

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 13, 2020
6:30 P.M.
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:31 p.m. Present were Marianne McCreary, Chris Grajek, Eric Rauch, Jim Mortensen, Jeff Dhaenens, and Glynis McBain. Absent was Jill Rickard. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager, and Brian Borden of Safebuilt Studio. There were six audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

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

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

OPEN PUBLIC HEARING # 1...Review of a rezoning application and impact assessment to rezone approximately 4.34 acres from Office Service District (OSD) to High Density Residential (HDR) for Parcel# 11-06-200-101. The parcel in question is located on an undeveloped 4.34 acre site on the north side of Grand River, west of Char Ann Drive. The request is petitioned by Kevin Irish.

- A. Recommendation of Rezoning Application
- B. Recommendation of Environmental Impact Assessment (8-31-2020)

Mr. Brent LaVanway from Boss Engineering was present to represent the applicant. This property is bordered on the west side by general commercial, the north by low density residential, and the east side has an existing office building that is zoned office service. Mr. Irish has owned this property for approximately 18 years and it has been for sale for almost as long. He has done market research and the property is most viable as high density residential. It has Grand River frontage and public utilities. There are two other apartment complexes in this area.

Mr. Borden reviewed his letter from September 14, 2020.

- 1. This request will need to go to the County Planning Commission for review and recommendation prior to it being sent to the Township Board.
- 2. The request is not consistent with the Township Master Plan Future Land Use classification of office; however, the Township may find that there has been a change in conditions since the Master Plan was adopted.

3. The Township is beginning the process of updating the Master Plan. If this rezoning is granted, then this change will need to be made.
4. Provided the Township finds that there has been a change in conditions since the Master Plan was adopted, high density residential zoning is generally consistent with the rezoning criteria of Section 22.04.
5. The request is anticipated to be compatible with the surrounding area.
6. The host of uses permitted in high density residential is generally compatible with existing and planned uses in the surrounding area.
7. Consideration must be given to any technical comments provided by the Township Engineer, Utilities Director and/or Fire Authority with respect to infrastructure, utilities, and services.

Ms. VanMarter reviewed Mr. Markstrom's letter September 16.

1. The high density zoning requires no more than 8 units per acre. The Petitioner is proposing 32 units on the 4.34 acre site which complies with this density requirement.
2. The parcel has access to the municipal water and sanitary sewer utilities. The utilities have capacity for the proposed development density of HDR.
3. If the rezoning is approved, the proposed apartment community will require its own site plan for review and site plan approval. At that time the proposed facilities for management of the storm water and traffic will be reviewed.
4. The petitioner has presented a plan indicating how the proposed zoning would be interpreted on the parcel. From an engineering viewpoint, he has no objections to the parcel being rezoned to HDR. Once more detailed site plans are submitted, he may have additional comments regarding the layout, road, drainage and utility plans.

Chairman Grajek asked Mr. LaVanway if he had received the letter from Rick Boisevert, the Fire Marshall, dated September 11. Mr. LaVanway stated he has received the letter and his comments are primarily site plan issues.

Commissioner Mortensen stated this appears to be a case of spot zoning.

Commissioner Rauch noted that it is not consistent with the Master Plan; however, there have been changes since the last Master Plan was adopted, specifically in the last several months on how people interact, live, and work. Eight or nine months ago, he would not have considered this, but things have changed. He questioned if this will set a precedent for other like-minded developers in the community and further, is that good or bad? He does not believe that the examples of high density residential given by Mr. LaVanway are the same as this proposal. One of those has their clubhouse on Grand River frontage and the other has a long roadway or driveway to the apartments.

Commissioner Mortensen agrees with Commissioner Rauch; however, he questioned if it is too soon. Commissioner Rauch agrees that it is premature, but will there be a time when it is too

late and then the Township will be behind? Commissioner Mortensen would like these changes to be discussed during the Master Plan review process.

Commissioner Dhaenens agrees that it could be considered spot zoning, but does understand that many people are working from home now.

Commissioner Rauch asked how long Mr. Irish has owned the property and why is this being requested now.

Mr. Kevin Irish of 4205 Faussett Road, Howell stated he has owned the property since 2000 and has tried to sell it, after it was improved, since that time. With the advent of technology people can do business anywhere. There is no demand, nor has there been for almost a decade, for office buildings. The property has been listed for less than its appraised value. People always need housing and in speaking with developers, residential is a viable option for this property. There is also no interest in this property for retail use. He noted there are many vacancy signs along Grand River in the Township.

Commissioner McBain does not feel that it is dense enough and recommends more units that are truly affordable. She would like this to be considered when updating the Master Plan.

The call to the public was made at 7:04 pm.

Mr. Michael Trepanier, the owner of Hidden Ridge Lot 4, which is on Turning Leaf Drive and north of the subject property, addressed the Planning Commission. He was planning to build a house on his property next spring. He purchased this lot last year, did his due diligence and checked the surrounding zoning. If he had known this was zoned for high density residential, he would not have purchased this property. Approving this rezoning will negatively impact the property values of the homes on this street. There are five vacant properties on this street that may not be sold and developed if the apartments are built. He reviewed sections of the ordinance regarding setbacks and what is being proposed is not within the requirements. This building is proposed to be 30 feet high and the berm is proposed to be only 4 feet high. He would like the Planning Commission to consider how this will affect the expensive homes that are on Turning Leaf Drive.

Commissioner Rauch advised Mr. Trepanier that there are many uses that are allowed in the current zoning, which are bars, restaurants, adult care facilities, financial institutions, and many more. This zoning also allowed for buildings up to three stories. Mr. Trepanier noted that many of those uses require a special land use.

Mr. Borden advised the Commission and the public that only the zoning is being discussed this evening, not the site plan. The Planning Commission cannot place conditions on a rezoning and they cannot consider any proposed site plan when making a decision.

Mr. Chris Mammoser of 2757 Turning Leaf Drive was present to represent the homeowners association. In his business, he knows that there is demand for office space. Many companies who have their headquarters in large cities are interested in building satellite offices close to where people live. He does not agree that office space is not going to be needed. He understands reviewing and changing the Master Plan, but does not agree with changing this zoning at this time.

Mr. Dan Hassett of 2955 Turning Leaf Lane is a veteran, a retired firefighter, and a volunteer for Habitat for Humanity. He asked the Planning Commission if they would like a 32-unit apartment complex 200 feet from their home. He built his home because the Master Plan assured that there would not be high density residential zoning on this property. His property value is going to go down.

Mr. Scott Runyan of 3141 Char Ann Drive asked what is the zoning to the east and the west of this property. Ms. VanMarter stated the zoning to the east is office and the west is general commercial district. He would like the Planning Commission to consider the residents of Char Ann Drive. If there are 32 apartments built on this property, there will be people walking on their road, which is private, and the residents pay to maintain. He owns a nine unit office building and eight of those units are occupied. He disagrees that there is no need for office space.

The call to the public was closed at 7:36 pm.

Move by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board denial of the Rezoning Application for the property on the north side of Grand River, west of Char Ann Drive, from OSD to HDR because the Planning Commission finds that it is inconsistent with the rezoning criteria of 22.04 of the Township Zoning Ordinance. **The motion carried unanimously.**

Move by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board denial of the Environmental Impact Assessment or the property on the north side of Grand River, west of Char Ann Drive because the Planning Commission finds it is inconsistent with the rezoning criteria of 22.04 of the Township Zoning Ordinance. **The motion carried unanimously.**

Chairman Grajek called for a five minute break.

OPEN PUBLIC HEARING # 2...Review of a site plan and environmental impact assessment for a proposed parking lot at 1183 Fendt Drive to be used in conjunction with the existing UPS Facility on the west of Fendt Drive. The request is petitioned by Hugo Ceron, SME.

- A. Recommendation of Environmental Impact Assessment (9-2-2020)
- B. Disposition of Site Plan (9-23-2020)

The applicant was not present this evening.

Ms. VanMarter provided a review of the request. UPS has been using their undeveloped lot across the street from their facility for parking. The Township has been allowing this but advised that UPS needs to pave this area and install a parking lot.

Mr. Borden reviewed his letter dated October 6, 2020.

1. He recommends the Commission require the applicant to provide and record an agreement stating that the two properties are tied together, and that a shared parking easement must be provided and recorded should either property be sold separately
2. The applicant will need to obtain a variance from the ZBA to exceed the 300-foot spacing between the nearest parking space and public building entrance (Section 14.02.03).
3. The landscape plan is deficient in parking lot landscaping. The applicant requests that the Township waive these requirements, per Section 12.02.13.
4. If signage is proposed in the future, a sign permit must be obtained from the Township prior to installation.

There was a discussion regarding the shared parking easement recommended by Mr. Borden. All Commissioners agree that since the applicant has not officially agreed to this, then this item should be tabled this evening so they can be made aware of it and advise if they are in agreement with the recommendation.

Move by Commissioner Dhaenens, seconded by Commissioner Rauch, to table the public hearing for a site plan and environmental impact assessment for a proposed parking lot at 1183 Fendt Drive to be used in conjunction with the existing UPS Facility on the west of Fendt Drive until the next Planning Commission meeting giving the applicant an opportunity to address the items in the review letters. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated that changes made to the sign ordinance will be before the Township Board for their review, with additional changes that needed to be made to the off premise signs section due to a recent court ruling.

The Township is hoping to purchase property contiguous to the Township Hall and apply for a grant. Staff is currently working on a Recreation Plan as part of this process. After that is complete, they will again work on the Master Plan revisions. She anticipates the joining meeting between the Planning Commission, ZBA, and Township Board to be held later this year or early next year.

Approval of the September 14, 2020 Planning Commission meeting minutes

Genoa Township Planning Commissioner
October 14, 2020
Approved Minutes

Needed changes were noted.

Moved by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the September 14, 2020 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

Chairman Grajek has learned that while many people will be working from home, there will be people who will be going back to work and those people will need to be distanced from each other, office spaces will be needed.

Adjournment

Moved by Commissioner Mortensen, seconded by Commissioner Rauch, to adjourn the meeting at 8:23 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary