

GENOA TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
7:00 P.M.  
March 24, 2004  
**MINUTES**

The special meeting of the Planning Commission was called to order by Chairman Don Pobuda at 7:00 p.m.

The following commission members were present constituting a quorum for transaction of business: Don Pobuda, Barbara Figurski, James Mortensen, Curt Brown, John Cahill, Bill Litogot and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Paul LeBlanc from Strader, LeBlanc & Associates, Inc. Debra McAvoy from Tetra Tech, MPS and Dennis Perkins, legal council for Genoa Township. There were approximately 400 people in the audience.

The Pledge of Allegiance was recited and a moment of silence was observed.

**Moved** by Litogot, seconded by Figurski, to approve the Agenda as written.  
**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 7:02 p.m. Chairman Pobuda noted that this meeting will be closed at 11:00 p.m.

Chairman Pobuda advised that this public hearing is part of the process that the Township follows when a petitioner requests to change or modify zoning in the Township. The petitioner is requesting to change zoning from PRF to MDR. The Township has the legal responsibility to follow procedure, codes, laws, requirements, etc. regarding this request and this evening the Planning Commission will hear the petitioner, the Township's consultants, as well as the public.

Chairman Pobuda introduced the members of the Planning Commission. John Cahill, an Assistant State District Attorney, Curt Brown a banker, James Mortensen, a retired Ford Financial Executive, Barbara Figurski, a retired Executive in Business and Industry, Teri Olson, a Legislative Representative for the State of Michigan, and William Litogot, a teacher and Assistant Principal for the Taylor School District. All Planning Commissioners are residents of Genoa Township.

He also introduced Kelly Kolakowski, Township Planner, Patty Thomas, the Recording Secretary, Dennis Perkins, the Township's legal council, Debra

McAvoy of TTMPs, who is the Township Engineer, and Paul LeBlanc of Strader, LeBlanc & Associates, Inc., who is the Township Planner.

The procedure this evening will first be a presentation from the Petitioner, comments from the consultants, and then the call to the public.

**OPEN PUBLIC HEARING # 1**...Rezoning application, environmental impact assessment, and site plan to rezone 177.66 acres (Faulkwood Shores Golf Course) located on both sides of Hughes Rd., ¼ mile south of Golf Club Rd., Section 3 & Section 4, from PRF (public/recreational facilities) to MDR (medium density residential), petitioned by Landtec Realty, Inc. (PC 04-02)

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

Mr. Tom Kalis of 40900 Woodward Avenue, Suite 315, Bloomfield Hills, Michigan, the attorney for the petitioner, was present. They are requesting to rezone the Faulkwood Shores Golf Course from PRF (public/recreational facilities) to MDR (medium density residential). He displayed an aerial map for the public and Planning Commission to see. He stated that numerous other golf courses in the area have fallen to economic times and many have been petitioned to be rezoned to residential uses. There is a market demand for what they are proposing. They would be building condominiums that would sell for \$150,000 to \$200,000. He explained the zoning and uses that exist in the surrounding area. Covington Greens was rezoned by the Township to MDR, Red Oaks, which is a manufactured home community, Woodland Springs, The Knolls, and Lakewood Knoll, which are all MDR zoning, as well as Hampton Ridge, Westbury, and Summerfield Point, which are condominium and apartment complexes. This request is consistent with the surrounding zoning and uses.

Mr. Kalis stated they originally proposed to develop the area around the golf course and continue to use the golf course, but this was denied by the Township. The golf course cannot be sustained without this development. He noted they have sanitary sewer on three sides of this parcel, however the Township will not allow them to connect to the sanitary sewer. They can provide their own sanitary sewer system on their property as long as they meet the DEQ requirements. They do not need the Township's consent or a resolution from the Township stating they will take over the operations of this system if it is not maintained by the petitioner. They will also be able to supply their own water.

Their conceptual site plan shows a total of 1016 condominium units, 350 on the west side of Hughes Road and 659 on the east side. Their water tower and sanitary sewer plant will be on their property. He stated there has been a precedent set in the area for the zoning as well as allowing developments to be built without tapping into the sanitary sewer system.

The permitted uses under the current zoning are schools, churches, and hospitals, which are not reasonable for this area because there is no demand. The property owner has never been approached by any of these types of businesses. They feel property values will be enhanced and tax revenues will be increased significantly than what the golf course is generating.

They will be marketing to elderly people, retirees, and young married couples, so they do not feel there will be a large impact on the schools. He noted that the petitioner's traffic engineer is present this evening to answer any questions regarding traffic impact.

They are asking for equal treatment from the Township.

Ms. Huntley reviewed her letter of February 11, 2004. She noted the following concerns:

A. DRAINAGE AND GRADING

1. All drainage, grading and soil erosion control measures shall be in compliance with the regulations established by the Livingston County Drain Commissioner's office.
2. All regulated wetlands should be labeled on the plans during preliminary site plan review. An undisturbed natural buffer of 25-feet should be maintained from any regulated wetland.
3. A MDEQ permit will be required for all wetland crossings. Approval from the Livingston County Drain Commissioner's Office will be required for all crossings and construction activity affecting the County Drain.

B. UTILITIES

1. Sanitary Sewer
  - a. The Faulkwood Shores site is not located within the Genoa Oceola Sanitary Sewer District.
  - b. The Conceptual Plan shows development and a detention basin in the area currently being utilized for the Outdoor Resort's septic field and basin. The petitioner should provide documentation for the abandonment of this system and include the existing users with the development of the proposed facility.
  - c. The petitioner should provide adequate soil borings and associated hydrogeological evaluation in the vicinity of the proposed WWTP to determine if the soils are adequate to serve the maximum requested density, which equates to approximately 1400 proposed residential units plus the existing flow from Outdoor Resorts. It can also be determined from the soil borings if the 8 acres will be sufficient area for the WWTP and disposal basins.
  - d. The process to obtain a NPDES discharge permit through the Michigan Department of Environmental Quality is arduous and

our experience on other similar projects indicates that the MDEQ is reluctant to issue a discharge permit for parcels adjacent to municipal systems. Prior to the Township acting on the rezoning application, the petitioner should apply and receive preliminary approval from the MDEQ for their proposed facilities.

- e. Since the proposal indicates a groundwater discharge, the concern of sodium and chloride pollutants should be investigated. A process should be developed to limit, treat and/or monitor the sodium and chloride concentrations in the effluent.

2. Water

- a. The Faulkwood Shores site is not located within the MHOG Water District.
- b. A water tower is also proposed for the project on the northern portion of the west parcel. Due to the height restrictions associated with the proposed land use, the petitioner should evaluate the need of a variance for the height of the water tower.
- c. The petitioner should provide adequate aquifer test data to assure the maximum 1400 residential units can be served.
- d. The concern from sodium and chloride pollutants from individual water softeners should be investigated and consideration of a central softening facility should be reviewed.

C. TRAFFIC

A traffic impact analysis was submitted for the proposed site and was prepared by Traffic Engineering Consultants, Inc. The traffic analysis presented existing traffic volumes on Hughes Road, Latson Road and Golf Club Road, a trip generation analysis of the proposed development and a capacity analysis of the three roadway segments. The traffic study has several issues that need to be further addressed and are listed below:

1. The traffic study states that the traffic counts have been adjusted by a five percent annual growth rate to provide 2003 base year volumes. The study should include a statement identifying how this growth rate was developed.
2. The site plan includes 25 single-family units and 991 residential condominiums/townhouse units, however the trip generation was completed for all residential condominiums/townhouse. While this will not have a dramatic effect on the overall trip generation, the proper land use codes should be used when generating site traffic.
3. When analyzing the peak hour trip generation, there are two options to choose; the peak hour of the development or the peak hour of the adjacent roadway. Common practice is to use the peak hour of the adjacent roadway, unless the type of development has unique peak hour characteristics. The table presented in the report

for the trip generation potential of the proposed development currently shows the traffic generated during the peak hour of the development, rather than the peak hour of the adjacent roadway. This table should be updated to illustrate the traffic generated during the peak hour of the adjacent roadway.

4. The trip generation section of the report should also provide a trip generation comparison between the existing zoning, the proposed zoning and the proposed development. This will allow the Township to make a better assessment of the potential traffic impacts associated with the rezoning of the property.
5. The trip distribution model presented in the report was developed based on existing traffic conditions and knowledge of the area. We were able to determine that the distributions were developed from the traffic counts contained in the appendix. However, we feel the distribution numbers are reversed. Where the report states that 52% of traffic will be to/from the east on Golf Club Road, we found that 52% is actually a percentage of traffic heading eastbound on Golf Club Road, east of Latson Road. Therefore, this percentage should be updated to accurately reflect the distribution on Golf Club Road. This detail holds true for Hughes Road and Latson Road and the report should be updated so the distributions properly reflect existing traffic patterns.
6. The traffic study conducted a capacity analysis of the three major roadways impacted by the proposed development. However, the printouts for the HCS level of service analysis are not currently provided as part of the report. The output of the analysis should be provided. Typically, capacity analyses are also performed for the intersections.
7. Typically, when analyzing traffic impacts, a future no-build traffic scenario, or background traffic scenario, is developed to compare to the future traffic scenario, which includes the site traffic. The background traffic scenario is developed by applying an annual growth percentage to existing traffic volumes for the number of years until an anticipated total build of the development. The site traffic is then added to develop a future traffic scenario. The analysis included in this report was for existing traffic conditions, future traffic conditions and traffic conditions in the year 2023. The background traffic scenario should be provided as a basis of comparison. In addition, the growth rate used for the background scenario should be provided.
8. TTMPS was unable to develop traffic volumes for Hughes Road, Latson Road, and Golf Club Road that agree with the volumes presented in the **Capacity Analysis at Project Build-out** table. The methodology and/or graphics explaining how these volumes were developed should be provided.

Mr. LeBlanc reviewed their concerns as outlined in Jeff Purdy's letter of March 3, 2004. With the zoning that is being requested, this property could be developed as dense as eight units per acre. Although the petitioner is requesting to develop it at a lesser density, the Township needs to look at what could possibly be built there if it were to be rezoned. A total of 1,342 units could be built on this site. He also made the following points:

1. The proposed density is inconsistent with how the property around the site is used.
2. It is outside of the water and sewer districts.
3. MDR zoning is inconsistent with the "goals" of the Master Plan.
4. The Township would not be able to put conditions on the rezoning approval.
5. The Township has not seen data backing up the petitioner's claim that there is no market for the golf course.
6. This zoning is out of character for this area. LDR or RR zoning would be more appropriate, which would still allow residential development, but it would be less dense.

Mr. LeBlanc also noted that zoning is based on the Township's Master Plan. Genoa Township has consistently followed their Plan. This is a case where there is a clear conflict in the request, the first step in the process should be to go back and revisit the Master Plan and determine if the current Plan is still valid or if a revised Master Plan is appropriate.

Chairman Pobuda questioned if the Township would have to look at all public recreation zoning in the Township. Mr. LeBlanc answered affirmatively. He feels other areas with this zoning should be reviewed.

Commissioner Mortensen questioned if a traffic study at the nearest intersection is normally requested by a petitioner. Ms. Huntley stated yes, the petitioner should always analyze intersections for traffic.

Chairman Pobuda advised the public of the guidelines for the public hearing. Comments from the public will be recorded; however, the petitioner will not respond to those comments. He asked that the public limit their comments to three minutes and address all comments to the Planning Commission and not the petitioner.

He noted that the Township has received a large number of letters and e-mails from the public and they have been distributed to the Commissioners and reviewed. Ms. Kolakowski has compiled a spreadsheet summarizing the comments received from the public expressing opposition to the rezoning, a copy of which is available to each member of the public.

The call to the public was made at 7:36 p.m.

Mr. Jim Pratt lives .3 miles north of Golf Club Road in Oceola Township. This zoning is not consistent with the area. There is an airport at Hughes Road and the golf course is used as an emergency landing strip. The water tower is in the vicinity of the airport. When the other MDR zonings were created, there was a transition buffer zoning, which was the golf course. He cited the ordinance states that there should be 1,500 square feet of children's play area for each unit and that is not shown on the plans. He noted there was an advertisement in the local paper for Faulkwood Shores Golf Course and it said it has been in business for "35 years".

Mr. David McKenzie of 152 Gulley does not live in Genoa Township. He lives in Oceola Township. He owns the private airport called McKenzie's landing. He reviewed the letter that he sent dated March 11, 2004. The Michigan Department of Transportation and The Bureau of Aeronautics is supposed to be advised when a water tower is being proposed to be erected near an airport and they have heard nothing of this proposal. He also stated that when a property is being sold within three miles of an airport, the seller is required to advise the purchasers that it is there. He would like to know if these two items have been considered with regard to the rezoning.

Mr. Roger Dreslin of 4850 Golf Club has lived here since 1974. Everyone in this room this evening feels it is a ridiculous proposal. Golf Club and Hughes Road cannot handle the traffic. He noted that he fought when the current developments were proposed to be built.

Mr. John Green of 751 Pathway stated there is no one in this building that is in favor of amending the Master Plan or having property rezoned to MDR. He respectfully requests that the petitioner withdraw their proposal.

Mr. Steve Wildman of 658 Pathway represents the Lake Chemung Riparian Association. They feel strong about this development. They are concerned for the wells in the area. There are currently four subdivisions being developed on Hughes Road. The sewer plant they are proposing will create a bad odor. They have put sewer around the lake to keep the area clean and now they want to put in a large septic field. They are concerned about the impact on the road and schools. They are opposed to the rezoning.

Mr. Don Doolittle, who represents the 323 members of the Lake Chemung Outdoor Resorts, Inc., which is located next to Faulkwood Shores Golf Course, stated he submitted a letter dated March 8, 2004. He noted that they currently lease a portion of the golf course for their sewer retention pond, which they leased on a 99-year lease. This currently handles 323 residences on a part-time basis. Sometimes it emits a foul odor and the increase of 1,016 condominiums would cause this to be worse. They are also concerned about water availability. They are pumping from the deepest wells in July to support only 323 part-time users. The amount of 60,960,000 gallons of water annually would be needed to

supply these proposed condominiums. They question how this will affect the water levels of their wells and the water levels of Lake Chemung. They also have traffic concerns.

Mr. Dolittle then reviewed the LCORI's attorney's letter where he reiterated the concern of the impact of the sanitary sewer retention pond and how the portion that they currently lease should not be considered for part of the rezoning. It is not consistent with the Master Plan or surrounding uses, and he feels the infrastructure should be in place before the development is complete. It will have a negative impact on surrounding property values.

Mr. Ron Rogers of 4750 Edinburgh lives directly adjoining the golf course. He is the Vice President of the Association and President of the GUARD. This proposal is in no way compatible with their subdivision, which is 17 homes on 65 acres. The petitioner's proposal says "there will be no detrimental impact on traffic, views, or property values". He disagrees and feels their views and the traffic will be impacted. Having a wastewater treatment plant and a water tower in their backyard will decrease their property values. He feels this will forever change the character of the Township and will affect the residents of the Township.

Ms. Sheila Lockard of 5739 Iroquois is a member of the Board of the Red Oaks Association. This development will bring more cars, traffic, and electricity demands. Howell and Brighton area already overpopulated. She votes no.

Mr. Jerry Patrusi of 652 Olde Ivy moved to the Township five years ago for the rural setting. He likes the wildlife and the low traffic. He feels the property values will be decreased. He votes no.

Mr. Jeff Dhaenens of 5494 Sharp Drive stated he has family and friends that live at Faulkwood Shores. He feels they live in a great community with woods, wide open spaces, etc. He does not want to see the rezoning. He does not agree with the economic infeasibility of operating a golf course. He does not agree with this request.

Mr. Jack Pike of 6860 Pathway feels Genoa Township should encourage Livingston County to purchase this property and make a public park. He does not believe that the golf course is not financially secure.

Mr. Ed Altounian of 4736 Edinburgh stated everyone is aware that growth is inevitable; however, he would like to have Genoa Township stay rural. The high density of most cities is why most of these residents move to Genoa Township. He urges the Planning Commission to deny the request for rezoning.

Ms. Beth Bunette of 5821 Comanche stated her family has come to Burroughs Farms for 27 years. She would like the Township to purchase some of this

property and preserve it as open space. The traffic going to Grand River is already awful.

Mr. Greg Miller, whose mother lives at 671 Old Ivy, has lived in Brighton for over 30 years. He lives on Hughes Road. He reiterated that the Petitioner is going to market the development to retirees and younger couples without children; however, the couples do have babies and they grow up and go to school. He wonders what maximum density is when 1,300 is minimum.

Mr. Jeff Payne of 5500 Water Willow stated his subdivision has 36 lots on 50 acres. He is concerned about the increased traffic on Hughes Road and how it would affect the safety of the children waiting for the school bus. He does not feel it meets the plan of Genoa Township. He is very opposed.

Mr. Andy Burt of 612 Olde Ivy stated there are three sides to this; the seller, the developer, and the people. The seller and developer will make a lot of money and the people are the ones that are going to be losing money.

Mr. Phil Winteringham of 144 S. Hughes Road moved from Farmington because of over development. He is getting close to retirement and would like something quiet. He agrees that the traffic on Hughes Road is already bad. He requests the Township reject this proposal.

Mr. Tom Pallazollo of 320 S. Hughes Road does not want money to be an issue. He wants the Planning Commission to think about the people.

Mr. Matt Akin of 1185 Sunrise Park stated his family lived on Hughes Road when it was their driveway in the 1800's. He stated that the people in this room are the ones that voted the Commissioners in and they can vote them out.

Mr. Ed Creesy of 646 Olde Ivy does not agree that the golf course is not profitable. It is very busy. He stated that Hawk Meadows offered to purchase this golf course so it cannot be doing too badly. He paid \$10,000 more for his lot that abuts the 7<sup>th</sup> hole. When these condominiums are built, his property value will go down and that will affect the taxes he pays to the Township. The addition of 1,000 residences will increase the traffic on Lake Chemung also. He would like the Planning Commission to vote no on this request.

Ms. Sandy Lowacki of 1621 Hughes Road lives on the curve and stated the road cannot accommodate more traffic. She has three children and it is dangerous.

Ms. Pat Freeman of 1040 Menomonee agrees that the road cannot handle more traffic. She noted that the petitioner stated the precedent has been set for the MDR zoning in the area and she questioned if the rezoning of a recreational area has been done to allow that MDR zoning.

Mr. Bob Fox of 1043 Woodwillow stated he did purchase his home in one of the new developments, but it is not as dense as what is being proposed. The golf course is economical. He has a very hard time getting a tee time there. He stated that water fowl will be attracted to the water sewer treatment plant.

Mr. Rick Novak of 510 Hughes questioned what road improvements are being proposed. He stated that elderly people would not want to live in the area because the golf course will be gone and young couples will have children who grow up and will go to school. He is opposed to this.

Mr. Tom McCarthy of 968 White Willow questioned why the Township is even entertaining this issue. With the housing of this magnitude, the current housing will "go in the toilet".

Mr. Brian Heinig has lived in the Township since 1949 and has seen a lot of change. He has lived at 1240 White Willow for a year. His back door is 30 feet from the ROW of Hughes Road. If road improvements are made, the safety of these residents will be affected. It will be impossible to widen the road. Currently the traffic is so busy school busses cannot pull to the side of the road and more cars will make this worse. It is a safety issue.

Ms. Janette Scalessi was originally from Sterling Heights and feels that this type of development will cause this area to look like that. This is not the type of developing for around the lake.

Mr. Ted Panaretos of 4152 Brookstone. He lives in Lakewood Knoll and trying to turn out of his subdivision is difficult already. He is surrounded by condos and does not need any more.

Mr. Darryl Brown of 438 Lillyview Ct. is president of their association. They are opposed to the development. Hampton Ridge to the south of them has not helped their resale value. They have many homes that have been for sale for approximately a year and sit vacant. This property could be rezoned to low density residential, 5 to 10 acre lots. The condos in this area are not even done being built. He is asking the Township to slow down the development.

Ms. Lynn McHale of 1321 Chemung Forest stated she was very proud to be delayed getting out of her subdivision to go to the last meeting because it showed how many people were on their way to the meeting. She was insulted when the petitioner stated he will improve Hughes Road. She chose her subdivision because they were unable to build on 60 percent of the land. She would like it to remain the same.

Mr. Eric Martin of 520 Hughes Road has submitted a letter to the Township; however, he noted there are issues noted by the engineer that are already

present and this is just the beginning. He feels the project will hurt the community.

Mr. Michael Susher of 1071 Sunrise Park asked how a development of this density could help the Township.

Mr. Mike Hayne of 587 S Kellogg Road moved from Macomb to get away from heavy traffic and development. This developer has developed in Macomb Township and he does not want to see that here.

Mr. Ray Malarsky of 1866 Nikki purchased his home about 10 years ago for the weekends. He liked it so much he moved here permanently. Since he has been here there has been nothing but building. The Township does not need or want this. All of these people moved here to get away from density. He feels it should be left the way it is.

Ms. Angie Thorp of 5512 Chippewa does not feel that only seniors and young people will be purchasing these condos. She agrees with everyone's comments regarding the traffic, schools, safety, electricity problems, and the sewer and water plant. She does not feel the wastewater treatment plant will work, especially since the Township does not have any control over it. They already have problems with theirs in Brighton Lake Village. The schools are already crowded. Three Fires Middle School is new and already up to capacity, there is going to be two high schools, and the bus stops on Hughes Road are dangerous.

Mr. Jerry Hotchkin of 5855 Pond Hill Ct. is a new resident and loves the county. The Township is generally free of overcrowding and development. The Township has done a good job of monitoring growth. They moved from Canton due to the planning and unrestricted growth. He does not want all new development to stop; however, development can be done in a controlled manner and that is not what this proposal is. He encourages the Planning Commission to consider the other options that were mentioned this evening. He is concerned with traffic, schools, water and sewer issues, and asked that the Planning Commission deny this request to preserve Genoa Township.

Mr. Dan Stokes lives on Coon Lake. He questioned how this will affect their quality of life and their respect for the land and the outdoors.

Ms. Mary Trudea of Lakewood Knoll feels the water treatment facility needs to be researched further. If they feel it is such a good idea, put it in the middle of the development and not on the edge of the site.

Ms. Sue Pickle of 182 S. Hughes Road agrees with the other residents. There are legal and engineering issues stated were not good and the noise and lighting pollution should be considered.

Mr. George Schneeman of 140 S. Hughes Road moved to the area 10 ½ years ago from Redford after he retired. He has over two acres and is concerned for his well. He likes to ride his bike on Hughes Road; however, the increased traffic will make it unsafe for him.

Mr. David Best of 628 Pathway questioned why the Township told the developer they could not tie into the sewer. It is available on all three sides. This would avoid polluting Lake Chemung.

Mr. Ray Fracassi of 6140 Blue Heron wants to address the residents and let them know that they need to continue their opposition. No studies done on the effects to the water, wells, traffic, etc. This type of density is a travesty to the area.

Ms. Beverly Miller of 584 Lakeside is uncomfortable with the water being pumped out of the lake when this development is complete. This is affecting the rights of riparians. This will greatly affect the lake.

Mr. Ed Altounian of 4736 Edinburgh stated the wildlife is being chased away with all of the development. The Township could consider purchasing the land for a park or for a municipal golf course. There are none in Livingston County. The Fire Department does not condone this because they cannot get a fire truck into that development. He questioned how can the developer ensure that only seniors and young people without children will move there. The Township cannot control what the developer will do once the property is rezoned.

The call to the public was closed at 8:53 p.m. Chairman Pobuda called for a break until 9:10 p.m.

Chairman Pobuda asked Mr. LeBlanc what is the next procedure in this process. Mr. LeBlanc stated the process is established by State law. The Township does not have discretion. The Planning Commission is required to hold a public hearing on rezoning. The Commission is an appointed body, except for Mr. Mortensen, who is a Township Trustee and is elected, so they are only an advisory body. They will have to vote to recommend denial or approval. The issue is then sent to the County and their comments are also forwarded to the Township Board, which is an elected body. They then vote on the issue. The Board is not required to hold another public hearing, but they can if they choose. The Township is approximately two months away from final action on the rezoning. The Township Board could then send it to the Planning Commission if there are any changes to the proposal or if they feel more information is needed or if they feel their decision is contrary to the Planning Commission's recommendation.

Chairman Pobuda stated some of the issues raised this evening, such as traffic, soil conditions, water levels, wells, drain fields, air space for the airport, leasing

rights, road conditions, electrical power problems, Lake Chemung water levels etc. are new to the Planning Commission.

The consultants had no further comments and Chairman Pobuda opened the discussion to the commissioners.

Commissioner Cahill stated that the criteria for a rezoning is that the owner is unable to receive reasonable return on the investment. Is there substantiation for this claim. Mr. Kalis stated the property was put up for sale because the owners do not feel it is economically feasible and their tax returns prove this. No other golf course in the area has proposed to purchase it because of this.

Commissioner Brown asked why the petitioner has not taken the route of reviewing and amending the Master Plan. Mr. Kalis stated they just want to rezone this property. He noted that the Master Plan acknowledges that development pressures may lead to recreation sites being changed and used for other uses. The Township is the only one that needs to amend the Master Plan. The developer only needs to attempt to rezone the property.

Commissioner Mortensen addressed the public and stated the Township received over 400 letters from residents and there must be that many people present this evening. The comments and letters are very helpful to the Township. He advised that no decision is going to happen very fast. They will discuss this at future Planning Commission meetings and the public will be noticed of when they will occur.

Commissioner Figurski is not in favor of this proposal.

Commissioner Olson has some concerns regarding some points raised this evening, including the concerns with the existing wells.

Commissioner Litogot stated he lives in this neighborhood and has been on the Planning Commission for 24 years. He remembers when Oak Pointe went through these same issues. He is not for this project. He is not willing to change the Master Plan to rezone this property. The density is too high, getting to the property would be difficult, and Hughes Road cannot take more traffic.

Commissioner Cahill asked the petitioner if he noted the concerns of the Howell Area Fire Department. Mr. Kalis stated he has reviewed the consultants' letter and the Fire Department's letter dated February 2, 2004 where he notes the conceptual site plan is acceptable. Commissioner Cahill stated there was an amended letter dated February 25, 2004 where it states the site plan is "unsatisfactory as presented". Mr. Kalis noted that letter was sent after the initial letter of approval.

Commissioner Litogot questioned if the petitioner has responded to the consultants concerns. Mr. Kalis stated that on February 18, 2004 they submitted a four-page letter responding to the Planner's letter.

Commissioner Cahill again asked if this was all of the documentation that he was going to resent to demonstrate the inability to obtain a reasonable return on the investment. Mr. Kalis stated he does not feel he has any burden to prove the financial feasibility to the Planning Commission. He would produce proof at the appropriate time in court. The recurring use is not economically feasible. He does not feel it is fair to have him or the residents continue to return to these meetings. If the Planning Commission is inclined to vote this evening, then they should.

Mr. Dennis Perkins, the Township's legal counsel, who is substituting for Richard Heikkenin, who is out due to illness, reiterated the procedure required under the rezoning code. The Planning Commission must first listen to the consultants' comments and could vote this evening; however, the Planning Commission needs to adhere to Section 22.04, which says that the Planning Commission needs to take into account all of the "findings and recommendations". If they are not ready to do this, then they would need to make a motion to table to a certain date when a recommendation will be made to the Township Board, which will allow the Planning Commission and the petitioner to know when a resolution will be made. If they believe they can do that under the ordinance, they can vote this evening; however, he does not believe this is the case. He would suggest 60 days. Chairman Pobuda feels that the Planning Commission, the Planner and the Engineer need to consider the comments heard this evening. He recognizes that Commissioners Figurski and Litogot are ready to express their opinions this evening; however, he feels more review needs to be made.

Commissioner Mortensen noted the recommendation from the Planner to revisit the Township's Master Plan. He **moved** to postpone Agenda Item #1 until the June 14, 2004 Planning Commission meeting. Commissioner Cahill seconded the motion for discussion.

The petitioner stated he objects to the 90-day postponement. He would like it to be postponed until the next regular Planning Commission meeting. Ninety days is too long. Under the Ordinance Section 22.032, after the public hearing, the Planning Commission shall identify and report its findings to the board.

Commissioner Mortensen asked Mr. LeBlanc how long would be reasonable to allow the Planning Commission to revisit the Master Plan. Mr. LeBlanc stated it would take approximately 30 to 60 days. To actually amend it could take up to six months. Commissioner Mortensen does not feel the Township needs to amend the Master Plan, but other similar zonings in the Township need to be revised.

Commissioner Cahill stated he seconded Commissioner Mortensen's motion for discussion purposes, but he does not feel the Master Plan needs to be reviewed. He feels reviewing the information received this evening and making a recommendation at the next meeting would be appropriate.

Commissioner Mortensen withdrew his original motion and **moved** to postpone Agenda Item #1 until the May 24, 2004 Planning Commission meeting. **There was no support and the motion died.**

Commissioner Brown agrees with Commissioner Cahill. He does not feel the Master Plan needs to be reviewed. The Planning Commission should review what the petitioner has presented. The petitioner does not give the impression that he wants the Township to review the Master Plan.

Mr. Kalis stated that the Planner noted that the Master Plan amendment could take six months. They do not want to wait for the Township to reevaluate their Master Plan. They have come before the Planning Commission based on the current Master Plan. He reiterated that he does not object to tabling this issue until the next Planning Commission meeting.

Chairman Pobuda stated that the agenda for the next meeting is already set so it would not be possible to be acted upon then. He added that he would like to take some time to review the issues that have been addressed this evening.

Ms. Kolakowski stated the next available meeting would be April 26, 2004. Commissioner Cahill questioned if another special meeting would have to be held because of the large crowd. He feels a special meeting date should be chosen and it should be held at this location again. Ms. Kolakowski stated there are currently no items scheduled for the April 26, 2004 meeting; however, if items were tabled at the April 12<sup>th</sup> meeting, they would have to attend the April 24<sup>th</sup> meeting at this location.

**Moved** by Cahill, seconded by Olson, to postpone Agenda Item #1 until the April 26, 2004 Planning Commission meeting, which will be held at Three Fires Middle School. **The motion passed (Cahill – yes; Brown – yes; Mortensen – no; Figurski – no; Pobuda – yes; Olson – yes; Litogot – no).**

Commissioner Cahill asked if the petitioner is going to respond to the citizens' concerns. Mr. Kalis stated they would order a copy of the transcripts, review the comments, and respond.

Chairman Pobuda thanked all of the residents for coming this evening.

The meeting adjourned at 9:47 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary