

GENOA TOWNSHIP  
PLANNING COMMISSION  
FEBRUARY 14, 2000  
WORK SESSION  
6:30 P.M.  
**MINUTES**  
(Revised)

The work session of the Planning Commission was called to order by Vice Chairman Jim Mortensen at 6:35 p.m. The following commission members were present constituting a quorum for transaction of business: Jim Mortensen, Barbara Figurski, Jerrold Joseph, John Cahill, Gary McCririe, and Bill Litogot. Also present was Michael Archinal, Township Manager; Caryn Champine from Langworthy, Strader, LeBlanc & Associates, Inc. and Melissa Talley from McNamee, Porter, & Seeley. By the end of the work session, there were a few persons in the audience.

GENOA TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
7:00 P.M.  
**MINUTES**

The regular session of the Planning Commission was called to order by Vice Chairman Mortensen at 7:05 p.m.

The Pledge of Allegiance was recited.

Commissioner Figurski moved, supported by Joseph to approve the Agenda with no changes. **The motion was unanimously carried.**

A 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 7:06 p.m. Vice Chairman Mortensen noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING # 1... Review of a rezoning application to rezone property from RR (rural residential) to LDR (low density residential), located in Section 05 and 06, 3100 Char Ann Drive, Howell, petitioned by Norm Dymond and Mike Boss. (Tabled from 1-24-00 meeting).**

- **Planning Commission disposition of Dymond/Boss petition**
  - A. Recommendation regarding impact assessment.**

## **B. Recommendation regarding rezoning request.**

David LeClair of Boss Engineering stated that the Planning Commission is hesitant of this rezoning because of the recently adapted master plan.

Vice Chairman Mortensen reiterated that this was brought up at the joint meeting of the Planning Commission and the Township Board on the 31<sup>st</sup> of January and their answer was no to the rezoning.

Mr. LeClair recited a letter that Norm Dymond had written to the residents of Char Ann Drive asking them to sign the attached sheet if they are not opposed to the rezoning of this property. All but one resident signed.

The call to the public was made at 7:10 p.m. Dr. Detterbeck, a resident of Char Ann Drive, stated his reasons for not agreeing to the zone change. He moved to Char Ann Drive over 25 years ago because of the openness of the land. The zoning of that property was supposed to last 50 years. He was not opposed to the two-acre lots, but lots any smaller he feels will destroy the entire look of Char Ann Drive. He hopes that the Planning Commission will uphold the two-acre restriction.

Norm Dymond stated that he wants to build a nice, high-class subdivision in Howell. He feels that it would be possible to add three or four more homes than what they would be capable of doing with how it is zoned now. He has always kept the integrity of his neighbors in mind. He has been a citizen of Howell for 48 years.

The call to the public was closed at 7:18 p.m.

Commissioner Litogot is not in favor of the rezoning.

Commissioner McCririe made his feelings clear at the last meeting and doesn't feel that he has not heard anything to change him to be in favor of it.

Commissioner Figurski is not in favor of the rezoning.

Commissioner Joseph feels the master plan should be changed first.

Commissioner Cahill asked how the master plan was changed in 1998.

Mr. Archinal stated that the master plan was one-acre parcels and it was changed to two-acre parcels.

Vice Chairman Mortensen stated that this was discussed in depth at the joint meeting last month and it was the feeling that the land should be divided into larger lots.

**Moved** by Figurski, supported by Litogot to recommend to the Township Board denial of the Impact Statement for the property on Char Ann Drive as presented to the Planning Commission on February 14, 2000. **Motion was unanimously carried**

**Moved** by McCririe, supported by Joseph to recommend to the township board denial of the rezoning request from Boss/Dymond from RR to LDR for the following reason(s):

1. Petitioner has been unable to demonstrate the conditions required for rezoning contained in Section 22.04 of the Genoa Township Zoning Ordinance, specifically paragraphs A,C, D and F.

**Motion was unanimously carried.**

Vice Chairman Mortensen called for a break.

The meeting resumed at 9:10 p.m.

**OPEN PUBLIC HEARING # 2... Review of a rezoning application and environmental impact assessment to rezone OSD-PUD to UR-GCD on the south side of Grand River, west of Gray Road, Section 34, petitioned by Brookside Development. (Tabled from 1-24-00 meeting)**

**Planning Commission disposition of Brookside petition**

- A. Recommendation regarding impact assessment.**
- B. Recommendation regarding rezoning request.**
- C. Recommendation regarding PUD agreement.**
- D. Recommendation regarding site plan.**

Jane Greenway of Equinox gave a brief description of the proposed site. She also noted that they made the changes based on the Strader Group's requests. Ms. Greenway had the following variance requests:

1. They are asking for a 25-foot setback in the front of the lots. They want to create a community-like atmosphere. This will also increase the back setback along the wetland to 35 feet.
2. They are asking for a lot width of 70 feet on five of the units and a lot width of 80 feet on four of the units.
3. They are asking for a reduction in width of the private road from 66 feet to 50 feet.

Commissioner Joseph asked what is the purpose of the eyebrows?

Ms. Greenway stated that it gives the houses on the eyebrow a little more density and provides a place for kids to play.

Commissioner Litogot stated that the eyebrows help Lot #12 and #18 have the proper frontage area.

Commissioner McCririe stated that at the December 15, 1999 staff meeting, they discussed one of the revisions to the plan. The petitioners required three lots that would have a variance

for the front yard, now there are 8 lots. He feels that the petitioner can take some lot width from other lots (specifically in Lot #6-10) and move them down to #2, #3, and #4 and pick up the width there. He asked if Lot #13-15's lot lines can be moved.

The petitioner stated that the PUD is flexible and as the builder, he wants this to work out economically for the landowners. He feels that these are not unreasonable requests.

Commissioner McCririe's concern is that when this was first brought to the Township Board, there was a request for three variances, now it is up to eight today. He hopes we can take care of all of the issues tonight so that it can be approved for the board meeting.

Commissioner Cahill stated his concern regarding the eyebrows. It is a very narrow roadway and he has safety concerns regarding kids playing there and cars turning around that curve.

The petitioner stated that the eyebrows meet all of the requirements of Livingston County. They are not promoting that children play there because they have a large play area, but that is a popular spot for children to gather and roller blade, play hockey, etc.

Vice Chairman Mortensen asked that if Lots #11 or #12 or #17 or #8 were eliminated, could you get rid of the eyebrows and also reduce some of the variances.

The petitioner stated that they would have to draw up new plans before he answered that.

Commissioner Joseph asked if parking is going to be prohibited in the streets.

The petitioner stated that yes; they are going to prohibit parking in the streets. There is enough driveway space to park. He did mention that sometimes situations arise and there is overflow into the streets.

Commissioner Figurski sees eleven variances and is not happy with it.

The petitioner stated that they have taken a lot of effort not to disturb the wetlands surrounding this parcel.

Commissioner McCririe stated that the petitioner did gain 10 more feet of the wetlands and feels that this is an even trade.

Commissioner Figurski feels that eleven variances is a lot regardless of anything that has been done.

Ms. Champine reviewed their letter of February 10, 2000. She stated that the petitioner has since revised the impact assessment. They have no outstanding issues. She noted that when they look at the criteria to rezone the PUD, you look at different standards, does it give a benefit to the Township and is it consistent with the master plan. Their issues on the PUD agreement are:

1. She feels that their request to modify the lot widths on Lot #2, 3, 4 and 16 does not demonstrate a benefit to the Township. It allows the petitioner to put additional lots along the wetlands.
2. The petitioner requested modification to lot widths on Lot #11, 12, 17, and 18. They do not see the benefit of redesigning Lot #17. Also, they have concerns with the lot style of #17.
3. Regarding the petitioner's request for a front setback of 25 yards (the requirement is 35). They want to make sure there are side entry and/or recessed garages. The petitioner stated that the benefit of the 25-yard front setback is that it allows for a larger rear yard. Ms. Champine stated that the Planning Commission may want to consider having the wetland setback increased.
4. Regarding the petitioners request to have the backyards on Lot #27 and #38 decreased. They do not feel that the petitioner would have a problem meeting the requirement.
5. Unit #26 provides more than 50% of the lot perimeter on the roadway. This is not in compliance.

Commissioner Figurski asked if the front yard setback variance is being asked for on all sites? Ms. Champine stated that the petitioner wanted the consistency of all of the homes being closer to the road. The petitioner agreed with this.

Commissioner Cahill asked that if two lots were taken out, would that solve all of the variance problems. Ms. Champine stated that would allow all of the lots to shift around and allow for the correct lot widths for all lots.

The petitioner said that another option would be to get a modification on the square footage of the lots.

Commissioner McCririe stated that this was originally approved with 43 units and now we are discussing 38 units with a good portion of the wetlands being preserved. He feels that might be a tradeoff to grant the variances in order to get the preservation of that wetland. He feels we should consider what we're getting for what we're giving.

Commissioner Joseph feels the tradeoff is significant in preserving the wetlands.

Commissioner Cahill agrees.

The petitioner stated that they agree on Lot #4. It will be changed to 50 feet from 40 feet. He stated that they are not asking for a variance on Lot #27 and #38.

Ms. Champine noted the petitioner's request to modify the private road from 66 feet to 50 feet. She noted that this is a decision of the Township Board with the recommendation of the Planning Commission. This has already been approved by the Township Board.

Ms. Champine stated that they would like the street trees placed between the sidewalk and the curb. They are asking for a minimum of six feet between the sidewalk and curb.

The petitioner stated that they want to make the road narrower and doesn't feel that one foot would make a difference.

There was a discussion regarding the back-to-back width and if this is consistent with what has been approved in the past. Ms. Talley stated that we have gone as low as 24 feet in the past. The petitioner is asking for 24 feet.

Commissioner McCririe asked the Township Engineer if it would be a problem to get the utilities in there. Ms. Talley stated that it would be hard for her to determine without seeing the whole plan. Commissioner McCririe asked the petitioner if they are comfortable that they will be able to accommodate the utilities. The petitioner answered yes. Ms. Talley added that the trees would not be directly on top of the utilities.

Ms. Champine stated that it has to be determined what changes to the plans can be approved by the developer and what changes need to be approved by the Township. After a discussion, it was determined that all changes will need to be approved by the Township.

Ms. Champine noted that the petitioner needs to describe the minimum lot size in the PUD Agreement.

Ms. Talley listed their concerns contained in their letter of January 31, 2000 with regard to the site plan. They would like the petitioner to be aware that if a pump station is required, they need to provide an easement area.

Ms. Talley listed their concerns contained in their letter of February 10, 2000 with regard to the PUD Agreement. She asked that the petitioner indicate what material is going to be used for the proposed sidewalks. The petitioner answered concrete.

Ms. Talley noted that the connection fees have been changed from \$3,100 per REU to \$3,500 per REU. The petitioner agrees to this change.

The call to the public was made at 8:35 with no response.

Commissioner Litogot asked about the grading that will be done for Lots #1 through #10. Is the petitioner bringing in fill? The petitioner has not done a grading plan. Their goal is to minimize grading and fill. Commissioner Litogot feels that this is a sensitive area due to the wetlands and doesn't want any dumping on this area. The petitioner guaranteed that there will be no filling.

Commissioner McCririe noted the following changes be made to the Master Deed for Chemung Highlands, petitioned by Brookside Development, received by Genoa Township on February 9, 2000:

1. Page 12, Paragraph 3 be changed to "....approved for up to 38 individual units....."
2. Page 12, Paragraph 3 be changed to ".....unless permits have been obtained from the Michigan Department of Environmental Quality and Genoa Township approval".

3. Page 19, Paragraph N be stricken except for the last sentence.
4. Add to Page 19, a Paragraph T stating "Any proposed water softeners shall not be connected to the Township sanitary sewer system and shall utilize a potassium-based product".
5. Page 21, Paragraph B, Section 4 ".....at the sole discretion of the Township.
6. Page 22, under **Non-Disturbance of Wetlands** add "There shall be no construction in the wetland except as provided in any approved site plan.
7. Page 23, Section C should be changed to ".....native plant material....." (not plan).
8. In the PUD Agreement, Page 2, last paragraph shall be changed to "The Owner shall not be entitled to make any changes without the approval of the Township".
9. Page 3, Section C add ".....and/or facilities, and if such adverse impact, in the opinion of the Township, would result.....".
10. In the PUD Agreement, Page 6, Paragraph 5, ".....and protective covenant and conservation easements satisfactory to the Township and the Township attorney".

Commissioner Joseph asked when does the operation of the common areas turn over to the residents. Mr. Archinal stated that when 50 percent of the lots are sold.

**Moved** by McCririe, seconded by Litogot, to recommend approval of the Impact Assessment dated January 28, 2000 submitted by Brookside Development with the following change:

1. The petitioner shall add language for dust control measures in Section C.

**Motion was unanimously carried.**

**Moved** by McCririe, supported by Litogot, to recommend the approval to rezone OSD-PUD to R-PUD with an UR overlay citing that the Planning Commission has held a public hearing so that the zoning requested meets the zone ordinance, specifically paragraphs A-H.

**The motion was unanimously carried.**

**Moved** by McCririe, supported by Litogot to approve the PUD Agreement received by the Township on February 9, 2000 taking from the minutes this evening the proposed changes on Pages 6 and 7, Items #1 through #10, subject to the Township Attorney review and approval.

**The motion was unanimously carried.**

**Moved** by McCririe, supported by Cahill, to approve the site plan submitted by Brookside Development with the following conditions:

1. Lots #2, #3, #4, and #16 shall be a minimum of 80 feet in width.
2. Lots #11, #12, #17, and #18 shall be a minimum of 70 feet in width.
3. Lot #26 is acceptable as proposed on the plan.
4. The road easement shall be 50 feet with the road width being 28 feet back of curb to back of curb subject to the Township Engineer's approval.
5. There shall be a minimum of six feet of green area between the back of the curb to the sidewalk.
6. The sidewalks shall be five feet wide and made of cement.
7. The petitioner shall provide the pump station location at the next stage of approval.
8. The petitioner shall submit a detailed grading plan.

9. The request made by the petitioner for a rear yard reduction for Lots #27 and #38 shall not be granted.

**Motion carried (5 yes, 1 no with Figurski dissenting).**

**OPEN PUBLIC HEARING # 3... Review of a site plan application to demolish and reconstruct a tower to accommodate the Livingston County 800 Mhz system at the corner of Nixon and Crooked Lake Roads.**

**Planning Commission disposition of Livingston County petition**

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

Vice Chairman Mortensen asked if anyone was here representing this petition. After no response, **Moved** by Figurski, supported by Joseph to table the Review of a site plan application to demolish and reconstruct a tower to accommodate the Livingston County 800 Mhz system at the corner of Nixon and Crooked Lake Roads. **Motion unanimously carried.**

**OPEN PUBLIC HEARING # 4...Review of a site plan application for a 3,090 sq. ft. Old Kent Bank, at the SW corner of Grand River and Latson Road, Lot 2, Livingston Commons, petitioned by Progressive A.E. (Tabled from 1-10-00)**

▪ **Planning Commission disposition of Progressive petition**

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

Dan Smith of Old Kent Bank stated that he has received the letter from the Strader Group and they will comply with all of their recommendations except Items #5, 6, 12, 13, and 14. He handed out a packet to each of the Commissioners.

Ms. Champine reviewed their February 8, 2000 letter. She confirmed with Mr. Smith that the aluminum roofing material is not a metallic silver color. It matches all of the window and door trim.

Item #2 – The Strader Group requested a three-foot hedgerow along the northern front yard to provide parking lot screening. Mr. Smith stated that it is a security issue for customers if the parking lot is completely screened. They will plant shrubs of different heights on a berm, which is allowed by code.

Item #3 – Mr. Smith provided elevation drawings as well as a picture of the building in each packet he handed out tonight.

Item #4 – Mr. Smith provided a picture of an existing Old Kent Bank with which the same or similar materials would be used.

Item #5 – Ms. Champine stated that they recommend trees surrounding the storage shed. Commissioner Litogot asked what was kept in the shed. Mr. Smith stated that Old Kent Bank

stores their paper waste for five days. Due to fire safety, they are not allowed to store this in the bank. Mr. Smith agreed to have four or five trees planted around the shed.

Item #6 – The Strader Group asked for a loading location be provided on the plans. Mr. Smith stated that an armored car is the only constant delivery and pick up activity at the bank.

Item #7 – The sign package. Mr. Smith stated that they have revised their sign package. A sample of each sign is enclosed in the packet. There is one primary sign on the drive-in canopy and one monument sign on Grand River. Old Kent will comply with the Township's requests. They will put decals on the doors with the hours and days of operation, which are Mon – Thurs 9:30 a.m. – 5:00 p.m.; Friday 9:30 a.m. – 5:30 p.m.; Saturday 9:30 a.m. – 1:00 p.m.

Item #8 – Mr. Smith stated that he will comply with the Township's requests on the sign for the Prairie House Restaurant. The sign will be 36" x 32" and will state that this entrance is for the Prairie House restaurant only.

Item #12 – Mr. Smith stated that they were originally asked to change the drive thru canopy to brick to match the building, but they feel that would make it appear too massive. They would prefer to change the roof on the drive thru to the same material as the building roof. Commissioner Joseph stated that he would like a shingled roof. Mr. Smith feels that the material they will be using will look and wear better than shingles.

#14 – The Strader Group suggested using a different mixture of trees and shrubs along the west lot line, Old Kent is proposing to use 56 shrubs of the same type. Mr. Smith stated that the shrubs were used because that is on top of an existing water main, and deep-rooted trees would cause a problem. Mr. Smith agreed to vary the height and types of shrubs planted there.

The call to the public was made at 9:35 with no response.

Commissioner Litogot asked if the lighting plan will be consistent with the current PUD

Mr. Smith stated that it is.

Commissioner Figurski noted that the plans are not signed and should be before submitted to the Township Board. She also asked what is the height of the building. The building is 24 feet high.

Commissioner Figurski added that dust control and hours of operation should be added to the Impact Statement.

**Moved** by Litogot, supported by Joseph, to approve the amended Livingston Commons Genoa Township Impact Assessment dated October '98, received by the Township on December 1, 1999. **Motion was unanimously carried.**

**Moved** by McCririe, supported by Litogot to recommend to the Township Board approval of the site plan for Old Kent Bank, as submitted to the Planning Commission on February 14, 2000 with the following conditions:

1. Township Board approval of impact assessment as amended by motion this evening.
2. Township engineer's approval of all plans and specifications.
3. Letter from Old Kent Bank received in the packet this evening entitled Genoa Township Old Kent Bank Planning Commission Meeting February 14, 2000 be incorporated into the approval.
4. Petitioner shall replace the berm with the three-foot continuous hedgerow.
5. Building materials and colors as depicted this evening are acceptable.
6. Photo shall be available at the time of submission to the Township Board and shall become property of the Township.
7. Petitioner shall plant four evergreen trees placed around the garbage receptacle.
8. The site plan shall include the revised sign plans faxed copy dated February 14, 2000.
9. Aluminum roof on the drive thru canopy is acceptable.
10. Petitioner shall vary the height of the shrubs located along the west property line.
11. Petitioner shall comply with conditions of the February 2, 2000 letter submitted by the Township Engineer.
12. Acknowledges and accepts the \$7,000 and \$6,000 sewer and water hook-up fees respectively.
13. All lighting shall comply with the PUD agreement.
14. Any proposed water softeners shall not be connected to the Township sanitary sewer system and shall utilize a potassium-based product.

**The motion was unanimously carried.**

**OPEN PUBLIC HEARING # 5... Review of a final site plan for the Ravines at Rolling Ridge, Section 5, north of Grand River, west of Latson, east of Golf Club, formally known as the Dart property, for 97 single family home sites and 64 multi-family units, petitioned by The Selective Group.**

- **Planning Commission disposition of Selective Group petition**

**A. Recommendation regarding impact assessment.**

**B. Disposition of site plan.**

Tim Stapleton from the Select Group gave a brief description of the plan for the proposed property. They are going to be bringing over the same single-family homes to the new area that are currently in Rolling Ridge.

Ms. Champine reviewed their concerns from their letter of February 8, 2000. They ask that the porches on these new homes be at least four feet in depth, this would make them of a "usable" width. Commissioner McCririe asked what the width of the current porches is. Mr. Stapleton stated that currently the porch couldn't extend more than two feet from the garage. They are seeking a four-foot difference for these homes.

Ms. Champine stated that they would like to see more natural vegetation in addition to the trees around the ponds. Mr. Stapleton stated that the ponds are dry and in order to provide more trees around the back pond, they would have to move it and remove more trees because of the utility easement that is there.

Ms. Champine stated that they would need an inventory of trees. Commissioner McCririe stated that this is the first time this has come up and we are at the final site plan stage. He doesn't feel that, at this stage, they should have to come before the Planning Commission again. After a brief discussion on when the inventory of trees issue should be brought up, Ms. Champine agreed with Commissioner McCririe's request.

Ms. Champine stated that the access point between units 50 and 51 should be marked. Mr. Stapleton said they would comply with that request.

There was a discussion as to when the playground equipment should be installed. It was decided that the playground equipment will be installed after the 30<sup>th</sup> single-family home is built.

Ms. Champine stated that the private road curve radius was increased to 80 feet at the east of the duplex phase. This should be posted as 10 MPH. Mr. Stapleton stated that they have complied with that request. It is on their revised site plan.

Ms. Champine stated that the petitioner must provide the proper liability insurance for the private roads and sidewalks. Mr. Stapleton stated that they will provide the proper coverage.

Ms. Champine stated that the installation of the street trees is the responsibility of the developer and they will have to be done prior to the Certificate of Occupancy being issued. The petitioner will comply.

Ms. Champine stated that they want to make sure that if the convertible areas are going to be converted, the petitioner has to go through Township Board approval.

Ms. Talley reviewed their concerns from their letter dated February 7, 2000.

**Moved** by McCririe, supported by Litogot, to recommend to the Township Board approval of the site plan for Ravines at Rolling Ridge, as submitted to the Planning Commission on February 14, 2000 with the following conditions:

1. Township Board approval of Impact Assessment as revised this evening.
2. Township Engineer review and approval of all plans and specifications.
3. The playground area submitted on September 30, 1999 shall have the word "preliminary" removed and shall become the final playground plan.
4. The building material as presented this evening is acceptable and should be presented to the Township Board and become the property of the Township.
5. The conditions of the Strader Group's February 8, 2000 letter be adhered to, specifically 9D shall be modified to, "the garage may not extend more than four feet from the front line of the house or porch".

6. The petitioner is not required to comply with Point #2 and #4.
7. The petitioner shall provide a sign at the access point between Sites #50 and #51.
8. The playground shall be installed prior to the 30<sup>th</sup> Certificate of Occupancy being issues in the single-family portion of the subdivision.
9. Reference 9A of the Strader Group's February 8, 2000 letter, liability insurance shall be approved by the Township Attorney.
10. The petitioner shall provide two street trees and they shall be installed on the property prior to the Certificate of Occupancy being issued.
11. Item 9C of the Strader Group's February 8, 2000 letter shall be modified as to read "Any conversion of convertible areas shall require Township approval".
12. There shall be no on street parking in the MDR portion.
13. Regarding the McNamee, Porter & Seeley letter of January 19, 2000, Item #9 shall be provided prior to consideration of the Township Board.
14. The sanitary sewer connection fee shall be revised to \$3,500 per REU.
15. Any proposed water softeners shall not be connected to the Township sanitary sewer system and shall utilize a potassium-based product.
16. All conditions of the Howell Fire Marshall shall be complied with.

**Motion carried (4 yes, with Figurski dissenting)**

**Moved** by, Figurski, supported by Litogot to approve the minutes of the January 24, 2000 meeting with the following changes:

1. "Crest Mobile Homes" shall be changed to "Crest Housing".
2. The spelling of "Burrows" shall be changed to "Burroughs".
3. Page 2, last line of the last paragraph shall be changed from "water retention wall" to "water retention basin".
4. All references to "road" and "street" shall be changed to "private drive".
5. Page 5, Item #9 should read, "Petitioner shall obtain, prior to submission, the approval of the Drain Commissioner only those items under his jurisdiction.
6. Commissioner Mortensen did not abstain from the first two motions. All motions were carried unanimously.

The meeting was adjourned at 10:35 p.m.

Prepared by: Patty Thomas, Recording Secretary

Signed by: Barbara Figurski, Secretary