

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 15, 2019
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Marianne McCreary, Jim Mortensen, Chris Grajek, Eric Rauch, Jeff Dhaenens, and Jill Rickard. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of Safebuilt Studio, and Gary Markstrom of Tetra Tech. There were over 100 audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

Chairman Brown reviewed the process for the Planning Commission meeting.

APPROVAL OF AGENDA:

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to approve the agenda as presented. **The motion carried unanimously.**

CALL TO THE PUBLIC: The call to the public was made at 6:34 pm with no response.

OLD BUSINESS:

OPEN PUBLIC HEARING #1... Review of a special use, site plan and environmental impact assessment for outdoor sales, storage and display for Lowe's. The property in question is located at 1100 S. Latson Road, Howell. The request is petitioned by Lowe's Home Centers, LLC.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment (9-24-19)\
- C. Recommendation of Site Plan. (9-24-19)

Mr. Todd Simmons, the engineer, and Mr. Ryan Hogan, District Asset Protection and Safety Manager for Lowe's, were present.

Mr. Simmons reviewed the changes that have been made since they were last before the Planning Commission. Lowe's has decided to agree to providing the access easement to the adjacent property to the east. They are requesting that it be a 40-foot wide drive. They feel that is adequate. They will also extend the water easement as requested by the Township Engineer. They will not be pursuing the addition of Area D from their request this evening.

Mr. Borden reviewed his letter dated October 8, 2019.

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1. The special land use standards of Section 19.03 are generally met, provided the use conditions of Section 7.02.02(d) are met to the Township's satisfaction.
2. The applicant must address any concerns provided by the Township Engineer and/or Fire Authority.
3. Area B is being proposed to be screened with 8-foot tall Arborvitae; however, the items being proposed to be stored in this area exceed eight feet in height. The Township has the discretion to approve what the applicant is proposing.
4. The Commission may allow a cross-access easement width of 40 feet, although the requirement is 66 feet.
5. He recommends that the cross-access easement be recorded prior to issuance of the special land use permit.

Commissioner Rauch questioned if the Arborvitae could grow to over 10 feet tall. Mr. Borden agreed that they are fast growing and in a couple of years, they could possibly be sufficient to screen the materials. Mr. Hogan stated the materials they are proposing for the area would be no more than eight feet high. They can amend the document to reflect this.

There was a discussion regarding the condition that the cross-access agreement be recorded prior to the issuance of the Special Land Use Permit. Mr. Simmons has a concern that if the other property owner does not sign it within the required 60 days, they will not be issued their permit. Commissioner Mortensen suggested delaying this item to go before the Township Board to allow more time for the cross-access agreement to be recorded. The petitioner agreed.

Mr. Markstrom stated that his items have been addressed.

The Brighton Area Fire Authority's letter dated October 7, 2019 stated their items have been addressed.

The call to the public was made at 6:59 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Special Use Permit to allow Lowe's to have outdoor storage on their site as depicted in the Site Plan dated September 24, 2019 with the exception of the parking lot coral depicted as Area D and the associated landscaping immediately to the east of this area will be removed. This recommendation is made because the Planning Commission believes Section 19.03 and Section 7.02.02(d) are met and based on the following conditions:

- The recording of the cross access agreement in the southeast corner of the property with the property immediately to the east shall be done prior to issuance of the special land use permit.
- The recording of the utility easement just north of the area known as Area B shall be done prior to issuance of the special land use permit.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated September 24, 2019 submitted by Lowe's relative to requesting a Special Use Permit for outdoor storage on their site. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Site Plan for Lowe's Outdoor Storage dated September 24, 2019, subject to the following:

- The area shown as Area D and the screening immediately to its east shall be removed from the site plan.
- The Planning Commission agrees that the 8-foot tall Arborvitae will be acceptable to screen Area B and the petitioner has agreed to not store material in excess of 8 feet high.
- The cross access easement of 40-foot wide is acceptable given it is only for one property, for which the easement is required. The easement will be recorded within 60 days of approval of the site plan by the Township Board.
- The utility easement will be extended to the existing water main easement.
- The requirements of the Township Engineer spelled out in their letter dated September 30, 2019 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated October 7, 2019 shall be met.
- Signage or direction marking on the pavement shall be provided for the pickup area adjacent to Area B.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2... Review of a rezoning application and impact assessment to rezone approximately 46.5 acres from Rural Residential (RR) to Urban Residential (UR) for parcel# 11-05-200-002. The parcel is located at 3850 Golf Club Road on the southwest corner of Golf Club Road and Latson Road. This request is petitioned by Gary R. Boss.

- A. Recommendation of Rezoning Application.
- B. Recommendation of Environmental Impact Assessment. (9-4-19)

Mr. Gary Boss, the property owner, and Steve Morgan, Mr. Boss' representative, were present.

Mr. Morgan provided a review of the proposal. He showed a colored conceptual plan for the development. He noted that the concept plan shown this evening is not a site plan and not a final proposal.

Approximately 15 years ago, Mr. Boss allowed easements through his property when water and sewer were proposed along Latson Road. The arrangement at that time was that Mr. Boss would have access to this water and sewer for development of this property. The property has

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been for sale for over two years and now Mr. Boss has a tentative contract with a developer that is conditioned upon this rezoning. He noted Mr. Boss has installed over two miles of trails and planted trees on his property and has allowed neighbors to use it.

The Urban Residential (UR) zoning that they are requesting is the least dense allowed by the Township for a property that has access to water and sewer. The zoning for the property to the south is four units per acre, and UR zoning allows for only three units per acre. Another adjacent property allows for five units per acre. Ms. VanMarter showed a map outlining how the surrounding properties were developed. Rolling Ridge, directly to the south of Mr. Boss' property was developed at 2.38 units per acre. Mr. Morgan advised that due to setback requirements, easements, open space requirements, wetlands, topography, etc. this property will probably be developed at approximately 1.68 units per acre. He added that the proposed buyer is expecting to use 25 acres of this property for their church to develop the remaining as residential.

Mr. Morgan has spoken to the Livingston County Road Commission and they are not allowing access from Mr. Boss' property onto Latson Road. He noted that the Road Commission hopes to widen Latson Road to five lanes; however, they do not currently have the funding. The Road Commission has approved access onto Golf Club and there would be a secondary access to the south onto Sugarbush Drive.

Commissioner Rickard stated that more dense residential housing, such as duplexes, apartments, etc. could be developed if it will be built only on the remaining acres. She is not comfortable with this. She would feel better if this was a conditional zoning based on a plan.

Chairman Brown stated that water and sewer could be put on a parcel that is zoned less dense than UR. Mr. Morgan agreed.

Commissioner Dhaenens is concerned with where the cars are entering and exiting the development. Commissioner Grajek noted that the plan presented this evening is just conceptual.

Commissioner Grajek stated the church can be developed on this site as it is currently zoned.

Before Mr. Borden began the review of his letter dated October 8, 2019, he noted that the zoning density is based on gross acreage and not usable land.

Mr. Borden noted that for the most part, the concerns noted in his review are related to the concept plan included with the submittal, and not necessarily the rezoning request itself. He does agree that some type of rezoning of this property would be appropriate.

1. The proposed rezoning is generally consistent with the review standards of Article 22; however, he is deferring to the Township Engineer, Utilities Director and Fire Department

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for any comments related to infrastructure compatibility or capacity and environmental impacts.

2. The request is not consistent with the Future Land Use Map; however, the applicant requests consideration of a change in conditions (availability of public utilities) to mitigate this inconsistency. The availability of water and sewer to this site was not considered when the last Master Plan update was done.
3. If the rezoning is granted, the Township should amend the Future Land Use Map accordingly during the next five-year review/update.
4. The areas around the subject site have primarily been developed as single family residential at a variety of densities.
5. The host of uses permitted in UR are compatible with the site and surrounding area.

Mr. Markstrom reviewed his letter dated September 30, 2019.

He reviewed the available water and sewer for this site and stated an impact study would need to be done to determine if what is being proposed can be serviced by the utilities that are present.

1. The concept plan shows two drives coming off Latson Road. This does not match the rezoning application which states that "any future development will require a collector road from Golf Club Road on the north and connect to the existing planned outlet to Sugarbush Drive to the south". The concept plan should be consistent with the rezoning application and impact assessment. The petitioner should provide approval from the Livingston County Road Commission for their proposed access drives. He noted that the Road Commission does not have the funds to widen Latson Road as stated by the petitioner.
2. The impact assessment does not address the predicted peak hour trips that are anticipated for the proposed development. A Traffic Impact Assessment or Statement may be necessary for final site plan approval depending on the number of peak hour trips generated by the proposed development or adjacent streets as required in Section 18.10.09 of the Genoa Township Zoning Ordinance.

Commissioner Mortensen does not believe that any development with three units per acre would be able to be developed on this property.

The Brighton Area Fire Authority's letter dated September 16, 2019 addresses their concerns regarding the site and not the concept plan

The call to the public was made at 8:10 pm.

Mr. Tom Reader of 3478 Snowden Lane has a traffic engineer in his office and he spoke to the Road Commission yesterday. Due to the apex on Latson Road, they will not allow an access road. He is concerned with the access and that it could potentially come through their subdivision.

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Mr. Steven McKenny, an attorney retained by some residents on Lane Drive, stated that if this is to be rezoned as requested, it will allow for three units per acre, or 72 units. These units could be developed as duplexes, so then that would allow for 144 units on this site. He stated that the agreement that Mr. Morgan referred to regarding the access onto Latson Road is not valid. Rezoning is not to be for the benefit of the developer, but to follow the Master Plan.

Ms. Glynis McBain of 280 Lane Drive stated that her entire neighborhood would be affected by this rezoning. She reviewed the reason for a Master Plan and how this development would be inconsistent with the Township's current plan and is inconsistent with the surrounding properties. She reviewed the aspects of the Township that would be negatively affected by the rezoning,

The pastor of the church that is in a pre-purchase agreement with Mr. Boss understands the concerns of the neighbors. His church has outgrown their existing facility and would like to continue to grow on this property. The church would be on 25 acres and do not envision clear cutting the trees from the property. They do not want to put any traffic through Rolling Ridge. They have plans that will place the road off of Golf Club, between the two wetlands onto the site. They would work with the developer of the residential property next to their church and will not allow duplexes or townhouses. The reason they want to rezone the property is because they need to have a developer that would be interested enough to assist with building the road between the two wetlands.

Mr. Morgan stated that there are a number of people from the church present who are in support of this rezoning.

Don Putkela of 3878 Sugarbush and Bruce Macey of 3366 Snowden represent the HOA. They are not against developing the property, but they want to protect their investment. They would like documentation that the access from onto Sugarbush is allowed. They believe it is a private easement for development by the association or the developer who built their subdivision. They also believe they need to provide approval for any access easements.

Mr. Morgan does not have the documentation; however, it is a public access easement. Mr. Putkela does not have any information that the HOA turned this parcel over to the County as a public road access.

Mr. Paul Rottach of 3897 Sugarbush lives near Lot 162 of the conceptual plan. He noted that the trees would be cut down and the road would be 15 feet from his house. He asked that the Planning Commission make a decision on facts.

Mr. Kurt Heirholzer of 3836 Sugarbush believes that the residents of the proposed subdivision will use Sugarbush. Their home values will go down.

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Ms. Jennifer Canfield of 3013 Stillriver Drive lives in the subdivision adjacent to Rolling Ridge. Additional traffic would impact their roads. They are private roads so they have to pay to maintain them. She is also concerned with the drainage that could negatively affect their properties.

Mr. Lance Lockhart of 3441 Woodridge Drive is a member of the church and their plan is very different than what is on the concept plan. He believes that developing their church there would bring positives to the neighborhood.

Mr. Don Farr of 170 Lane Drive expressed his opposition to the rezoning. It does not best serve the residents and the Township. He is concerned with the safety issues of the increased traffic. Their home values will be negatively impacted by this development.

Mr. Mike Siterlet of 3780 Golf Club Road stated his wife's family previously lived on this property. He believes that the Master Plan is to provide guidelines to improve the quality of life of the residents and increasing the density in this area would have a negative and not a positive impact.

Mr. Tom Lemkau of 47 Lane Drive has two acres of land. Developing this property at this density is going to negatively affect his property values. The vehicles on Golf Club drive very fast.

Mr. Paul White of 306 Newberry Lane has been a resident of Genoa Township for 50 years. He has seen the immense changes that have occurred. Progress is not going to be stopped and people are not going to stop moving here. There has to be a compromise that has to be reached.

Mr. Bruce Macey stated that if the church is developed, there will be a parking lot and parking lot lights.

Chairman Brown stated there were approximately 10 people who submitted letters and emails who were not in favor of this rezoning.

The call to the public was closed at 9:00 pm.

Mr. Morgan clarified the issue of duplexes being developed on this property. If all were duplexes there would be half as many buildings and not twice as many. Seventy-two units, whether they were single-family homes or duplex units. Mr. Borden agreed.

He stated that their environmental impact assessment does speak to traffic generated by a church. The Road Commission considers a church to be a minimum traffic generator.

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Chairman Brown asked for a show of hands of audience members who were in support of and against the rezoning. Approximately 70% were against and 30% in favor.

Commissioner Grajek stated that before he votes to approve the request to rezone, he would like to see what is being proposed by the church if they purchase the property.

Commissioner Mortensen stated that would be a conceptual plan. He believes the roads of the Township are insufficient to handle the additional traffic. What would be approved with this rezoning would be three units per acre, which is denser than the adjacent properties and not consistent with the Master Plan. He is not in favor of the rezoning.

Commissioner Dhaenens knows that we all want to see progress. All of our homes were a vacant piece of land at one time; however, skipping zoning classifications to UR does not make sense to him.

Commissioner Rickard agrees with Commissioner Grajek in that she would like to see the plan. She would not approve just a straight rezoning.

Mr. Morgan noted that any proposed development on this property would be required to receive site plan approval by the Township. The reality of the density of this zoning of three units per acre will turn out to really be approximately 1.5 units per acre. He reiterated the agreement and that at the time of the Master Plan updated, neither Mr. Boss nor Township staff provided that information to the Planning Commission.

Chairman Brown read a staff correspondence which states "This is the staff correspondence indicating that the easement agreement approved by the Township Supervisor in 2007 did as compensation provide access to the Township Utility System however it did not 'allow the subject parcel to be developed into a residential community' as suggested. This is included in your packet to clarify that there was never any indication that the easement agreement allowed the property to be developed into a residential community." Ms. VanMarter clarified that the agreement was only to allow free connection to the utility systems if and when this property was developed.

Moved by Commissioner Mortensen, seconded by Commissioner Rickart, to recommend to the Township Board denial of the rezoning application for the Boss Property at the corner of Latson and Golf Club Roads due to the following reasons:

- The requested zoning could end up with a higher density than the adjacent neighbors.
- It appears that there is inadequate highway to support such zoning.
- It is inconsistent with the Master Plan.
- Duplexes are inconsistent with the surrounding developments and the Master Plan.

The motion carried unanimously with a roll call vote.

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Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board denial of the Environmental Impact Assessment dated September 4, 2019 for the Boss Property at the corner of Latson and Golf Club Roads due to the following reasons:

- The requested zoning could end up with a higher density than the adjacent neighbors.
- It appears that there is inadequate highway to support such zoning.
- It is inconsistent with the Master Plan.
- Duplexes are inconsistent with the surrounding developments and the Master Plan.

The motion carried unanimously with a roll call vote.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there will be a meeting on November 12, 2019, which is a Tuesday due to the Veteran's Day Holiday.

She provided a review of upcoming applications.

Approval of the September 9, 2019 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Grajek, to approve the minutes of the November 9, 2019 Planning Commission Meeting as submitted. **The motion carried unanimously.**

Member Discussion

Ms. VanMarter noted that ordinance information regarding docks was provided to the Planning Commission in their packet this evening. She reviewed the information and asked the Commissioners to provide any feedback to her. There was a brief discussion regarding the information provided.

Adjournment

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to adjourn the meeting at 9:53 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary