

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
March 22, 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, James Mortensen, Curt Brown, John Cahill, Bill Litogot and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Jeff Purdy 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 and #3 will become #2.

**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 2,949 sq. ft. Bank One, fronting

the north side of Grand River Ave., west of Grand Oaks Drive, Sec. 5 petitioned by Alan Okon, Nudell Architects. (PC 03-24)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding impact assessment.
  - B. Disposition of site plan.

Mr. Alan Okon from Nudell Architects was present to represent the petitioner. Their previous plan met all of the Township's ordinances; however, the Planning Commission felt strongly about the site layout and traffic flow. The Township Board asked the petitioner to redesign the plan to provide better traffic flow, but did not meet all of the ordinances.

They presented this to the Township Staff last month and they recommended this site layout; however, they need a recommendation from the Planning Commission. He stated the drive thru lanes are on the right side of the site to eliminate the stacking problem, which will require a variance.

He showed colored renderings and building material samples. They are the same as what was previously submitted.

Mr. Purdy reviewed his letter of March 4, 2004.

The petitioner is requesting the rear yard setback be reduced from 50 feet to 33 feet. The Planning Commission has discretion to reduce this to not less than 25 feet. The petitioner is proposing a partial brick screening wall and a two-tier retaining wall behind the drive thru lanes. They are also proposing a wrought iron fence along the remainder of the back property line. Mr. Purdy suggested a landscape easement be obtained from the residents to the rear to allow more landscaping to be planted on the other side of the wall. After a discussion, all commissioners agreed to allow the 33 feet setback. Mr. Purdy reiterated that if the adjoining residents agree to the plantings, the petitioner should add them. Commissioner Mortensen does not feel an easement is needed; however, if the property owner would want the plantings, then the applicant could proceed with that based on what the ordinance would be. All commissioners, Mr. Purdy, and the applicant agreed.

The applicant is requesting the building side yard setback be reduced from 10 feet to 5 feet as well as the parking setback be reduced to 2 feet. A variance from the ZBA would be required. Commissioner Mortensen noted that the Board would also like a favorable recommendation from the Planning Commission regarding this, as well as a variance from the ZBA.

Commissioner Litogot questioned how far the canopy extends into the ATM lane. He wants to ensure that it does not cover the entire lane. Mr. Okon showed on the plans that it does not cover the entire line.

Mr. Purdy suggests two additional evergreen trees be added directly behind the building where the wall ends and the fence begins. The petitioner will comply with this request.

Mr. Purdy stated that since the Planning Commission is recommending the variance for the east side yard, the landscaping buffer would have to be moved as well and the Planning Commission will need to approve this. He suggested some additional evergreen trees be planted on the northeast corner of the site for screening. Mr. Okon feels this could cause a security issue. He stated that if the green is required, then they would like to put another wire fence on their side of the property to help with security. Commissioner Mortensen does not agree these plantings are necessary. He would like additional plantings on the east side of the drive thru lanes. Commissioner Cahill agrees with Mr. Purdy that the plantings are needed in the northeast corner of the site to protect the residents from headlights. After a discussion, it was agreed that two evergreen trees will be planted toward the northeast corner of the site as well as two canopy trees on the east side of the site next to the drive thru lanes. It was noted that these plantings will also require landscape easements.

A copy of the shared access agreement needs to be provided. The petitioner will provide this agreement.

Mr. Purdy stated that the light intensity on the east property line exceeds one foot-candle and needs to be modified to meet ordinance requirements. Mr. Okon stated this is on the northeast corner of the canopy and if this is eliminated, he again has a security issue. He feels that if the plantings that were discussed previously are added, then it will help to block this lighting. Commissioner Figurski feels 2.7 foot candle is still too high. It was noted that this light is under the canopy and the photometric measurement to the north is only .7 foot candle.

Commissioner Cahill suggested more landscaping be added to the northeast corner of the site. The petitioner will add one additional tree.

Ms. McAvoy advised that the petitioner has addressed all of their previous comments.

Commissioner Cahill questioned how drivers turning into the site might be confused and would tend to turn toward the left to access the drive thru. Ms. McAvoy noted there is a "Do Not Enter" sign posted on the left driveway. Mr. Okon advised that Bank One does not want any confusion for their customers so they mark their sites well. Commissioner Mortensen suggested a right turn marking on the pavement of the entrance drive. All commissioners, engineer, and Mr. Okon agree.

The call to the public was made at 7:49 p.m.

**Moved** by Figurski, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment dated February 20, 2004 for a 2,949 sq. ft. Bank One, fronting the north side of Grand River Ave., west of Grand Oaks Drive, Sec. 5 petitioned by Alan Okon, Nudell Architects with the following conditions:

1. Item B shall have the number of employees listed.
2. Item D shall provide dust control measures to be utilized during construction.

**The motion carried unanimously.**

**Moved** by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Site Plan dated February 20, 2004 for a 2,949 sq. ft. Bank One, fronting the north side of Grand River Ave., west of Grand Oaks Drive, Sec. 5 petitioned by Alan Okon, Nudell Architects with the following conditions:

1. The building materials shown are acceptable and will become the property of the Township.
2. The 33 foot rear yard setback is acceptable; however, the petitioner will offer to the residents north of the wall to put in landscaping up to, but not in excess of, the Township Buffer Zone B Ordinance.
3. The Planning Commission suggests that the ZBA give favorable consideration to the side yard setback down to five feet and the parking setback down to two feet on the east side.
4. The canopy over the ATM drive lane will be as shown on Plan A200
5. Two additional evergreen trees will be added where the retaining will ends and the fence begins.
6. The petitioner will obtain from the seller of the property an easement to install three evergreen trees and two canopy trees along the east property line and a fence will be added in the vicinity of the ATM machine lane.
7. The three evergreen trees referred to will be in the vicinity of the northeast corner of the property to protect the residents from car headlights.
8. A copy of the shared access agreement will be provided.
9. The engineer requirements noted in their letter dated March 15, 2004 will be complied with and the maintenance plan for the detention system referenced in Item #6 will be filed with the Township.
10. A right turn arrow will be placed on the pavement on the eastern entrance to the site.
11. The requirements of the Howell Area Fire Department's letter dated February 24, 2004 shall be complied with.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...**Review of final PUD site plan, environmental impact assessment, and PUD agreement for proposed 96 unit condominium development, (Genoa Woods, a.k.a. Chemung Condominium Community &

Chemung Highlands), located on the south side of Grand River Ave., west of Grey Road, petitioned by B/K/G Development. (PC 03-32)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding PUD agreement.
  - B. Recommendation regarding impact assessment.
  - C. Recommendation regarding site plan.

Messrs. Chris Burton of Burton Katzman and Mr. Mike Polmear of Giffels-Webster Engineers were present to represent the petitioner.

Mr. Burton stated they have reviewed the consultants' letters and agree with most of their comments.

Mr. Purdy reviewed his letter of March 10, 2004.

The conservation easement must be extended to include all upland areas from the east wetland boundary to the north, south and east property lines. The petitioner will comply.

The buffer adjacent to I-96 requires an additional 27 evergreen trees. Mr. Polmear stated they do not agree with this. At the previous meetings, they believed they were agreeing to one additional tree planted in addition to every one that is required, which is 1 per 30 feet, so they would be planting 2 every 30 feet. The planner's comments calculate the 3 trees per 30 feet. They are proposing one canopy and two evergreen trees every 30 feet, plus they are planting four shrubs every 30 feet. Their total for this buffer is 66 evergreens, 13 canopy trees, and 133 shrubs. Mr. Burton noted that the MDOT ROW is also between their property line and the expressway. They feel what they have suggested is sufficient and do not want to overplant the area,

Chairman Pobuda asked the commissioners for their feedback. All commissioners feel the proposed landscaping is sufficient. Commissioner Litogot would like this area to be irrigated and the petitioner will comply.

Mr. Purdy stated that conservation easement language and protection requirements need to be clearly stated in the Master Deed. The petitioner will comply.

Ms. McAvoy reviewed her letter of March 13, 2004.

The benchmarks shown on the cover sheet should be labeled on the survey. The petitioner will comply.

The grading for Basin 2 and Building 5 extend beyond the 10-foot limit. Also, the grading near the entrance drive and the rear of the lot to the west entrance will encroach upon the wetland boundary. Mr. Polmear stated there is a wetland "ditch" in Basin #2 and they need to get across that to help with their stormwater

management. They have made an application to the DEQ. Ms. McAvoy feels this is acceptable; however, it needs to be noted in the motion if the item is approved. Mr. Polmear also noted that the grading near Building #5 was necessary to install the water stub that was requested by the Planning Commission.

The 66-foot wide roadway easement conversion to a 50-foot wide roadway easement seems awkward and it would be easier to dedicate the entire 66-foot as a road easement through the site due to the additional water main easement required. The petitioner will comply.

Easements for all public utilities should be shown on the final site plan and the additional width of the water main easement and sanitary easement should be identified. The petitioner will obtain these easements.

A thorough traffic impact assessment was required at preliminary site plan review and approval and should be provided for the proposed site. Mr. Polmear noted that their analysis shows that the service levels are acceptable. Ms. McAvoy stated they would like a traffic impact assessment to verify the findings presented. Mr. Burton noted they provided what was requested at preliminary site plan approval. Commissioner Mortensen noted that the Township needs the background information that was used to determine what was presented.

The runoff from only half of the buildings along the easterly boundary and the westerly boundary is being diverted to detention basins. It may be possible to pipe the roof drains for these buildings or provide a swale to convey the runoff to the detention basins. The petitioner stated they are having a problem with the roof drainage for the buildings on the west side because they are all walkout units. They feel the landscape buffer will help to filter this runoff before it reaches the wetlands. They noted that the LCDC did not comment on this when they reviewed the plans. Chairman Pobuda does not feel this is sufficient. The drainage has to be led further away from the building to avoid erosion. Commissioner Mortensen feels the Engineer needs to make the decision regarding this issue. Ms. McAvoy advised she was complying with the Drain Commission; however, if they did not address it, then she would not make the decision. Mr. Polmear suggested they extend the drains further to help with the erosion from heavy rain fall.

Genoa Standards state that proposed lawn grades should be a minimum 1:4 slope. Some areas exceed this standard; west of Basin 1, the three berms along the south property line, and the contours on the west side property line are also above slope. They are 1:3. Mr. Polmear requested the Planning Commission allow this slope to avoid further grading. Ms. McAvoy noted this is an important issue during construction. They do not want runoff onto the neighboring property; however, if additional erosion control measures are taken, such as a

mulch blanket, she would be comfortable with allowing the 1:3 slope. All commissioners and the petitioner agreed.

Ms. McAvoy suggests the petitioner provide a double silt fence with straw bales for additional protection along the wetlands. Mr. Polmear stated they will comply with this request in the critical areas (where the slope is greater than 1:4 and where they are as close as 10 feet to the wetlands).

Commissioner Cahill stated he was not at the last meeting and is questioning why there are no sidewalks proposed throughout the site. Mr. Polmear reviewed the discussion that was had at the last meeting where it was decided that instead of adding five-foot sidewalks, an asphalt path would be built through the middle of the site. Mr. Burton noted they have extended the sidewalk along Grand River toward the westerly property line. Commissioner Cahill feels this is a safety issue, especially since there are narrow streets proposed.

Commissioner Mortensen feels it is late to be discussing this issue. This evening is for final site plan approval. It was approved without sidewalks during preliminary site plan review so there is nothing that can be done at this point.

Commissioner Cahill questioned the fire department's letter regarding on-street parking. Mr. Polmear stated they have increased the width of the road to 26 feet to allow for parking on one side of the road. This enhances Commissioner Cahill's concerns regarding the issue of no sidewalks.

The call to the public was made at 8:57 p.m. with no response.

Commissioner Mortensen stated he would like to see 50 percent brick on all four sides of the buildings. Mr. Purdy feels this is more of an issue with the sides on the corner units. He would suggest the fronts be predominantly brick and then more brick be on the sides of the units that are exposed to the road, such as #1, #17, #16, #20, #21, #22, and #6. Mr. Polmear stated they have already submitted architectural plans and they were approved. Commissioner Mortensen stated Township Staff could find no record of this documentation. Mr. Burton agrees that the buildings that Mr. Purdy mentioned could be modified to include brick on the sides.

**Moved** by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the PUD Agreement dated March 2, 2004 for a 96-unit condominium development, (Genoa Woods, a.k.a. Chemung Condominium Community & Chemung Highlands), located on the south side of Grand River Ave., west of Grey Road, petitioned by B/K/G Development with the following conditions:

1. The petitioner shall be required to install a five-foot wide concrete sidewalk along Grand River.

2. Review and approval by the Township Attorney, which shall include a review to ensure consistency with the requirements made by motion this evening regarding the Site Plan.

**The motion carried unanimously.**

**Moved** by Figurski, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment dated March 2, 2004 for a 96-unit condominium development, (Genoa Woods, a.k.a. Chemung Condominium Community & Chemung Highlands), located on the south side of Grand River Ave., west of Grey Road, petitioned by B/K/G Development. **The motion carried unanimously.**

**Moved** by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Site Plan dated March 2, 2004 for a 96-unit condominium development, (Genoa Woods, a.k.a. Chemung Condominium Community & Chemung Highlands), located on the south side of Grand River Ave., west of Grey Road, petitioned by B/K/G Development with the following conditions:

1. The conservation easement must be extended to include all upland areas from the east wetland boundary to the north, south, and east property lines.
2. The landscaping installed on the I-96 buffer will include irrigation and the trees will be 8 to 10 feet tall Evergreens.
3. The conservation easement language shown as Item #11 on Page 4 of the LSL letter dated March 10, 2004 will be added to the Master Deed.
4. The Master Deed will be corrected to eliminate inconsistencies with this evening's motion and shall be reviewed by the Township Attorney.
5. The shared access agreements for the properties adjacent to the entry to the site off of Grand River will be provided to the Township.
6. The end units (Buildings #1, #16, #17, #20, #21, #22, and #6) will have 50 percent brick on the sides.
7. The open issues from the Fire Marshall shall be resolved.
8. The requirements in the Township Engineer's letter dated March 16, 2004 will be met, subject to the following modifications:
  - a. The grading referred to in Items 2 and 3 in the General Category will be as shown on the site plan.
  - b. Item 5 in the General Category will be revised to indicate that a 66-foot easement (33 feet from the center of the road on each side) will be throughout the site.
  - c. With regard to the Traffic Section, the petitioner will comply with Item 1 in the letter by providing back-up data supporting the traffic study results provided to the Township.
  - d. Item 3 in the Traffic Section regarding the 210 foot horizontal curve is acceptable.
  - e. With regard to Item 1 in the Drainage and Grading Section, the petitioner will work with the Township Engineering to satisfy concerns about the wetland area.

- f. Regarding Item #6 in Drainage and Grading, the 1:3 slope is acceptable, however, a mulch blanket will be provided.
- 9. The amount of the contribution from the developer for a park system on the site will be negotiated with Township Staff prior to submission to the Township Board.

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

Commissioner Cahill feels very strongly about the sidewalks from a safety and aesthetic aspect; however, he does feel it will be a lovely development. He also knows that it can not be changed at this time.

**Moved** by Figurski, seconded by Olsen to approve the minutes of March 3, 2004.  
**The motion carried unanimously.**

**Member Discussion**

Mr. Purdy advised that there will be a joint meeting this month on March 29, 2004 to discuss zoning ordinances and their recommended changes.

Mr. Purdy will not be able to attend this Wednesday's special meeting regarding Faulkwood Shores; however, Mr. Paul LeBlanc, the president of the company, will attend.

Ms. Kolakowski stated there will be microphones for each of the Commissioners, consultants, and the petitioner as well as a podium with a microphone for the public. They have set an end time for the meeting of 11:00 p.m. There was a discussion of how the meeting will be conducted. Chairman Pobuda advised it will be run very similar to a regular public hearing.

Commissioner Mortensen will not attend the April 12, 2004 Planning Commission meeting.

Commissioner Mortensen feels that Staff should cross reference that the conditions of motions set forth by the Planning Commission are adhered to before the application is submitted to the Township Board. He also suggested notations be made on the new plans showing what changes were made and that the conditions have been met.

Commissioner Olson questioned the tires behind Firestone. They are still there. Ms. Kolakowski stated that per Adam, this business is grandfathered in and until he approaches the Township for a Site Plan change, they cannot force him to remove them. Commissioner Mortensen asked Ms. Kolakowski to confirm this information with the Township Supervisor and Township Manager. Commissioner Figurski feels this is a mosquito / West Nile Virus issue now.

The meeting adjourned at 10:10 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary