

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
April 12, 2004
6:30 P.M.
MINUTES

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, Barbara Figurski, Curt Brown, John Cahill, Bill Litogot and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Ron Nesbitt from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra McAvoy from Tetra Tech, MPS. By the end of the work session, there were a few persons in the audience.

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

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
7:00 P.M.
MINUTES

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:05 p.m.

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

Moved by Litogot, seconded by Figurski, to approve the Agenda with the following changes:

1. Agenda Item #1 will be tabled at the petitioner's request therefore #2 will become #1, #3 will become #2, #4 will become #5, and #5 will become #4.
2. Agenda Item #3 will have the following added:
 - A. Recommendation regarding special use
3. Agenda Item #4 will have the following added:
 - A. Recommendation regarding PUD amendment.

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 7:06 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 site plan application, site plan, and environmental impact assessment for proposed 18,000 sq. ft. multi-tenant warehouse building located north of Grand River Ave., on the west side of Pless Dr., Section 13, petitioned by Genoa Industrial, LLC. (PC 04-01)

Planning Commission disposition of petition

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

Mr. James Barnwell of Desine Engineering was present to represent the petitioner.

Chairman Pobuda questioned if the building owner is different than the building owner. Mr. Barnwell stated th\at Mr. John Williams owns the land and the building on the front of the site.

Mr. Barnwell showed an aerial photograph of the area. Their original request of approximately four years ago was approved; however, nothing was completed. The current request is similar to that request. He gave a summary of the surrounding uses and noted that they were deficient in landscaping to the south; however, they would like to have that landscaping moved toward the northeast corner of the site where the building was more exposed and will provide better screening. They will use the same building materials as what was used for the previous building.

Mr. Nesbitt reviewed Mr. Purdy's letter of April 8, 2004.

The building materials and architecture need to be approved and should match the existing building. Mr. Barnwell stated this building is not very visible so he feels the proposed materials are sufficient. Chairman Pobuda noted that building materials have improved in the area since the previous approval. He questions if the proposed materials should be reviewed further. Mr. Barnwell showed colored pictures of the current building. It is aluminum sided in two different shades of gray. Commissioner Cahill feels it needs an upgrade. Commissioner Brown understands that the building will not be seen. Mr. Barnwell noted the property to the north and northwest is zoned industrial as well and is owned by the same owner. Commissioner Figurski does not feel the first building was completed properly and there is currently a lot of rubbish on the site. Commissioner Olson agrees.

Mr. Nesbitt stated the waste receptacle is located within a required side yard setback and will need approval from the Planning Commission. Mr. Barnwell stated the proposed location is due to the traffic flow, fire requirements, and the ease of a garbage truck to unload the receptacle. He feels this is the best location it. All commissioners agree.

The waste receptacle enclosure is proposed to be constructed of rough sawn cedar. Mr. Nesbitt would prefer it be constructed of something more substantial, such as masonry. Mr. Barnwell agrees and stated they will add the block to match the brick that is going to be required to be added to the building.

An additional 10 canopy trees, 11 evergreens and 38 shrubs are required. Mr. Barnwell reiterated that they meet the ordinance with regard to the quantity of landscaping; however, he feels it was important to look at the site and surrounding area and focus the landscaping where the building can be seen. There was a discussion about adding additional trees at other locations on the site and all commissioners agreed.

The Impact Assessment needs to be updated to show the impact of the building on the wetlands. The last time it was updated was in 1998.

The call to the public was made at 7:30 p.m. with no response.

Moved by Litogot, seconded by Figurski, to table Agenda Item #1 due to the following:

1. Lack of information
2. Non-good faith measures in Phase I, including dumpsters not located in proper areas, pallets in four different locations, construction waste on the site, the rear of the building is sticking out along the wetlands.
3. He is dissatisfied with the front of the current building, the signage is too large, different a/c units are located in the front of the building.
4. He is dissatisfied with Phase I and would not vote for approval of Phase II.

Mr. Barnwell noted that Phase I was developed by a different developer. They would request a tabling to clean up the site and review the concerns noted this evening. They are capable and able to address the issues.

The motion carried unanimously.

OPEN PUBLIC HEARING #2...Rezoning application, and environmental impact assessment to rezone 10 acres located at 2388 East Coon Lake Road, Section 30, from CE (country estates) to RR (rural residential), petitioned by Gary Hagler. (PC 04-03)

Planning Commission disposition of petition

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

Mr. Gary Hagler and his daughter, Rachel, of 2388 East Coon Lake Road were present. Mr. Hagler stated he has 10 acres and would like to split the land to allow a home to be built in the back for his daughter. If he divides the land into two five-acre parcels, he would lose his pole barn as well as his septic field as it is located on the back five acres. He is proposing one eight-acre parcel and one two-acre parcel. The majority of his property is unbuildable as it is under water.

Rachel Hagler stated there are three-acre parcels to the east of their property and the future land use shows all of the property to the north to be rural residential.

Mr. Hagler stated his daughter and her children currently live with him so there would not be any increase in traffic.

Mr. Nesbitt reviewed Mr. Purdy's letter of March 29, 2004. He noted that the petitioner is requesting to split the parcel to build one house and there is a possibility of obtaining a split without needing to rezone the entire parcel.

Commissioner Brown questioned how some of the lots in the area are less than five acres. It was noted that these lots were grandfathered because they were there before the ordinance was instituted.

Commissioner Litogot questioned why the Master Plan is for country estates, when most of the sites in this area are smaller than 5 acres. Mr. Nesbitt noted that the larger parcels in the area were zoned for country estates. This led to a discussion regarding the surrounding zoning and future land use map and Master Plan.

Chairman Pobuda questioned if this petitioner could request a PUD. Ms. Kolakowski advised that a PUD needs to be a minimum of 20 acres without water and sewer.

Mr. Nesbitt reiterated his comment about the possibility of splitting the property into two parcels since it is zoned for five acres.

Commissioner Litogot has walked the property and feels the petitioner has a hardship. He noted the Planning Commission has done this before when farmers wanted to give a part of their property to family members.

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

Mr. Gordon Sellers of 2560 East Coon Lake lives on the south side of Mr. Hagler. He has 40 acres and is not going to split his property. He feels this is a reasonable request by the petitioner and would like the Planning Commission to grant the request.

Mr. Joe Gail of 2330 East Coon Lake Road, who lives down the private road from Mr. Hagler, does not see a problem if this is split to building one home, but he would not want five two-acre parcels. The road could not handle that traffic.

Mr. Derek Villente owns five acres directly south of the petitioner's property. He does not have a problem with the split, but asks if the split could be allowed

without rezoning the parcel so future owners cannot put five two-acre parcels on this site.

The call to the public was closed at 8:03 p.m.

Ms. Kolakowski questioned if there is a legal mechanism to allow an easement so the septic and pole barn could be located on the daughter's property. Commissioner Cahill noted this could also be a problem because there could be different owners in the future. Mr. Hagler reiterated that there is no other place on his property to build a home. Commissioner Cahill is not convinced that what they want could not be accomplished by a split, but he would not want to rezone the property inconsistent with the Master Plan.

Commissioner Brown wants to accommodate the petitioner, but noted that the issue of future landowners is a concern. He would like to have proof that there is no other buildable areas on this site.

Ms. Hagley stated her father has invested his money in this property and she would not want to take five acres from him.

Moved by Brown, seconded by Figurski, to recommend denial of Agenda Item #2 for the following reasons:

1. 1. The requested RR district is inconsistent with the future land use map of the Township Master Plan.
2. 2. The requested RR district is inconsistent with much of the adjacent zoning in terms of allowable density.
3. 3. The petitioner's purposes could be accomplished by a split of the property instead of the more extreme option of rezoning.

The motion carried (Cahill – yes; Brown – yes; Figurski – yes; Pobuda – yes; Olson – yes; Litogot – no).

OPEN PUBLIC HEARING #3...Review of sketch plan application, environmental impact assessment, and sketch plan for proposed outdoor display area in front of existing Garden Center located at Lowe's, 100 S. Latson Rd., Section 5, petitioned by Lowe's Home Centers, Inc. (PC 04-04)

Planning Commission disposition of petition

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

Mr. Raymont Gordon, the manager of the Lowe's Store, was present to represent the applicant.

He would like to provide an attractive storefront and entry to the store. This will help the looks of the store and the general area of the site as well as be convenient for customers. He is requesting a time limit of April 15th through

August 15th, which is the peak selling season. They will not have Christmas items out front. He was new to this store last year and was not aware of the limitations and since he received notification from the Township last May, they have had no outside displays. He noted that the berm on Latson Road could help to screen this storage from the adjoining residential property across the road. He feels his store is a clean and friendly environment and would like to continue this outside for the growing season.

Chairman Pobuda asked Mr. Gordon if corporate approval is needed for this. Mr. Gordon stated he has flexibility and his district manager has asked him to do this. Chairman Pobuda stated this would need to be changed in the PUD and usually Bo Gunlock, who is the developer of this site, gives his approval to the Township of these types of issues. He also noted there have been problems with neighbors on this same site with regard to this same issue of outside storage.

Ms. Kolakowski noted that RG Properties, the developer, was notified and she discussed the proposal with them and they do not have any concerns.

Commissioner Litogot thanked the petitioner for coming to the Township to ask for approval instead of just doing it.

Mr. Nesbitt reviewed Mr. Purdy's letter of March 29, 2004.

The proposed use does not meet the screening standards of Section 12.2526. Mr. Gordon stated they do not want this to be screened. They want customers to see it. Commissioner Litogot noted that since it is only one rack high, it would not need to be screened. Commissioner Cahill feels this is setting a precedent. The flowers would be nice to have; however, he is concerned about other types of displays. Mr. Nesbitt agrees. It could open the door for outdoor storage elsewhere on the site and in the Township; however, each request is reviewed on its own merit. The conditions of approval would need to be specific.

Commissioner Litogot questioned the signs on the gates as shown in Photo B. Mr. Gordon noted they are not necessarily needed. He will work with whatever guidelines the Planning Commission sets forth.

Ms. Huntley had no comments.

The call to the public was made at 8:32 p.m.

Moved by Brown, seconded by Figurski, to recommend to the Township Board approval of a temporary Special Land Use for commercial outdoor display and sales in front of the existing Lowe's garden center from April 15th through August 15th of each year with the following conditions:

1. The area will be used for seven display tables 18' long x 7' wide and one stationary rack 18' long by 4' wide to display only live nursery goods, such as flowers, trees, shrubs, and vegetable plants.
2. No garden equipment, tools, pallets, carts or fertilizer will be displayed or sold in the area.
3. The tables will be made of block, retaining wall, and pressure treated lumber. They will be less than 4' in height and will remain in place for the duration of approval.
4. No roll carts or pallets will be used for displays.
5. No signage will be allowed other than signs identifying price and plant type, which shall be a maximum of four feet high.

Commissioner Cahill noted that in light of the history of the problems the Township has had, he suggests approving the Special Use on a yearly basis to see how the petitioner complies.

Commissioner Brown agreed to amend his motion to allow the Special Land Use for the period April 15, **2004** through August 15, **2004**.

Ms. Figurski seconded the amendment and **the motion carried unanimously**.

Moved by Litogot, seconded by Figurski, to recommend to the Township Board approval of the Impact Assessment with a received date of March 17, 2004 to allow outdoor display and sales in front of the existing Lowe's garden center. **The motion carried unanimously**.

Moved by Brown, seconded by Figurski, to approve the sketch plan with a received date of March 17, 2004 for commercial outdoor display and sales in front of the existing Lowe's garden center with the following conditions:

1. The petitioner will meet all of the requirements outlined in the motion for Special Land Use approval.

The motion carried unanimously.

OPEN PUBLIC HEARING #4...Review of site plan application, site plan, and environmental impact assessment for proposed 3,024 sq. ft. Krispy Kreme Restaurant on Grand River Ave., east of Lawson Dr., within the Genoa Square PUD, Section 9, petitioned by Krispy Kreme Doughnut Corporation. (PC 04-05)
Planning Commission disposition of petition

- A. Recommendation regarding PUD Amendment.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Mr. Harvey Weiss of Weiss Properties, Owen Slagle of Form Architectural, and Mike LaRue of Krispy Kreme Doughnut Corporation were present to represent the petitioner.

Mr. Weiss gave a summary of the existing PUD. He noted that the realignment of the I-96 exit and the addition of the traffic light at Lawson Drive have helped to control traffic in this area. They have had many businesses approach them about the outlots and they have been very selective as to who they work with. He noted that this proposal requires a drive-up window; however, this is not a fast-food restaurant. It is a coffee / doughnut shop. They do not have the traffic and high-peak hour uses that is usually related with a fast-food restaurant with a drive-thru.

Chairman Pobuda stated that at the beginning of this process, certain uses were discussed and this appears to be a deviation from what was discussed. The Township was expecting high-end restaurants and retail stores, etc. This corner is the "window" to the Township.

Mr. Weiss feels this is in keeping with those discussions. Coffee shops are a nice addition to a community. The building materials and architecture are very high end.

Mr. LaRue gave a brief overview of their business operations, such as percentage of drive thru uses, peak hours, etc. They are proposing a state-of-the-art building. Their restaurant is a one-of-a-kind operation. He also noted they get involved with the communities where they are located.

Mr. Owen Slagle showed colored renderings of the elevations. They are proposing an all-brick building in medium red with white EFIS / cornice along the top. The interior fixtures are also high end. They have received the letters from the consultants and will add the required lighting along Grand River.

Commissioner Cahill asked where the doughnuts are made. Mr. LaRue stated the donuts are made on site. This building will only be for retail business. They will not run routes from it. He noted their peak hours are from 5:30 a.m. until 10:00 a.m., which is when they receive 60% of their daily business. They then have peak times between 3:00 p.m. and 4:00 p.m. and then between 7:00 p.m. and 8:00 p.m.

Mr. Nesbitt reviewed Mr. Purdy's letter of April 8, 2004.

The PUD Agreement does not permit drive-thru restaurants. Mr. Weiss stated it is a convenience factor for the customers. He emphasized it is not a fast food restaurant. It is a coffee and doughnut shop. He would compare it to a drive-thru pharmacy. He noted that he has drafted new PUD language that states if the menu changes or this tenant leaves, the drive-thru will cease to exist.

Commissioner Brown feels it is fast food; however, noted that the peak traffic times could be considered. He feels the building is very nice and would recommend amending the PUD.

Commissioner Figurski is not for this proposal.

Commissioner Cahill is concerned about the appearance to Grand River as well as the adjacent property to the east. He questioned how the cars can be shielded from Grand River. Mr. LaRue is in favor of landscape buffers to block the view of the cars from Grand River.

Chairman Pobuda feels the principles of the PUD are being changed; however, he would recommend approval.

Mr. Weiss feels adding this restaurant will help to bring other uses to this site.

Commissioner Litogot suggested tabling this item so all of the new plans can be submitted and reviewed. He noted that the commissioners and the consultants do not have current plans and the PUD amended language was just received this evening. He would like the Township Attorney to review Exhibit C, the amendment to the PUD.

Moved by Litogot, seconded by Figurski, to table Agenda Item #4 until the Township Planner can look at the new plans. **The motion failed (Cahill – no; Brown – no; Figurski – yes; Pobuda – no; Olson – no; Litogot – yes).**

Mr. Nesbitt noted that due to the location of the loading dock, the delivery time could conflict with the peak store hours. Mr. LaRue stated this is a proprietorship so he can dictate the delivery times.

Mr. Nesbitt agrees with the proposed building materials; however, samples of building materials need to be presented by the Petitioner. Commissioner Cahill reiterated that building samples are required. He does not want to table this item at this point. He would like to review the consultants' letters, but feels it will be tabled at the end of the meeting. Chairman Pobuda agrees.

The petitioner advised they will comply with the planners requests for the hedgerow to be three-feet high, the lighting needs to be revised to meet the ordinance, and the ornamental lighting fixtures need to be installed along Grand River.

Ms. Tesha Humphriss reviewed her letter of April 6, 2004.

The traffic circulation pattern at the entrance should be re-evaluated for ease of circulation. It may be helpful to create a one-way pattern. Mr. Slagle stated they use this entrance for all of their stores and have not had problems. They will add pavement markings or directional signs.

The petitioner will comply with all of Ms. Humphriss' concerns regarding the utilities.

The call to the public was made at 9:26 p.m. with no response.

It was noted that there were concerns from the Howell Area Fire Department outlined in their letter dated April 2, 2004. The petitioner advised he will comply with all of their requests.

Commissioner Cahill advised the petitioner that he will be looking very closely at the landscaping, architectural design, etc. to protect the view of the drive-thru.

Moved by Cahill, seconded by Figurski, to table Agenda Item #1 so full documentation can be provided to the consultants and commissioners. **The motion carried (Cahill – yes; Brown - yes; Figurski – yes; Pobuda – yes; Olson – yes; Litogot – no).**

Moved by Figurski, seconded by Litogot, to approve the minutes of March 22, 2004 and March 24, 2004 as presented. **The motion carried unanimously.**

Member Discussion

Ms. Kolakowski advised the April 26, 2004 Planning Commission meeting regarding Faulkwood Shores will be held at Three Fires Middle School.

Commissioner Cahill advised that he has been promoted so, unfortunately, he is very busy and will be forced to resign the Planning Commission. He is not sure when his last meeting will be.

Commissioner Litogot advised he will be moving in mid-June so he will be resigning his position as well.

The meeting adjourned at 10:06 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary