

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
APRIL 13TH, 2009
6:30 P.M.**

AGENDA

CALL TO ORDER: At 6:30 p.m., the Genoa Township Planning Commission meeting was called to order. Present constituting a quorum were Chairman Doug Brown, Barbara Figurski, Diana Lowe, Dean Tengel, and Lauren Brookins. Also present were Jeff Purdy of LSL, Tesha Humphriss, Township Engineer, and Mike Archinal, Township Manager.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Upon motion of Barbara Figurski and support by Dean Tengel, the agenda was approved as submitted, with the exception that item number one is tabled. **Motion carried unanimously.**

WORK SESSION: No work session was required.

OPEN PUBLIC HEARING #1...Review of special use application, site plan and environmental impact assessment approval for a 21,000 square foot service center with 3 out-buildings, 2 vehicle ports, 3,2000 sq.ft. cold storage building and with outdoor storage of equipment and machinery, located on the west side of Grand Oaks Drive, south of Cleary Drive, Howell 48843, Sec. 5, petitioned by Consumers Energy.

Planning Commission disposition of petition

- A. Recommendation regarding special use application.**
- B. Recommendation regarding impact assessment.**
- C. Recommendation regarding site plan.**

Moved by Tengel, supported by Lowe to table the item until the May 11th, 2009 Planning Commission. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review extension of site plan approval for a proposed 16-unit single-family site condominium development located north of Cunningham Lake Road, East of Sundance Trail in Section 34, petitioned by Doyle Homes, Inc. (Mountain Top Estates)

No representative of petitioned was present. The petitioner submitted a letter requesting an extension due to economic conditions.

Planning Commission disposition of petition

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

Motion by Barbara Figurski to extend the site plan for another year and it will be approved as it was in May 2006 and April 1, 2008 and will be effective May 1, 2009. Support by Diana Lowe.
Motion carried unanimously.

OPEN PUBLIC HEARING # 3...Review of approval of an amendment to the Intech PUD, environmental impact assessment and PUD conceptual plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15 to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc

Jim Pappas and Jack Runkle addressed the Commission. The facility is a skilled nursing facility. It is not age-related.

Jeff Purdy discussed his letter to the petitioner. This site was approved as a business park. That original concept plan for the business park needs to be replaced and then action would need to be taken on the final PUD site plan. Amendments to the PUD agreement must be accomplished.

50% of the total site should be open lands and wet lands. This site needs to comply with the Town Center requirements, but Jeff Purdy believes a deviation is justified. The wetland and drain that crosses the site cause issues with the right-of-way. Additionally, the nature of the use is unique (but allowable). The topography has very steep slopes, as well on the front of the site. The design of the building must also be taken into account and the building types should not be applied due to the uniqueness of this use.

The sidewalk along the front edge must be 8' wide. The plan specifies it as five. Petitioner indicates that due to the location, the topography and wetlands are causing problems with the sidewalk width. Petitioner will go 8', however.

The Town Center district requires ornamental lighting along the sidewalks. Petitioner agrees to do that.

The veneer around the garbage receptacle should match the building. Petitioner agrees to that.

Petitioner must provide confirmation of MDEQ permits regarding the drain and crossing the wetlands. Petitioner says new design mimics the old design.

Tesha Humphriss asks for clarification of what has been installed per the permit and petitioner discusses that with the Commission. This site is part of the Grand Beach district. She indicates the County Drain Commission is working with petitioner, since this district is under their supervision.

Jeff Purdy indicates that the authorized uses in the PUD agreement does not include this use and that should be clarified.

Petitioner indicates all of the items contained in the LSL letter are acceptable.

Tesha Humphriss discusses the items in her April 8, 2009 letter. MDEQ regulates the wetland buffers. Petitioner is proposing grading and storm water improvements within the buffer. Planning Commission approval would be required.

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Tesha inquires whether the sanitary sewer is going through the wetland buffer, if so, an updated certificate is required.

The Petitioner is requiring quite a bit of retaining wall. The Township needs to see calculations that the wall will support vehicles, etc. Details must be provided by petitioner. Petitioner indicates that due to the extensive changes in the topography of this site, steps were necessary to create a level site. This will require extensive retaining walls. The Township Engineer will require that data prior to the land use permit at the latest, but ideally prior to Township Board approval.

The materials board has not been provided to the Planning Commission, but will be provided to the Township Board.

The Drain Commissioner's office has reviewed this site and their approval should be obtained by Petitioner. The Drain Commissioner would request an easement be granted by petitioner for them to access upstream drainage. The petitioner will attempt to have that document prepared before the Township Board meeting. The petitioner inquires as to what can be done about any pollution caused upstream. Tesha indicates that he would have to petition the Drain Commission to take over the district. Some of the upstream properties are developed, some are not. Petitioner will attempt to work with the Drain Commission.

Road Commission approval is required for Dorr Road access.

Chairman Brown addresses the environmental impact assessment. Petitioner will amend the documents to read Skilled Nursing Facility rather than Senior Care Facility. There is a sentence missing and there was discussion regarding the grading for the detention site and how that should read in the environmental impact assessment. Various other grammatical corrections were discussed.

Petitioner indicates no hazardous materials will be on the site.

Jeff Purdy addresses the PUD agreement. He believes section 1.6(a) should be revised to say that building A shall be used for the uses described in attached exhibit "C" and paragraph (b) should read: Building B should be used for a skilled nursing center.

Section 2.1 should specify building A for the uses in exhibit "C" and specify building B to be used as a skilled nursing facility.

Section 7.1 or perhaps even 7.5, that discussed deviations to overlay district as it relates to building B, waiving maximum front yard setback, building frontage requirement and minimum building height. Those deviations are only given for building B.

Exhibit C is fine as it relates to building A, no need to use it for building B.

Petitioner attempted to maintain a 25' buffer and to keep from disturbing it as much as possible.

Tesha Humphriss approves of ST-2 and ST-3.

Petitioner indicates typically 25% of the population is short term residents.

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Barbara Figurski asks about the architecture. Jeff Purdy feels it's a high quality, nicely designed building.

Planning Commission disposition of petition

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

Motion by Dean Tengal to recommend to the Township Board that the PUD amendment be approved, subject to the following:

1. The dimensional deviations that have been requested from the Town Center overlay district for front yard setback, building frontage, front yard parking, and building height, the Planning Commission recommends approval of those because of the following:
 - A. The wetlands with the drainage crossing next to Dorr Road, which doesn't allow for shorter setbacks described in the TCOB:
 - B. It's located on the outer edge, adjacent to industrial uses and the steep topography and unique nature of uses.
2. Exhibit A should only apply to building A;
3. All references to senior care facility should be changed to skilled nursing facility.

Support by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski that the Township Board approve the environmental impact assessment dated 3/23/09, subject to:

1. The last sentence in item "g" was not completed. "Final engineering" should be added to the end of that sentence.
2. Item "e" should only say "will" once.
3. The third paragraph should say "of" 4 rather than "or" 4.
4. Second paragraph in "h" should simply say at this time there is no hazardous materials on the site. Everything else will be removed.

Support by Dean Tengal. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the PUD conceptual plan, subject to:

1. All previous business park references should be changed to skilled nursing facility.

Support by Diana Lowe. **Motion carried unanimously.**

OPEN PUBLIC HEARING #4...Review of approval of PUD final plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15, to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc.

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Planning Commission disposition of petition

A. Recommendation regarding PUD Final plan.

Motion by Barbara Figurski to recommend to the Township Board approval of the PUD Final Plan, subject to:

1. Items 4, 5, 6, 7, & 8 of the Township Planner's letter of 4/6/09.
2. That grading and utility work be permitted within the 25' wetland buffer;
3. Items 2, 3, 4, and 5 of the Township Engineer's letter of 4/8/09.

Support by Dean Tengel. **Motion carried unanimously.**

Planner's Report by LSL was presented – Nothing to report.

Minutes of the 3/9/09 Planning Commission were approved, subject to two grammatical corrections on page five. **Motion** by Barbara Figurski, Support by Diana Lowe. **Motion carried unanimously.**

Member Discussion - None

Adjournment at: 7:53 p.m.