

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JUNE 8th, 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, Lauren Brookins, John McManus, and James Mortensen. Also present were Sara Schillinger of LSL, Tesha Humpriss, Township Engineer, and Kelly VanMarter, Township Planner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

WORK SESSION: No work session was required.

APPROVAL OF AGENDA: Upon motion by Barbara Figurski and support by James Mortensen, the agenda was approved as submitted. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 1... Review of special use application, sketch plan and environmental impact assessment approval for an expansion of outdoor storage to Lowe's Garden Center located at 1100 S. Latson Road, Howell 48843, Sec. 5, petitioned by Lowe's Home Centers, Inc.

Chris Lachleitner addressed the Commission on behalf of Lowe's. The petitioner is seeking to expand the outdoors garden center area to provide soils, stones, pavers, mulch, etc (pre-bagged) at the area labeled section A. This would be no more than 7' high and three pallets deep.

It is proposed that section B would be used for trailers that can be pulled by passenger vehicles, such as 4' x 8' or 5' x 8'. These would be for sale, not for rent.

It is proposed that section C would be used for the sale of wooden sheds. There would be eight sheds, one gazebo, and one permanent greenhouse that is the size of a shed.

It is proposed that section D would be used for the sale of fencing, which would be stored on skids. This would be no more than 12' from the wall and no higher than 7' high.

The existing garden area is on the north side of the building. In the area next to it, the petitioner is requesting to display all season benches and pre-assembled picnic tables. Additionally, they would like to place lawn and garden implements in the adjoining area. This would all be under existing canopy. The fencing display would be moved to the outside of the building on the north side. This display would be within three feet of the existing exterior wall. The petitioner would also like to display grills on the exterior of the building and under the canopy. At the opposite end of the north side of the building, the petitioner would like to display various seasonal lumber/building supplies.

Dean Tengel asks about screening of the trailers. The petitioner indicates that the land berm would screen the trailers. The petitioner shows the Commission photographs to illustrate this point.

Sara Schillinger discusses the LSL report of June 2, 2009. The petitioner is in general compliance with the terms of the Master Plan. Specifically discussing outdoor display areas, there is a requirement for screening. As it relates to the east side displays, the berm would

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provide screening, but there is also an issue of 24 hour access. The north side display areas are not screened.

There is a concern about truck maneuvering on the east side of the building, as well as pedestrian circulation. There is also some concern about the decrease in parking caused by the displays. The sketch plan does not address lighting, either.

Jim Mortensen discusses his concerns about approving un-screened displays. He feels it is problematic to set this precedent. Chairman Brown discusses the problems involved with not having a site plan to present to the Commission. He suggests that the petitioner review how Home Depot provided screening for their displays. Additionally, with the impending Latson Road improvements, a plan would be necessary for future screening.

Kelly VanMarter addresses the Commission regarding the Township Engineer's letter dated June 3, 2009.

Chairman Brown outlines various other concerns he has regarding the petition. He would like garbage cans/dumpsters addressed in the plan. He also feels screening is necessary to help fend off vandalism.

Jim Mortensen indicates that the screening should be at the same standard as the screening around the outdoor garden center.

John McManus discussed how important it is for plans to be submitted in order for the members to have a better idea of areas and scales.

Petitioner requests to table this petition.

Planning Commission disposition of petition

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

Motion by Jim Mortensen to table this item at the request of the petitioner. Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review of amendment to Zoning Ordinance Article 11.

Chairman Brown discusses the memo by Adam VanTassell regarding the Waterfront Fence Ordinance Proposal. It is proposed that there be an amendment to allow fencing on waterfront property.

Barbara Figurski indicates that fences could be detrimental to lakefront owners and their neighbors.

Sara Schillinger of LSL indicates that the fencing must be 50% opaque and therefore, only decorative fences would be appropriate. She indicates that waterfront fences are typically prohibited in other communities.

The intent is that the fence be 50% opaque and no higher than 3'.

Sharon and Bill Bostock, 1330 Elmhurst addressed the Commission. They oppose the current ordinance being changed. They live next door to a home with a 4' fence that runs to the water. It

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has impeded their view, given the shape of their lot and the surrounding lots. The permit for that fence was issued erroneously by the Township.

Tara and Kelly Phillips, 1206 Chemung Drive addressed the Commission. They believe that the ordinance should not be permitted and a new one, as submitted, be allowed. They live at the home that has just erected the 4' fence. She believes it has not affected visibility.

Diana Rencsak, 1106 Chemung Drive and 2966 Oak Meadows addressed the Commission. She is a real estate agent and believes that the fence will negatively affect the property value of the Bosticks.

Terry Haskins, 944 Menominee addressed the Commission. He objects to the fencing being erected to the lake due to the physical layouts of the lots. He asks if there are no post construction inspections being done on fences now, who would inspect the permitted fencing to make sure it's built to the standards allowed.

Mary Hough, 791 Sunrise Park and Charles Jones, 959 Sunrise Park addressed the Commission. Ms. Hough feels that the Township should not change the ordinance merely to fix a mistake made by the Township. She indicates that the fence that has been erected by the Phillips' would be objectionable to her, as well.

Dean Tengel feels fences should not be permitted and the current ordinance should be enforced. John McManus agrees. Barbara Figurski feels the same.

Motion by Barbara Figurski that a recommendation be made to the Township Board against the proposed ordinance change. Support by Dean Tengel. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners. There is no report.*
- *Approval of May 11th, 2009 Planning Commission meeting minutes. Motion by Barbara Figurski to approve the minutes as submitted. Support by Diana Lowe. Motion carried unanimously.*
- *Member Discussion. Chairman Brown addressed the changes in the Planning Enabling Act. John McManus was introduced as the new member of the Planning Commission.*

Adjournment. **Motion** by Barbara Figurski and support by Dean Tengel, the meeting was adjourned at 8:00 p.m. **Motion carried unanimously.**