

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
March 10, 2003  
6:30 P.M.  
**MINUTES**

The work session of the Planning Commission was called to order by Vice-Chairman John Cahill at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Barbara Figurski, James Mortensen, Ken Burchfield, John Cahill, Curt Brown, and Bill Litogot. Also present was Kelly Kolakowski, Township Planner, Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc., and Don Lund 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 Vice-Chairman John Cahill at 7:07 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  
**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 7:08 p.m. Vice-Chairman Cahill 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 4.680 sq. ft. office building located in Sec. 13, on the southwest side of Grand River Ave., between Bendix Rd. and Hacker Rd., petitioned by Donald J. McCluskey. (PC 03-02)

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

James Barnwell and Eric Rauch from Desine, Inc. were present to represent the petitioner.

Vice-Chairman Cahill advised that this item was tabled last month so the designer could look into other options for the site as well as allowing the commissioners time to visit the area.

Mr. Barnwell stated they have reviewed previous plans for this site over the years and feel it would be best to propose the same plan as before and gaining some feedback from the commissioners.

Mr. Rauch stated they visited the issue of raising the retaining wall and it would need to be raised to 20 feet, not including a five-foot screening fence. This size wall and fence would cause a lot of safety concerns. He added that the limits to disruption to the soil for adding this size wall would be only 20 feet less than what was originally proposed. He added that the lighting from Waldecker would not shine into Lot #9 and Lot #10 because the proposed building would be blocking it.

Vice-Chairman Cahill asked about the option of moving the building forward. Mr. Barnwell stated it will only save two or three trees and allow for only 14 feet less of grading onto Lot #9. The detention pond would then be put into the right of way and he does not feel it benefits the site enough to move the front setback to zero. He added that the building would be more or the same barrier from the lights and traffic than the retaining wall.

Mr. Purdy would like the petitioner to explore moving the building up 14 feet as well as making the retaining wall a step style. Mr. Rauch stated moving the building forward will not move the parking. He advised that if the wall is higher, then there would need to be soil testing, which would cause the disruption to be further than what is being proposed.

Commissioner Figurski suggested making the building smaller. Mr. Barnwell stated they have already reduced the size of the building and it would not be feasible to make it any smaller.

Mr. Purdy stated he would prefer to see a higher stepped retaining wall with a fence to provide screening and less grading into the residential area.

The call to the public was made at 7:42 p.m.

Mr. Tim Orwin of Lot #10 stated the lights from Waldecker are all along the road and not just at the area where they would be blocked by the building. He feels the wall could be terraced and landscaped.

Ms. Patrice Morris of 2831 Stanwood apologized to the Commission for the residents being so emotional at the last meeting. She feels that the hill currently protects the area from the lights and traffic of Grand River. Mr. McCluskey was a good neighbor when he built the other building. He put larger trees and even asked her where specifically she would like them. However, those trees have died and he has not replaced them. He is gone from the area. She suggested having a two-story building, which would take up less space on the ground. She would also like the retaining wall to continue all of the way to the cul-de-sac to protect the entire area from the lights and noise of Waldecker and Grand River.

Mr. Mark Mohrenweiser of 2849 Stanwood thanked all of the commissioners who visited the site. He would like to move the building forward to save some grading on Lot #9. He feels this can be worked out and everyone can be happy.

The call to the public was closed at 7:45 p.m.

Vice-Chairman Cahill asked for discussion from the Commissioners.

Commissioner Litogot would like to see a new plan with the building moved forward and a step-effect and landscaped wall at the rear of the property.

Commissioner Burchfield would like to see a photometric grid for this site. He agrees with Commissioner Litogot that the building should be moved forward. He would also like to make sure the parking lot grading is not 7% or greater. He liked the resident's suggestion about a two-story building, which would allow for less grading.

Commissioner Figurski agrees. She does not want to see all of the trees gone. The less grading that is done, the better.

Commissioner Mortensen feels this is a tough site; however, he would like to see the building moved forward.

Commissioner Brown agrees. He would like to move the building forward in order to lessen the impact on the trees and the neighboring community.

**Moved** by Figurski, seconded by Mortensen, to table Open Public Hearing #1 for a proposed 4,680 sq. ft. office building located in Sec. 13, on the southwest side of Grand River Ave., between Bendix Rd. and Hacker Rd., petitioned by Donald J. McCluskey until the March 24, 2003 Planning Commission Meeting.

**The motion carried unanimously.**

Mr. Purdy advised the petitioner that when a retaining wall is higher than four feet, a fence needs to be installed.

**OPEN PUBLIC HEARING # 2...**Review of final site plan and environmental impact assessment, for proposed 61 unit residential attached condominiums (Cortland Condominiums) located on the northwest corner of Kellogg Rd. and Grand River, Sec. 14, petitioned by RBS Companies Inc. (PC 02-36)

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

Ralph and Brian Stoy or RBS Companies, Inc. were present to represent the petitioner. Ralph stated they only have 57 units due to the quality of the soil near the retention pond. They have addressed the concerns of the Planning Commission, the engineer, and the planner.

Commissioner Mortensen advised that the Township Board suggested having a fence with more privacy as well as having it undulated with landscape pockets. It was decided that the fence would be white.

Commissioner Litogot asked about the play area. Mr. Stoy advised they have provided a dedicated open recreation area as recommended by the planner that will have paths, benches and will be landscaped. They will not have a tot lot as they do not anticipate families with small children living in this development. This was satisfactory to all of the commissioners.

Mr. Purdy reviewed his letter of February 20, 2003.

A larger area needs to be preserved around the two trees at the north edge of the site so as not to impact the root zones. Mr. Stoy advised they will take the proper measures to protect the trees and if they do not survive, they will replace them with 3" caliper trees.

The master deed needs to identify the western portion of the site with a conservation easement as a woodland preservation area that is deed restricted as natural open space. The petitioner will comply with this request and will also note it on the site plan.

Commissioner Litogot reviewed the letter from the Livingston County Road Commission regarding the need for a traffic study to analyze the need for a traffic signal at the entrance to this development. Mr. Stoy advised this has been done and he will forward a copy to the Road Commission.

There was a brief discussion regarding the sidewalk and turnaround on Grand River and who would own it, maintain it, as well as assume the liability. Jeff recommended having the approval be conditioned upon Township Board approval of the sidewalk termination at the east end of the site as well as the

Township Attorney's review and determination as to who would be responsible for this area.

There was no response to the call to the public at 8:38 p.m.

**Moved** by Figurski, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment with a revision date of December 12, 2002 as submitted for a proposed 61 unit residential attached condominiums (Cortland Condominiums) located on the northwest corner of Kellogg Rd. and Grand River, Sec. 14, petitioned by RBS Companies Inc. with the following change:

1. The number of units (57) shall be added.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the Site Plan for a proposed 61 unit residential attached condominiums (Cortland Condominiums) located on the northwest corner of Kellogg Rd. and Grand River, Sec. 14, petitioned by RBS Companies Inc. subject to the following conditions:

1. Township Board approval of the Impact Statement dated December 19, 2002 adding that the subject property will be developed with 12 buildings of 57 dwelling units.
2. Prior to submission to the Township Board, the master deed and bi-laws are to be submitted to the Township Attorney for approval.
3. The Township Attorney is to review and provide an opinion in regard to the dedication of the sidewalk to the Township as indicated on the site plan.
4. The petitioner is to undertake tree protection measures in all areas of excavation; however, should these measures fail to save any existing trees, tree replacement will be required for any trees scheduled to stay and shall be replaced with 2" or 3" caliper trees.
5. The master deed is to be modified so it will designate that the western portion of the site is a woodland preservation area with use restricted to natural open space and development will be limited to a trail, benches, and indigenous vegetation where landscaping is added.
6. The color of the fence as depicted on the site plan shall be white.
7. The petitioner is to obtain approval from the Livingston County Road Commission and the Livingston County Drain Commission.
8. The petitioner is to comply with all engineering requirements, including specifically supplying the engineer with any necessary soil boring logs prior to submission to the Township Board.
9. Prior to submission to the Township Board, the petitioner shall supply proof that Atwell Hick's traffic study has been provided to the Livingston County Road Commission.
10. The sidewalk is to be constructed with a pedestrian turnaround and shall have benches added on the west side with the final location of the

turnaround to be determined by Township Staff with possible dedication being determined by the Township Attorney.

11. Dust control measures shall be added to the site plan.
12. REU's are to be in compliance with the requirements of the Township Engineer.
13. Manufacturers details shall be submitted for the four pole lights at the entrance to the site prior to submission to the Township Board.

**The motion carried (Litogot – Y; Burchfield – Y; Cahill – Y; Figurski – N; Mortensen – Y; Brown – Y)**

**OPEN PUBLIC HEARING # 3...**Review of site plan application, site plan, and environmental impact assessment for proposed 4' x 30' dining addition to existing McDonald's restaurant located on the north side of Grand River Ave. west of Latson Rd. Sec. 5, petitioned by McDonald's Corp. (PC 03-05)

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

Mr. Ivan Cuppett from McDonalds Corporation and Mr. Jerry Olinik, the owner of this McDonalds were present to represent the petitioner.

Mr. Cuppett explained that they want to extend the building out four feet under the existing canopy and enclose. They will actually be reducing the number of seats by 13.

Mr. Olinik stated that they are changing the appearance of the lobby area to be more of a café and lounge area.

Commissioner Burchfield referenced the Supervisor's memo from March 10<sup>th</sup> stating that Mr. Olinik would like to keep the lighting by the employee entrance as it is for safety reasons. He stated there is no business in the Township who has been allowed to have lights exceeding the ordinance for employee safety reasons.

Commissioner Burchfield stated the memo also advised that Mr. Olinik is willing to limit the electronic sign board message to two per day as well as eliminate any flashing or animation from the board. Mr. Olinik advised he will agree to eliminate the flashing of the reader board, but he does not want to limit the sign to only two messages per day.

Commissioner Litogot advised that if the lighting by the employee entrance is not within the ordinance, he will vote against this proposal. That area is lit up very well from Grand River. He likes the project and feels it is a great idea.

Vice-Chairman Cahill agrees with Commissioner Litogot.

Mr. Purdy reviewed his letter of March 5, 2003.

The building has been painted and is no longer the same color that was approved at original site plan. Mr. Olinik advised that McDonalds changed their colors so the building was painted. All Commissioners agree that the addition needs to match the current colors of the building.

The parking light fixtures need to be downward directed. He suggested adding some building lights for the employee entrance. Mr. Olinik will comply with this request.

The garbage enclosure must be expanded to accommodate the second dumpster as the second one is outside of the enclosure. Mr. Olinik advised they will eliminate the second dumpster.

Commissioner Figurski advised that dust control measures need to be added to the plans.

Commissioner Litogot stated there shall be no additional signs on the building.

The call to the public was made with no response at 9:07 p.m.

**Moved** by Figurski, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment dated January 27, 2003 for a 4' x 30' dining addition to existing McDonald's restaurant located on the north side of Grand River Ave. west of Latson Rd. Sec. 5, petitioned by McDonald's Corp. with the following addition:

1. Dust control measures shall be added.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Litogot, to approve the Site Plan for a 4' x 30' dining addition to existing McDonald's restaurant located on the north side of Grand River Ave. west of Latson Rd. Sec. 5, petitioned by McDonald's Corp. subject to the following conditions:

1. All lighting now existing shall be downward directed.
2. The additional or second dumpster is to be removed from the site maintaining the one dumpster in the present dumpster enclosure.
3. The addition's building materials and colors are to match the existing building.
4. No exterior signage is to be added to the addition.
5. Dust control measures shall be added.
6. Township Board approval of the revised Impact Assessment as recommended by motion this evening.
7. The existing message sign will have the timing and message direction changed as follows:

- a. Electronic text message will be limited to two messages per day.
- b. The message will remain static with no flashing or animation.

Mr. Olinik stated that he did not agree to the two message per day limit, just the messages remaining static with no animation.

Mr. Cuppett feels that the approval of their addition being conditioned on them changing the message board is not reasonable. Commissioner Burchfield acknowledged Mr. Cuppett's comments and opinion; however, he is not changing his motion.

**The motion carried unanimously.**

Mr. Purdy advised the petitioner that they can go to the ZBA for an amendment to the Planning Commission's motion.

**OPEN PUBLIC HEARING # 4...**Review of PUD (planned unit development) application, site plan, PUD agreement, and environmental impact assessment for proposed 48-unit apartment complex (Waters Edge), located on the north side of Bendix Road, west corner of Grand River Ave., Sec. 13, petitioned by Waters Edge Development Group. (PC 03-07)

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

Neil Plante and Bill Colley from Boss Engineering and Tom and Mary Mitchell, the property owners, were present.

Mr. Plante stated they are proposing an apartment complex on the north side of Bendix Road at the west corner of Grand River. They will be eliminating the existing access drive to the wastewater treatment plant and will construct a paved road on the other side of the site for access, which will have a gated access to the treatment plant. They are proposing three buildings, each with 16 apartment units. They are asking for a PUD because of the pond as well as the topography of the site. The pond will serve as the retention pond as well as a focal point in the development as they will add landscaping as well as possibly a fountain.

They will extend the water main throughout the property and are proposing that when the property to the west is developed, an easement can be granted and the water main can be looped back to Grand River.

The pole lights in the development will conform to the ordinance and will only be at the corners of each of the buildings.

They have received preliminary approval from the Livingston County Road Commission for the approach off of Bendix.

Mr. Colley showed proposed elevations, building materials, and floor plans. They have taken Mr. Purdy's suggestion and changed the end of the buildings. There will be an office and exercise room on the end of Building #1.

Mr. Plante stated they are seeking conceptual PUD and final site plan approval at this evening's meeting due to the many staff meetings that have already taken place for this project. Mr. Purdy stated this is under the Planning Commission's discretion; however, there are a lot of engineering issues that need to be addressed at this time.

Mr. Lund stated there was a letter submitted this evening by the petitioner, which addressed many of the engineering issues, but they are still concerned with the length of the water main. Also, the road issues that are noted to be changed in the letter are not shown on the plans.

Mr. Plante would like to discuss the engineer's comments this evening in order to obtain final site plan approval. Vice-Chairman Cahill would like to see more details on this plan. Commissioner Litogot does not want to engineer this site at tonight's meeting. He also has questions regarding signage, lighting, etc., which are issues that need to be presented at preliminary approval.

Commissioner Burchfield feels it is too overwhelming to do both approvals this evening. He would like to discuss conceptual this evening and then get more details later. Commissioners Figurski and Mortensen agree. Commissioner Mortensen has large concerns with the water main. Commissioner Brown would like to have the engineering issues addressed before he votes.

It was decided that the Planning Commission would address the conceptual PUD plan and agreement this evening, and address the Impact Assessment and Site Plan at a future meeting.

Mr. Plante feels the differences that the petitioner is having with the Township engineer are ordinance and/or policy issues and they have suggestions for the engineer's concerns that will work, but may not be exactly as what is in the ordinance and these are issues on which the Planning Commission has discretion. These need to be looked at from a practical standpoint.

Mr. Purdy reviewed his concerns regarding preliminary site plan approval.

Building 1 will be setback 46.6 feet from Bendix Road and would “generally” need a 100-foot greenbelt. Mr. Plante advised they have added additional landscaping to the area because they cannot move the building due to the location of the pond. All commissioners agree the additional landscaping is sufficient.

They have addressed Jeff’s concerns regarding making the sides of the buildings more attractive; however, he would like to see larger windows. Mr. Colley advised larger windows would not be appropriate based on the layout of the bedrooms and placement of furniture.

Vice-Chairman Cahill asked if there is enough benefit to the Township allowing this to be developed as a PUD. Jeff stated it will provide paved access to the wastewater treatment plant and will also screen the view of the plant from Grand River and Bendix Roads. He advised that they meet all of the setback requirements and are only asking for a variance for the road width.

Mr. Lund asked if the road is being considered a private road or a commercial driveway. The Planning Commission needs to determine this so they can work with the petitioner with regard to the width, etc. He added that because it services two properties, it should be a private road. Mr. Plante advised it is an access to the apartments and not a road that the public will be using.

There was a discussion regarding the width of the road and parking on the road. Commissioner Brown suggested widening the road at the parking areas. It was decided that the road will be widened for the first part of the driveway where the trucks will use the road and the remainder of the road will stay at 27 feet.

After a brief discussion regarding the water main loop, Mr. Plante advised they will provide the looped water connection along the walkway that is being proposed on the west side of the pond.

There was no response to the call to the public at 10:17 p.m.

**Moved** by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the conceptual PUD plan for a proposed 48-unit apartment complex (Waters Edge), located on the north side of Bendix Road, west corner of Grand River Ave., Sec. 13, petitioned by Waters Edge Development Group subject to the following conditions:

1. Township Board approval that the Township is being provided a substantial benefit by the petitioner’s improvement and integration into the development of the existing pond, the petitioner’s providing the access road from Bendix Road to the wastewater treatment plant, and the additional landscaping for screening of the wastewater treatment plant from Grand River.
2. The setback for Building #1 shall be allowed from Bendix Road to be not less than 46.6 feet provided the petitioner adds

additional landscaping to provide a vegetative screening of the building.

3. The petitioner is to reduce the width of the sidewalk from 7 to 5 feet.
4. The water main shall be extended and looped to reconnect to the main line on Bendix Road.
5. The drive shall be 30-feet wide from Bendix Road to its access point with the wastewater treatment plant and it shall be designated as a commercial drive with the petitioner providing all necessary easements as required by the Township Engineer. The road shall be 27-feet wide beyond the point of access to the wastewater treatment plant.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Litogot, to approve the PUD Agreement for a proposed 48-unit apartment complex (Waters Edge), located on the north side of Bendix Road, west corner of Grand River Ave., Sec. 13, petitioned by Waters Edge Development Group subject to the following conditions:

1. Review of the proposed PUD Agreement by the Township Attorney.
2. Township Board approval of the conceptual PUD as recommended by motion this evening.
3. The lighting plan shall be provided with final site plan.

**The motion carried unanimously.**

**Moved** by Litogot, seconded, by Mortensen, to recommend approval of the Impact Assessment dated February 5, 2003 for a proposed 48-unit apartment complex (Waters Edge), located on the north side of Bendix Road, west corner of Grand River Ave., Sec. 13, petitioned by Waters Edge Development Group with the following change:

1. The number of units shall be changed from 56 to 48.

**The motion carried unanimously.**

**Moved** by Litogot, seconded by Burchfield, to table approval of the site plan for a proposed 48-unit apartment complex (Waters Edge), located on the north side of Bendix Road, west corner of Grand River Ave., Sec. 13, petitioned by Waters Edge Development Group pending the Township Board's approval of the Conceptual PUD Plan and the PUD Agreement.

**The motion carried unanimously.**

**Moved** by Figurski, seconded by Mortensen, to approve the minutes of February 24, 2003 Planning Commission Meeting. The motion carried unanimously.

**Member Discussion**

Commissioner Litogot advised that Pet Provision is in violation of the Township's lighting ordinance. They also have signs in the windows, which is not allowed with our ordinance.

The meeting adjourned at 10:35 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary