissioner Figurski asked about the height of the building. It is not shown on the plan. Mr. Irish stated the building is 22 ½ feet at the highest point.

Commissioner Figurski stated dust control measures are not shown on the site plan. Mr. Finkbeiner stated they will add them to the plan.

Ms. Champine reviewed her letter of June 8, 2001.

She stated that if the Planning Commission approves this plan this evening, they should make a condition that the lighting needs to be shown on the plans.

There was a discussion regarding the roofing material being proposed. Kevin Irish stated that due to the structural style of the building, they have maintained the metal roof because it is part of the building system. A wood roof is prohibitive of this building structure. He added that it is an economic roofing system and offers longevity. Commissioner Mortensen doesn't feel that a shingled roof cannot be used. Mr. Irish stated that because of the span of the structure of the building, a shingled roof cannot be used. Commissioner Mortensen stated he is o.k. with the roofing material as proposed. Mr. Irish stated that 1/3 of the building is module office walls for customer service offices to provide an open-plan system and these walls are not ceiling high so there is no bearing walls to support a shingled roof. Commissioner Joseph feels it is not compatible with the current roofing but feels it is up to the petitioner. Commissioner Burchfield agrees with Commissioner Joseph on the roof issue.

Commissioner Burchfield asked if there are any changes in the building materials and/or colors? There are no changes from what was proposed at previous meetings.

Chairman Pobuda asked about the customer service aspect of the bank. He believed there was going to be no increase in customers at this bank. Mr. Irish stated the customer service will be conducted over the telephone. This is a very secure building and it is not accessible to the general public.

4. The parking seems excessive for the amount of employees at this site. Mr. Irish stated there are 31 employees and there is training that will be held at this site so there has to be buffer parking for this. Ms. Champine stated they do not usually plan for worst-case-scenarios and do like to have the least amount of impervious surface. Mr. Irish stated it will see fairly consistent use. It will be utilized three to four times per month. He feels the parking is justified. All commissioners agree with the parking.
5. Curb and gutter is required. They had originally set it up for drainage, but they will comply and put in two or three spillways for drainage.

Mark Coleman stated the petitioner has addressed their previous comments.

The call to the public was made at 7:52 p.m. with no response.

**Moved** by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment with a revision date of April 27, 2001 for an 8,200 sq. ft. First National Bank Operation Center Office located at the southwest corner of Grand River and Dorr Road, petitioned by First National Bank. (PC 01-07). **The motion carried unanimously.**

**Moved** by Burchfield, seconded by Joseph, to approve the site plan for an 8,200 sq. ft. First National Bank Operation Center Office located at the southwest corner of Grand River and Dorr Road, petitioned by First National Bank. (PC 01-07) with the following conditions:

1. Petitioner shall remove the existing building, trailer, and lighting.
2. Petitioner shall provide lighting detail to the Township staff for review and approval and said lighting shall be shielded and downward facing and in conformity with the photometric grid presented.
3. Dust control measures shall be added to the site plan and construction plan.
4. Exterior building materials and colors are to be as provided to the Planning Commission on April 9, 2001, including a standing seam roof that shall be Sepia brown in color.
5. Township Engineer review and approval of all plans.
6. Township Board acceptance of the Impact Assessment as recommended by motion this evening.
7. Petitioner shall modify the site plan to provide curb and gutter around the designated parking areas with three outflows for drainage.
8. Lighting will be shown on Page #4 of the plans.
9. Building height shall be added to the plans to be reviewed by staff and shall be consistent with the Township ordinance.
10. The trailer shall be removed within 30 days from the start of construction.

Commissioner Joseph stated that he is going to vote for this project and he has a lot of respect for Kevin Irish; however, he feels his intelligence has been insulted this evening. He feels the only reason they are going with the metal roof is for economic reasons.

**The motion carried unanimously.**

Chairman Pobuda stated he appreciates the modifications that were made to this project since the last meeting.

**OPEN PUBLIC HEARING #3...**Review of site plan application, and site plan for development of a new 13,176 sq. ft. retail building, located on the north side of

Grand River Ave. at Grand Oaks Drive, petitioned by Weiss Land Development. (PC 01-17)

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

Mr. Michael Boggio and Mr. Harvey Weiss were present to represent the petitioner.

Mr. Boggio gave a brief explanation of their plan. They are planning to destroy the current building on the site and construct a 13,176 square foot building. They are going to move the current driveway so that it lines up with Grand Oaks Drive. Due to the shape of the parcel the setback on the west side is less than the ordinance. They have submitted a variance request to the Zoning Board of Appeals. They will have a 20-foot greenbelt along Grand River and a 10-foot greenbelt along the east property line. Their parking meets the zoning ordinance. They will have a common trash area with the existing building to the rear. The exterior elevations were shown. It will have a brick front with EIFS facades and glass along the part of the building that will be utilized for Pier 1. Three quarters of the building (3,000 square feet) will be used for this store. The other part will be rented. The height of the building is 21 feet, 4 inches.

Chairman Pobuda stated that the Planning Commission just received the Impact Assessment this evening. He asked the petitioner if they were expecting a decision tonight or are they looking for comments and thoughts from the Planning Commission.

Mr. Weiss stated ideally they would like a recommendation tonight, but if the Commissioners have not had time to review the Impact Assessment, they would appreciate comments from the Commission and they will come back again. They are scheduled to meet with the ZBA tomorrow evening.

Commissioner Burchfield is not prepared to approve or deny this proposal this evening. He feels we should use this time to focus on the issue of the side yard setback. Commissioners Figurski, Mortensen, and Joseph agree. Commissioner Mortensen has a problem with the setback.

Mr. Weiss stated they have met with the Township Staff on two occasions and it was suggested that they move the building to the west so the driveway could be lined up with Grand Oaks Drive and the traffic light. They had to move the building to accommodate this and it caused the side yard setback problem. If they leave the driveway where it is currently, they would not need the variance.

Karen Champine stated the concern of the rear setback also. If this property is owned by two different people, the rear setback needs a variance as well. Mr. Weiss feels the Planning Commission needs to look at this as one site. They are

granting an easement for the rear building to be accessed from Grand River and they will be sharing the trash container. Commissioner Burchfield does not want to approve the site plan. He is not in favor of the variance and is not for it being approved. Commissioner Joseph is hesitant to make a recommendation to the ZBA. He feels it should go to them first. Mr. Archinal agrees; however, this is how Genoa Township handles these matters. The ZBA does look very closely at the Planning Commissions recommendations when making decisions. Commissioner Joseph does not feel this is ready to be voted on.

Chairman Pobuda is not comfortable with the side and rear setbacks.

Commissioner Mortensen asked if the original plan had come before the Planning Commission, would it have had any variances. Mr. Archinal stated the side issue would have gone away, but there is still the issue of the two ownerships. How is this going to be treated? As a shopping center? The back issue is still there. Commissioner Mortensen feels the petitioner has a point with his meeting the suggestion of the Township has caused his hardship. He is a little more sympathetic to the developer.

Commissioner Figurski stated the side variance bothers her and she feels it is going to bother the ZBA. She also has a problem with the ownership.

Chairman Pobuda stated there is a problem with the ownership and the side and rear setbacks. He agrees that the Township created the side setback problem for the petitioner, but feels there has got to be some middle ground. Five feet is not acceptable.

Mr. Weiss stated that if the property was under one ownership, the rear setback would not be an issue, but the sites cannot function without the other. They will also be providing east and west cross access easements so the buildings on both sides of the site can utilize the light at Grand Oaks. This addresses a safety issue.

Chairman Pobuda asked about reducing the size of the building. Mr. Weiss stated unfortunately it cannot be done for functional reasons. He added that the quality of the work that he does is second to none. He has done business in this Township before and the Planning Commission has seen his work. Chairman Pobuda agrees with Mr. Weiss about the quality of his work.

Commissioner Mortensen asked how far the building is from the house. Mr. Boggio stated it is 15-20 feet away from the home to the west of the property. Ms. Champine stated if they reduce the size of the building by a few feet, it would allow room for trees and shrubs to be planted to help ease the impact of the abutting property. Mr. Weiss is concerned about the front to depth ratio of the building. Mr. Boggio stated they have dressed up the side of the building to reduce the impact. Mr. Weiss showed a picture of the exiting building that will



be demolished. He feels the proposed building will enhance the Grand River corridor.

Commissioner Joseph feels the developer is a quality developer and a good businessman. He would recommend handling everything but the setbacks and let the ZBA handle that. He is not prepared to make a recommendation to the ZBA on the setbacks.

Commissioner Mortensen agrees that the developer is a quality developer and feels Pier 1 would be a nice addition to the Township; however, he is not comfortable with the distance from the home to the west. He would probably vote for it if everything else was in order. Chairman Pobuda agrees

Commissioner Figurski does not like the variances being requested.

Commissioner Burchfield is not prepared to vote for this project.

Mr. Weiss asked if the Planning Commission is comfortable with the rear setback variance. Chairman Pobuda would accept it, Commissioner Burchfield is not satisfied, Commissioner Joseph stated if the ZBA approves it, it is fine with him, Commissioner Mortensen feels he can live with the setbacks if the ZBA approves them, and Commissioner Figurski is not comfortable with the setbacks.

**Moved** by Figurski, seconded by Joseph, to table the review of site plan application, and site plan for development of a new 13,176 sq. ft. retail building, located on the north side of Grand River Ave. at Grand Oaks Drive, petitioned by Weiss Land Development at the petitioner's request. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Review of rezoning application, and environmental impact assessment, to rezone property located on the south side of Grand River, west of Gray Road, Section 34. The request is to rezone property from OSD-PUD to MDR-PUD (Medium Density Residential PUD) petitioned by Chemung Highlands L.L.C. (PC 00-37)

**Planning Commission disposition of petition**

- A. Recommendation regarding impact assessment

Mr. Mike Boss, Mr. Tony Kissell, Earl Meyer, and Marshall Smith were present to represent the petitioner.

Mr. Boss stated they are asking for an amendment to the PUD to rezone property currently zoned OSD-PUD to MDR-PUD. He feels that single family homes is not a good use for this site. He showed an aerial photograph of the way the exit ramp from I-96 will look after it is changed by M-DOT. This piece of property will be surrounded by the expressway to the west and north, Grand River to the north, and industrial to the east. There are a few houses on Gray Road that are

between this site and the start of the industrial. They would like to use the most easterly portion of the site and leave the rest in its natural state.

Mr. Boss showed a market analysis that was done that showed there is no market for office space in this area. He quoted the PUD agreement as saying "citing expressway change and allowing for market changes". They are proposing 240 units for this site.

Mr. Boss addressed the issue of traffic. They have done a traffic study and feels this spot on Grand River is the best spot in Livingston County to handle this traffic. This area currently has 1300 movements per hour, this development would add 150 movements per hour, for a total 1450 movements per hour. This area can handle 1500 movements per hour. He feels traffic is not an issue. It will not create a traffic problem based on the numbers presented.

He stated the positive aspects of this site. There is sewer and water on this site, there is access of I-96, the wooded area on the west side of the site will not be disturbed, and there are tree buffers proposed for this site. He feels this is the best use for this property.

Commissioner Joseph feels the petitioner makes a very convincing point. It is a tough site. He agrees the traffic impact would not be a problem there, but further west, by the Latson Road/Grand River intersection.

Commissioner Burchfield agrees that it is a difficult site. He would like to hear the planner's comments.

Commissioner Figurski agrees with Commissioner Burchfield. She does not like the density. She feels it is going to create a lot of problems.

Karen Champine stated she could not do a full review because they did not have a conceptual site plan with a traffic study and an updated PUD agreement. She has some compelling issues that the developer needs to address. She can see some compromise after meeting with the applicant, but feels there needs to be more information provided. She also feels 240 units is too dense.

Chairman Pobuda asked how Ms. Champine feels about a mixed use. She stated that is something that is possible.

Mark Coleman stated that 240 units will have an affect on the sewer system. When they set up the system, they did not anticipate numbers that high. If they added 240 units, they would have to take a serious look at upgrading the system and the Township could ask the petitioner to participate in the cost of the upgrades.

Chairman Pobuda asked about the access with the property to the east. The petitioner stated they have met with the owner and they agree to make something available to them should they move forward with the development.

Mike Boss emphasized that this density at this part of Grand River does not create traffic problems. It should not be compared to single-family homes. It needs to be compared to the current zoning, which is office, which would generate more traffic on this site. Mr. Boss reiterated the results of the traffic study done in 1996. Commissioner Figurski feels that 1996 is quite an old traffic study. Mr. Boss stated 1996 was just the current one and it is based on the history over the last four years. They added a growth of 3% for that roadway and that is where they came up with these numbers.

Mark Coleman reiterated his point about the sanitary sewer not being able to handle this density. Mr. Boss stated that apartments are not a full REU. He also stated the capacity that was earmarked was for a part of the land that they are not even going to develop, the part to the west. Mr. Coleman stated Genoa Township treats apartments as a full REU. Mr. Boss stated they will charge an REU for one apartment, but it will not generate that much use.

Chairman Pobuda asked about the mixed use. Mr. Boss stated this site is not conducive for a mixed use.

The petitioner stated that economically, it would not be feasible for them to build single-family homes.

The call to the public was made at 9:28 p.m. with no response.

Commissioner Joseph does not like the density, but feels that if it is going to be developed, it is going to be multiple family. Commissioner Mortensen agrees with Commissioner Joseph.

Commissioner Burchfield is not entirely convinced that residential is the only use suitable for this site. He is not negative to the market assessment study. He feels we need to not take into consideration the financial impact of this site to the petitioner. He feels the petitioner needs to go back to the drawing board. He also feels they are on the right track, but things need to be scaled down.

Mr. Archinal stated that Singh and Adler set aside a lot of land and preserved it, which is what is being suggested for this site; however, they had projects that the Township felt excited about, something innovative, design wise.

The petitioner stated they will have walking trails, bridges, etc. for the residents. Chairman Pobuda noted that those ones cited by Mr. Archinal were high-end rent. Mr. Boss stated that is what they are proposing.

**Moved** by Figurski, seconded by Joseph, to table the review of rezoning application, and environmental impact assessment, to rezone property located on the south side of Grand River, west of Gray Road, Section 34. The request is to rezone property from OSD-PUD to MDR-PUD (Medium Density Residential PUD) petitioned by Chemung Highlands L.L.C. at the petitioner's request. **The motion carried unanimously.**

### **Member Discussion**

Commissioner Joseph wanted to apologize for his comments this evening to Mr. Irish, but he feels Mr. Irish's comments were incorrect.

Commission Burchfield stated that when we are brought issues of rezoning, we cannot look at what store, etc. is going to be put there. For example, Pier 1 would be a nice addition to the Township, but there is no proof that they are actually going to locate there. No one has seen a lease and no one from Pier 1 was present at the meeting this evening.

Commissioner Figurski asked what is a good hardship. As in the case of the Pier 1 plan. Is changing the road a good hardship? She feels it should have to do with the land. Ms. Champine doesn't feel that lining up a driveway should be considered a hardship.

There was a brief discussion regarding having the ZBA review variances before the Planning Commission. Ms. Champine stated most Townships usually do not have the ZBA confirm with the Planning Commission. All Commissioners would like to see it be this way in Genoa Township.

The meeting adjourned at 9:52 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary