

Sept. 26, 2005 PC Minutes Approved

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
SEPTEMBER 26, 2005
6:30 P.M.
AGENDA

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, James Mortensen, Barbara Figurski, Curt Brown and Teri Olson. Dean Tengel and Mark Snyder were absent. Also present were Kelly Kolakowski, Township Planner; Brian Borden from Langworthy, Strader, LeBlanc & Associates, Inc. and Tesha Humphriss from Tetra Tech, MPS. By the end of the work session, there were approximately 20 persons in the audience.

Items scheduled for action during the regular session of the commission were discussed.

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
SEPTEMBER 26, 2005
7:00 P.M.
AGENDA

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:10 p.m.

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

Moved by Figurski, seconded by Mortensen, 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 7:15 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1... Review of impact assessment and final site plan for a proposed 96-unit condominium development located at the northeast intersection of Chilson Road and the Chesapeake & Ohio Railroad line. Sec. 6, petitioned by Bayfield Homes of Howell, Inc. (05-26)

Planning Commission disposition of petition

- A. Recommendation regarding impact assessment.
- B. Recommendation regarding site plan.

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Mr. David Zimmerman and Mr. Paul VanDorin of Bayfield of Howell, Inc., 54255 Foss Road, Macomb, MI 48042 were present to represent the petitioner.

Mr. Zimmerman stated that a few minor changes were made.

Mr. Borden reviewed his letter dated September 20, 2005.

1. Percentage of exterior building materials must be provided meeting the standards of Section 12.01.03.
2. Building Architecture and materials must be presented to the Planning Commission for approval.
3. We recommend that sidewalk connections be provided along the west side of Maple Point Lane and the south side of Oak Terrace Way.
4. The amount of park area provided has been reduced from that shown on the preliminary plan. Many of the park areas are small and fragmented and do not provide quality areas for recreation activities.
5. Agency approvals are required prior to final site plan approval.

Mr. Van Doren commented on the following:

The brick on the exterior of the building is about 90%. The side gables and front gable will be vinyl siding. Therefore approximately 10% of the building will be vinyl. They plan to comply with all of the other items noted.

Chairman Mortensen inquired about the Southwest Gas Storage letter dated September 15, 2005. Mr. Zimmerman stated that they are beginning preparation of the Amendment to the previously recorded Agreements that will modify the easement description of their access roadway, the wellhead and associated pipeline.

Ms. Humphriss reviewed her letter dated August 25, 2005.

1. The site is currently undergoing construction plan reviews with our office for the proposed water main, sanitary sewer, and private roads. The construction plans are in conformance with the August 17 final site plan drawings. The Livingston County Drain Commissioner's Office is completing a drainage review of the construction plans.
2. The petitioner should provide finalized easement documents for the proposed utilities and road system, Exhibit B drawings should be submitted for our review and approval.

Mr. Zimmerman stated that these issues will be addressed.

The call to the public was made at 7:25 p.m. with no response.

Moved by Mortensen, seconded by Figurski to approve the review of impact assessment and final site plan for a proposed 96-unit condominium development located at the northeast intersection of Chilson Road and the Chesapeake & Ohio Railroad line. Sec. 6, petitioned by Bayfield Homes of Howell, Inc. (05-26) subject to the following:

1. Appropriate easement needs to be obtained from Gas Company prior to land use permit.
2. The petitioner should provide finalized easement documents for the proposed utilities and road system, Exhibit B drawings should be submitted for review and approval.
3. The conditions for site plan approval in February 28, 2005 Planning Commission minutes should be complied with.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2...Review of rezoning application, special use application, impact assessment and site plan for a request to rezone lots 5,6,&7 (11-13-103-005,006,007) on Genoa Business Park Drive in the Genoa One condo development. The request is to rezone from IND to OSD and for a proposed 85,000 sq. ft. medical office building, petitioned by Rand Construction Engineering. (05-27)

Planning Commission disposition of petition

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

John Eckstein, Architect, Lindhout Associates architects aia pc, 10465 Citation Drive, Brighton, MI 48116, Wayne M. Perry of Desine, Inc., 2183 Pless Drive, Brighton, MI, Dan Deter of Rand Construction Engineering 1270 Rickett Road, Brighton, MI 48116 Dianna Huckestein, Director of Group Development, Genoa Medical Development/Integrated Health Associates, 2100 Commonwealth, Suite 202 Ann Arbor, MI 48105 were present to represent the petitioner.

Mr. Eckstein went over a proposal for a 2 story medical facility which would house multiple medical tenants including Advanced Orthopedics, Brighton Internal Medicine, a Laboratory and Radiology Suite as well as other leased space.

Chairman Don Pobuda asked who the owners will be. Mr. Eckstein stated Advanced Orthopedic Associates, Integrated Health Associates, and Brighton Internal Medicine all of whom are individual, independent owners. Dan Deter stated that they formed a Limited Liability Company (LLC).

Commissioner Curt Brown asked if Mr. Deter owned the property now and Mr. Deter stated yes, he owns 90 percent.

Mr. John Eckstein presented a digital animation of the proposed site and Mr. Wayne Perry gave a site plan description.

Chairman Pobuda asked if there was enough turning space in the loading area and Mr. Perry stated yes, it is a large loading area with two truck wells. Ms. Humphriss states that it appears to be sufficient. Chairman asked if the dumpster area would be completely covered and Mr. Borden stated that it would be covered with materials that would match the building. Chairman Pobuda asked if the tenants would be storing oxygen tanks or any hazardous material in the basement or storage areas. Mr. Dan Deter stated that all material will be low hazard in the basement, mostly medical records, and there would be 100% sprinklers throughout. Chairman Pobuda inquired whether or not there would be any ambulances coming to this building on a regular basis. Mr. Deter stated no, not on a regular basis but the need may arise at some point and time.

Commissioner Brown asked why the retention slope proposed was 1:3 instead of 1:4. Mr. Perry stated to make it fit and to take care of future needs. He also stated that it is a space issue. Commissioner Brown asked if the retention slope was 1:4 how much more room would it take. Mr. Perry stated 7 ft maximum depth of pond based on grading, 1:4 would be an additional 14 feet north and 14 feet west.

Commissioner Brown asked why the parking seemed to be in excess. Mr. Perry stated that yes the parking is in excess to allow for growth. Mr. Eckstein stated that a similar Medical Center in Canton had a land lock issue and that is why we planned more parking.

Chairman Pobuda inquired about the fence surrounding the retention pond, whether it would be a black wrought iron fence, and asked if this would be a manicured area. Mr. Dan Deter stated that it will be as manicured as possible and that they would have an aluminum fence that looked like wrought iron due to the excessive cost of wrought iron.

Commissioner Figurski addressed the lighting issue stating that 32 lights seemed like a lot. Mr. Deter stated that the building hours would be from 7am-9pm and the lights would be programmed to come on at dusk and be turned off at midnight or 1:00 a.m. Commissioner Figurski asked about any proposed signed and MR. Eckstein stated that the signage has not yet been created.

Chairman Pobuda asked if there were any problems with the setback and Mr. Perry stated there were none. Chairman Pobuda then addressed the landscaping plan and asked if additional shrubbery could be planned due to the massive space and also asked whether or not they landscaping was irrigated. Mr. Perry stated that they have exceeded the ordinance and yes the landscaping is irrigated.

A call to the public was made at 8:00 p.m.

Mr. John Schniders, property owner stated that he was concerned about the retention pond itself. The drawing shows a fence going along my property lone with no barrier

between the fence and my property. The retention pond location negatively impacts the view of my property.

Commissioner Mortensen suggested to the petitioner to move the fence 5 feet to the west. M. Perry stated that we could accommodate this. Mr. Schniders asked if additional trees or evergreens could be placed in that space. Chairman Pobuda asked if he would rather have the fence right up to his property line and plant trees on the inside of the fence or have 5 ft between property line and fence and have the petitioner plant some trees in that area or grass with nothing on the other side. Mr. Schniders stated that he would prefer that the fence be moved 5 ft and then trees planted in the 5 ft barrier. Mr. Deter suggested a 2 ft berm with cobblestone/mulch and trees so this lessens the maintenance.

The call to the public was closed at 8:17 p.m.

Mr. Borden reviewed his letter dated August 26, 2005.

1. OSD is not a major deviation from the Master Plan designation of Neighborhood Commercial and is more compatible than the current IND zoning.
2. Uses permitted in OSD are compatible with adjacent land uses and zoning.
3. A traffic impact study is needed to determine the potential impacts of the rezoning.
4. There is a limited amount of property zoned OSD within the Township.
5. Rezoning is reasonable and OSD is an appropriate designation.

Mr. Borden then reviewed the Summary of Issues #1-8 in letter dated September 20, 2005.

1. The traffic impact study needs to be provided.
2. Favorable action on the special land use and site plan is dependent upon the approval of the rezoning petition for the site.
3. Planning Commission approval is required for the proposed architecture, including materials and colors.
4. The Planning Commission may substitute evergreen trees for up to 50% of the required greenbelt plantings.
5. The parking lot landscaping is short by 4 canopy trees; however, additional evergreens, ornamentals and shrubs are provided.
6. The south retention pond is short by 25 shrubs; however, 6 additional evergreen trees are provided.
7. The landscape plan and table are inconsistent in terms of the number of shrubs provided.
8. The lighting plan cannot exceed 1.0 foot-candles at a nonresidential property line.

Ms. Humphriss stated that the traffic study should be reviewed in detail and then recommendations to the board will be made. Signage needs to be provided to direct all east bound traffic for people taking a left hand turn onto Grand River.

Commissioner Mortensen wanted to note that he is a member of the Board of St. Joseph Medical Center but he has no financial interests so he is not excluding himself.

Chairman Pobuda had a concern regarding the rooftop units and what type of screening would be attached to the rooftop units. Mr. Deter stated that they will try to place the units in the center of the roof and place aluminum screening that will be attached. Chairman Pobuda stated the better screening needs to be provided. Mr. Deter asked if they would consider eifs. Chairman Pobuda stated that this would be acceptable and needed to be placed in the design and submitted.

Chairman Pobuda asked whether the gate on the dumpster was going to be substantial and Mr. Eckstein stated that yes it would be. Chairman Pobuda wanted to know if there were any plans for an outdoor PA sound system. Mr. Deter states that there will be a building alarm and a fire alarm but nothing else outside.

Chairman Pobuda stated that the issue of contention is the retention pond and asked petitioner whether or not they would consider eliminating south retention pond if we could get approval from the Condominium Association to expand existing retention pond farther south, connect a storm sewer pipe, and make the necessary piping changes. Ms. Humphriss stated that she thought this was an excellent idea to eliminate the retention pond in the front.

Commissioner Mortensen asked if we go ahead like this is not going to happen then what would be the process in order this amend it. Kelly Kolakowski stated that there would be a fee after the original fee and basically you go through the whole process again.

Moved by Mortensen, supported by Figurski to approve rezoning of lots 5,6,&7 (11-13-103-005,006,007) on Genoa Business Park Drive in the Genoa One condo development. The request is to rezone from IND to OSD. petitioned by Rand Construction Engineering. (05-27). This recommendation is made because of a finding that it is consistent with township ordinance #22.04, further this rezoning from IND to OSD is compatible with adjacent uses and a natural transition from industrial.

The motion carried unanimously.

Moved by Mortensen, supported by Olson to approve special use application (11-13-103-005,006,007) on Genoa Business Park Drive in the Genoa One condo development. for a proposed 85,000 sq. ft. medical office building, petitioned by Rand Construction Engineering. (05-27). Commissioner Mortensen would recommend to township board approval of Special Use Permit to allow for a medical center to be constructed in the Genoa Business Park subject to the following:

- 1) Approval of the rezoning to OSD by Township Board and further approval of Site Plan and Environmental Impact Assessment by Township Board.

The motion carried unanimously.

Moved by Figurski, seconded by Olson to recommend approval of the Impact Assessment for the Genoa Medical Center dated August 16, 2005 with attached PIP plan and Traffic Impact Study.

The motion carried unanimously.

Moved by Mortensen, supported by Figurski to make recommendation to the Township Board for approval of Site Plan dated September 6, 2005 subject to the following:

1. Approval by the Township Board for the Rezoning, Special Use Permit, and Environmental Impact Assessment.
2. Easements for access to the neighboring property to the east and for the retention pond to the south will be obtained, presented by township staff and reviewed by township attorney prior to issuance of a Land Use Permit.
3. Building materials and renderings presented this evening are acceptable and will become property of the township with regard to landscaping and shrubberies will be added around the two entrances of the facility which will be approved administratively by the Township Board.
4. All landscaping will be irrigated.
5. Lighting plan will be revised so the illumination does not exceed 1.0 foot-candles at the property line.
6. Lighting will turn on photo metrically at dusk and will be turned off by timer at midnight.
7. With regard to the retention ponds at the south of the site the fence will be moved 5 ft to the west and a berm plus trees and mulch will be added in the 5 feet of space. The details of which will be approved by the Township Staff.
8. An aluminum fence of wrought iron appearance will be placed south of the retention pond to the south.
9. Signage will meet the township ordinance.
10. The off-site will be added through the condo through an amendment process. The details will be reviewed by the township attorney when completed.
11. Rooftop equipment will be screened in a method of which will be approved administratively by Township Staff.
12. All of the requirements with the Township engineer as spelled out in a letter dated 9/21/2005 will be complied with subject to the following modifications:
 - Item #5 in that letter may become obsolete if the petitioner is successful in directing the water to the retention pond at the north of the site. Should this become possible the revised site plan will be reviewed with the Township Planning Commission prior to the submission to the Township Board.
 - Item #7 concerning reu's with regard to approval and payment can be made as occupancy occurs in the facility subject to the approval of the township staff and township engineer.
 - With regard to items 13 and 14 having to do with traffic the petitioner will request the township engineer to review the traffic study and formalize recommendations with regard to the signal at the Woodland Health Center.

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- The pavement marking plan will be provided through the township engineer and the township engineer will provide the Township Board with recommendations regarding traffic prior to Township Board approval.

Ayes – Mortensen, Figurski, Pobuda, Olson

Nays - Curt Brown

A short break was taken and the meeting was called back to order at 9:20 p.m.

OPEN PUBLIC HEARING #3...Review of rezoning application and impact assessment to rezone 10.01 acres from agricultural (AG) to country estates (CE). The property is located at 401 S. Kellogg Road, parcel 11-01-100-005 and is petitioned by Patrick and Claire Wasdyke. (05-28)

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application
- B. Recommendation regarding impact assessment

Mr. Wayne Perry of Desine, Inc. , 2183 Pless Drive, Brighton, MI 48114 was present to represent the petitioner.

Mr. Perry stated that the petitioner is requesting rezoning of 10 acres located on the east side of Kellogg road. He presented the drawings showing a 10 acre parcel which goes from Kellogg Road back about 900 feet and approximately 480' wide. The petitioner is requesting rezoning to country estates

Chairman Pobuda asked why the owners anticipate dividing this into two 5 acre parcels and Commissioner Brown asked why the second easement was required. Mr. Perry stated that they are still discussing this and if feasible it would be an option to divide this into 5 acre parcels. Commissioner Brown asked who would grant the easement. Mr. Perry stated that if parcel A has the right to use this drive it could be granted by the land division. Ms. Kolakowski stated that the easement creation/approval/requirements fall under the jurisdiction of the Assessing Department and the Planning Commission doesn't have any discretion on easements for rezoning. Ms. Kolakowski stated that split approval would be contingent upon upgrading that road (the width for a private road is 22 feet and the existing road is approx 16 ft wide and needs to be upgraded to 22 feet and the base would also have to be changed.

Mr. Borden reviewed his letter dated September 20, 2005.

1. The focus is on rezoning. The application as requested complies with ordinance north AG, east CE, and the properties South and west are currently zoned.

Ms. Humphriss reviewed her letter dated September 15, 2005.

The call to the public was made at 9:35 p.m. with no response.

Moved by Mortensen, supported by Brown to recommend to the Township Board approval of the rezoning from AG to CE of the property at 401 South Kellogg. The Planning Commission finds that this rezoning is consistent with the Master Plan and surrounding uses as required by section 22.04 of the township ordinance.

The motion carried unanimously

Moved by Figurski, seconded by Mortensen to recommend approval of the environmental impact assessment for the Wasdyke split, and that the second paragraph on page 3 will be stricken.

The motion carried unanimously

OPEN PUBLIC HEARING #4...Review of impact assessment and preliminary site plan for a proposed 16-unit single family site condominium development located north of Cunningham Lake Road, East of Chilson Road in Sec. 34, petitioned by Doyle Homes, Inc. (05-29)

Planning Commission disposition of petition

- A. Disposition of impact assessment
- B. Disposition of preliminary site plan

Robert R. Doyle and Jeff Doyle were present to represent Doyle Homes, Inc., 5923 Cunningham Lake Road, Howell, MI 48843, 810-229-7505.

Mr. Robert Doyle stated that I am proposing one acre in size minimum lots consistent with the current zoning and master plan both current and the one under consideration. Mr. Robert Doyle presented his plan.

Commissioner Brown stated that this was a challenging site. Chairman Pobuda inquired about the road entrance to the property asking if at the highest point out of your site what type of road distance is there. Mr. Doyle stated there is approximately 600 ft. Chairman Pobuda states his concerns regarding accidents and site distances. Mr. Robert Doyle stated that the lower parts of the road are not as dramatic, so from the highpoint you can see the entire road. The Site Distance Report from the Road Commission states you have 550 ft to the east and 725 ft to the west. Ms. Humphriss stated that this meets the requirements.

Commissioner Mortensen questioned lot #1 and #15. Is it not possible to have lot #1 access Cunningham Lake Road? Mr. Doyle stated that it would be a site distance issue. Commissioner Mortensen asked how you would get out of lot #15. Mr. Doyle stated that currently we show this strip of land as general common area, storm plan and a driveway back into lot 15 but Ms. Humphriss pointed out that this lot has no direct access to the subdivision road.

Chairman Pobuda inquired about the common areas. Mr. Doyle stated that one has a detention pond and roadway easement. If there is a 50 ft wide strip of land which is common area and makes up part of lot 15 then it would be classified as a flag lot. The retaining wall would be on lot 15 and would be approximately 6-10 ft long.

Commissioner Mortensen stated that he thinks the lot owners should own retaining wall and move lot 14 down to the Hamburg Township side of the retaining wall. Both Robert and Jeff Doyle stated that this would work fine. Mr. Borden stated that they would need to maintain 40 ft at the street front. Mr. Jeff Doyle stated that we can make that work.

Commissioner Mortensen asked about the existing outbuilding. Ms. Kolakowski stated that lot 15 accessory structures are not allowed to have outbuildings without a principle building attached to it and that is why it will need to go to the Zoning Board of Appeals.

Mr. Borden reviewed his letter dated September 20, 2005.

1. The proposed private road has a 50-foot right-of-way, which is permitted with Planning Commission approval.
2. The cul-de-sac is over 1,300 feet long, exceeding the 1,000 foot maximum length allowed.
3. Lot 1 is a flag lot and lot 15 does not have road frontage.
4. The applicant requests that the Planning Commission allow existing vegetation in place of greenbelt tree and detention pond shrub plantings.
5. Location for tree protection fencing needs to be clearly shown on the grading plan.
6. We recommend that the grading of lot 16 be kept to the minimum necessary for development.

Ms. Kolakowski stated that it is appropriate for the Planning Commission to reduce the right-of-way and that any trees we can preserve we should. Chairman Pobuda stated that some of these lots have dense woods and asked how the builder will approach building on these sites. Mr. Robert Doyle stated that each lot will be looked at individually and may involve staking out at least 2 or 3 times to preserve trees. Our process would be to save as many trees as we can.

Mr. Robert Doyle states that the detention basin is to the north, is heavily wooded and on a 4/1 slope. We will preserve trees adjacent to the storm water pond.

Commissioner Brown asked if there would be landscaping to the north or if the neighbors be staring at it from their window. Mr. Doyle stated that there are 6 evergreens proposed. Mr. Doyle stated yes they are 16 ft apart in a staggered row.

Ms. Kolakowski asked if it will be difficult to preserve trees if you get a new grade. MR. Doyle stated that with a small enough piece of equipment you should be able to do it. Mr. Doyle also stated that they will minimize the grading as much as possible on lot 16.

Ms. Humphriss reviewed her letter of September 16, 2005.

1. There are just a few clean up items.

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2. Strike the second item.
3. Proposed detention pond.
4. Clean up item.
5. Valley curbs are being proposed.
6. Clean up item.

Mr. Doyle stated that topography prohibits us from doing this. The above detention is 3:1 in existing configuration. The pond sits in an existing low area right now. The existing grade starting at back of lot 1.

Chairman Pobuda asked if it were left as is (3:1) who would go there. Mr. Doyle stated I am not sure but it is along a public road but we plan to fence detention pond and plant shrubs. A 3:1 slope was agreed upon.

Chairman Pobuda addressed item #5 and asked why valley curbs are being used. Mr. Doyle stated that we think the valley curb gives a character that is more consistent with this one acre lot as we looked at Copperleaf and surrounding areas.

Ms. Humphriss asked about the soil borings and Mr. Doyle stated that it is our intent is to get it done with the storm drain commissioner.

Ms. Humphriss requested a letter from Road Commissioner for her files.

Chairman Pobuda asked if there was water and adequate drainage. Mr. Doyle stated yes, course sand.

Ms. Humphriss stated that the Fire Commissioner did not approve the island and the island will need to be removed and paved.

Ms. Kolakowski inquired about the top soil storage area asking if this is needed and will you have to remove all the trees for that. Mr. Doyle states that the site soils are so sandy and it is unlikely that anything will grow on this. Ms. Kolakowski asked them to take a look at this and see if another location would be better.

Call to the public closed at 10:25 pm

Chairman Pobuda asked if Mr. Doyle's company owned this property now and Mr. Doyle said no we do not own this property.

Commissioner Brown asked how much grading will be done and was concerned because there are some spots where they are taking out close to 20 ft to get the road in. Mr. Doyle stated that this was necessary in order to make site distance.

Moved by Figurski, supported by Mortensen to recommend approval of environmental impact assessment dated September 7, 2005.

Moved by Mortensen, supported by Figurski to recommend to the Township Board approval of site plan for Mountain Top Estates dated September 7, 2005 subject to the following:

- 1) Limits of grading for the roadway will be shown on the final site plan and construction plans.
- 2) The Master Deed and Bylaws will restrict the removal of trees outside of the building envelopes by individual owners
- 3) Lot 15 will become a flag lot with at least 40 ft of width at the roadway. The flag lots will be designed in such a manner as to rest ownership for the retaining wall with lot #14 and #15 .
- 4) The outbuilding on lot 15 exceeds the ordinance and will require ZBA review and approval for removal.
- 5) The requirements of the township engineer as spelled out in the letter dated September 15, 2005 will be complied with except for the following:
 - the point in item 3 will be limited to the requirement that additional soil stabilization efforts should be provided where the slopes exceed 1:4.
 - #2 will be eliminated.
 - 4,5,6,7,8 stays in.
 - eliminate #9 and 10
 - leave 11 and 12
 - The requirements of the Brighton Area Fire Authority will be met in the letter provided by them to that effect which we understand involves the removal of the roadway island and replacing it with blacktop.
 - Dust control measures will be added to the site plan.

Moved by Figurski, supported by Olson to approve the minutes of September 12, 2005.
The motion carried unanimously.

The meeting adjourned at 10:49 p.m.

Submitted by: Kelli Schwab, Recording Secretary