

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
February 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 Michael Archinal, Township Manager, Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc., Debra Huntley from Tetra Tech MPS, and Kelly Kolakowski, Township Planner. 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 7:03 p.m.

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

**Moved** by Figurski, seconded by Litogot , 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 7:05 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 7,200 sq. ft. commercial retail building in Section 4, 4030 W. Grand River, at the southeast corner of Grand River Ave., petitioned by Anthony Patrick Inc./Hicks Family Limited Partnership. (PC02-24)

- **Planning Commission disposition of petition**  
**A. Recommendation regarding impact assessment.**

**B. Disposition of site plan.**

Vice Chairman Cahill opened Public Hearing #1. The applicant was not present. Mr. Archinal noted they are coming from Flint and due to the weather, they may be delayed. He suggested moving this item to the end of the meeting.

**Moved** by Litogot, seconded by Figurski, to move Agenda Item #1 to the end of the meeting. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...**Review of site plan application, site plan, and environmental impact assessment for proposed 22,824 sq. ft. five building office complex located in Sec. 14, on the north side of Grand River Ave. between Kellogg and Euler Rd., petitioned by Neal Nielson. (PC 03-01)

- **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. They are proposing to add an addition five buildings, totally 22,000 square feet, to the site as well as a maintenance building. They will continue with the same architectural style as the three buildings that are currently on the site. He showed pictures of these buildings in lieu of elevations to show better detail of what the buildings will look like. They will be adding substantial pine trees to the east and north property lines due to the adjacent residential zoning. They have aligned the access onto Kellogg Road with the driveway across the road.

Commissioner Brown questioned the driveway along the rear of the site. Mr. Barnwell stated this is so the maintenance people will have access to the building and will not have to travel through the parking lot. He stated they will be willing to gate this to limit its use by the public.

Vice-Chairman Cahill questioned the landscape buffer. Mr. Barnwell advised they planted trees when the developer first purchased the property and these trees have grown to provide a visual barrier to the adjacent residential property.

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

1. Elevation drawing should be submitted for Buildings A, D, and E as well as the maintenance building. The petitioner feels the pictures of the existing building are sufficient to show the intent of the future buildings. The maintenance building will be constructed the same way. All commissioners agreed that staff can approve the architecture of the future buildings.
2. Several evergreen trees should be provided to the north west of the maintenance building to help screen the garage doors. The petitioner has made this change and it is shown on the revised site plan.

3. They feel the service road along the north boundary should be eliminated as it is not designed for public use and it could cause damage to the existing landscaping. Mr. Barnwell stated they will add a gate and a lock to restrict the use of this road. Mr. Purdy would also like the assurance that the construction of the road would not impact the existing evergreens and tree protection fencing be installed. All commissioners agree with allowing the road as long as it is gated and locked.
4. A five-foot wide concrete sidewalk should be provided on the east side of Building B if grades permit to allow pedestrian links between all of the buildings. Mr. Barnwell stated that it drops approximately 10 feet in this location and they do not feel it is safe to install a sidewalk. There was a discussion regarding installing stairs and/or “zig zagging” the sidewalk to accommodate the grade. Mr. Barnwell will review this area and determine if a different design for a sidewalk will be feasible. He noted handicap accessibility needs to be addressed as well.
5. All outdoor mechanical equipment will be screened with trees and shrubs. The petitioner will comply.
6. No building-mounted lights should be allowed. Mr. Barnwell stated there will be building lights over each of the entrances. He will add these to the site plan. Mr. Purdy advised a new photometric grid needs to be submitted.

Vice-Chairman Cahill cited a letter from the adjoining neighbors who feel the location of the dumpster will disturb their horses. Mr. Barnwell advised they have moved the dumpster from the north side to the east side of the site where there is currently a dumpster. Mr. Purdy questioned the feasibility of having one dumpster serve all of the buildings. He suggested having wheeled receptacles at each building that could be picked up by waste collection. Mr. Barnwell stated that this is an office complex so most of the trash will be paper or cardboard. If there were carts at each building, the waste truck would have to travel throughout the site. He feels the central dumpster location controls the garbage and is easier to maintain. All commissioners agree that the central dumpster site is the best option. Mr. Purdy suggested adding a stipulation stating that all of the trash will be brought to the dumpster location daily and will not be stored in or outside of the buildings.

Vice-Chairman Cahill stated the neighbors also have a concern regarding the lighting on this site. They breed horses and the lighting can affect the mares' cycles. Mr. Barnwell showed their photometric grid, which shows that along the north property line, the foot-candle is .1. He added that this would be reduced with the addition of trees along this property line. He stated they could possibly eliminate the two lights on the northern side of the property. Mr. Purdy stated the lighting is .1 foot-candle along the north property line, and in some areas .3 foot-candles, which is still below the ordinance, which is .5. He added that there will not be any light shining on the residential property; it will be dark. He suggested

adding shields to the north side of the lighting, however, it is currently within the ordinance. The petitioner advised he will add shields to the north side of the lights.

Ms. Huntley reviewed her letter of February 6, 2003. There were a few typographical and computation errors on the plans that she asked be changed.

The driveway width at the entrance onto Kellogg Road exceeds 30 feet. Mr. Barnwell stated that the Livingston County Road Commission allows for a maximum of 40 feet for an egress onto a county road. They have made it wider than 30 feet due to the traffic flow into the site off of Kellogg Road. Commissioner Mortensen suggested allowing it subject to approval from the Road Commission. All commissioners agree.

The proposed slopes of the drives on both sides of Building E are greater than 6%. The maximum slope allowed is 5%. Mr. Barnwell stated they wanted to make the parking lot with the least amount of slope so they made the area behind the building with a steeper slope. After a brief discussion, all commissioners agreed to allow the 6% slope.

Commissioner Burchfield asked if the Planning Commission needs to be concerned with signage for this development. Mr. Archinal advised this can be handled administratively.

Commissioner Burchfield referenced a petitioner that was before the Planning Commission last month asking for additional parking to their site because they leased out their office space to higher-intensity tenants and now required more parking. He wanted to restrict these types of uses (i.e. banks, medical offices), in this development to avoid having to add additional parking. Mr. Archinal stated this restriction could be put in the motion.

The call to the public was made at 8:05 p.m.

Mr. Dennis Doran of 1935 Kellogg Road lives directly to the north of this site. They breed and race thoroughbred horses. There are a total of seven 10-acre parcels to the north of this site and most of them have livestock. This area is more agricultural than residential. He is concerned about the noise, traffic, and lighting jeopardizing their thoroughbred horse business. There are gaps in the trees along the property line and he would like to see a full stockade fence between the two rows of trees, which would give a total site block from any traffic to his site. He advised that Dr. Bornine, whose business is on the opposite side of the road, has built a berm and planted healthy trees that have provided a good site block.

He also asked about any hazardous or flammable materials that may be stored in the maintenance shed.

Ms. Pat Doran, Dennis' wife, stated they have been breeding horses for 25 years. She advised that mares cycle based on the hours of light in the day. If the lights to this development are on all of the time, it will cause her mares not to cycle and then they will not be able to breed. She added that there are large round orange lights on the current buildings that are not shielded and are very "obnoxious". She would appreciate if the developer could limit the lighting on the north side of this site so both of their businesses can continue to prosper.

Ms. Phyllis Alvarez of 1881 Kellogg Road is 10 acres away from this site. She is worried about the aesthetics of the lights, noise and traffic. They moved here because of the country setting.

The call to the public was closed at 8:18 p.m.

Mr. Barnwell stated there will be landscaping equipment and supplies to maintain the grounds in the storage shed. Mr. Purdy suggested limiting the quantity of hazardous materials stored on the site to no more than 50 gallons. This is acceptable to the petitioner. There will also be no floor drains in the building that would drain into the Stormwater detention pond.

Mr. Barnwell addressed the concern of the headlights shining on the neighbor's barn. He stated the parking lot was kept at a lower elevation so to screen the lights; however, they will add more trees to this area where there are gaps. After a brief discussion, it was also decided that the petitioner will eliminate the two northern lights and replace them with three to four foot high downward facing Bollard lights for safety purposes. The petitioner will also shield the large orange lights that are on the current buildings and these lights will not be added to the new buildings.

**Moved** by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment dated December 26, 2002 for proposed 22,824 sq. ft. five building office complex located in Sec. 14, on the north side of Grand River Ave. between Kellogg and Euler Rd., petitioned by Neal Nielson with the following change:

1. Item H shall include "The maintenance building will contain no more than 50 gallons of hazardous materials and there shall be no floor drains that drain into the detention pond.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Mortensen, to approve the Site Plan for proposed 22,824 sq. ft. five building office complex located in Sec. 14, on the north side of Grand River Ave. between Kellogg and Euler Rd., petitioned by Neal Nielson with the following conditions:

1. Approval of the Impact Assessment dated December 26, 2002 as amended and recommended by motion this evening.

2. Prior to the issuance of building permits for Buildings A, D, and E and the maintenance building as they are currently designated on the site plan, the petitioner shall provide elevations to Township Staff for compliance with architectural harmony with elevations, design, materials and color scheme as currently exists in the development, with the exception of windows not being required in the maintenance building.
2. The maintenance building garage door will be located to the north side of the building and this building shall have the same architecture as the current buildings. Additionally, this building shall not have, at any time, greater than 50 gallons of hazardous or flammable material and there shall be no floor drains that drain into the detention pond.
3. The petitioner is to add at least three evergreen trees to the northwest corner of the maintenance building.
4. The petitioner is to add clusters of evergreen trees around the detention pond.
5. The petitioner is to add a security gate to the entryway of the north service driveway off of Kellogg Road with the service drive use to be limited to on-site maintenance equipment and vehicles.
6. During construction of the north side maintenance road and the north side building, the petitioner shall add tree protection to the existing landscaping.
7. The petitioner is to add Evergreen trees along the north property line between any spaces of existing trees to provide as much greenbelt barrier as possible between the site and the property to the north.
8. A five foot wide concrete sidewalk shall be provided on the east side of Building E and pedestrian sidewalks shall link all buildings, however, where grade on the site requires accommodations to the physically challenged, the petitioner shall design the pedestrian sidewalk links in compliance with all current accessibility codes to accommodate the needs of the physically challenged.
9. All outdoor HVAC equipment shall be screened with sufficient landscaping
10. Building lights shall be boxed, wall mounted, and downward facing with manufacturer's specifications and a revised photometric grid be provided to staff prior to submission to the Township Board.
11. All existing orange lights will be shielded to eliminate the outward glare.
12. All pole lights are to be shielded on the north side and downward directed.
13. The petitioner is to eliminate the two pole lights on the northeast quadrant of the site and substitute them for Bollard lights in these areas with the number of lights and location to be approved by the Township Engineer and Township Planner.
14. The fire hydrant located on the southwest corner of Building E shall be relocated to the southeast side of Building E near its radius corner.

15. All signage is to be consistent with current ordinances and prior staff approval.
16. The uses of the site by medical offices or for banking purposes shall be subject to the owner obtaining prior approval for a revised site plan if any additional parking is required by ordinance.
17. The petitioner shall comply with all Township Engineer requirements, including plan corrections and approval of the driveway width off of Kellogg Drive by the Livingston County Road Commission.
18. No dumpsters shall be allowed on this site.
19. The REU's shall be assessed as determined by the Township Engineer.
20. The grade for the drive on both sides of Building E are permitted to not be greater than 6%.

**The motion carried unanimously.**

Vice-Chairman Cahill feels the development is beautiful and looks forward to seeing it complete in the future. He hopes all of the public's issues were addressed this evening.

There was a five-minute break at 8:45 p.m.

The meeting resumed at 8:50 p.m.

**OPEN PUBLIC HEARING # 3...**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. This site is across from Waldecker Pontiac. The developer built the building that is to the east of this site and will use the same materials here. This site is very heavily wooded and has a very steep slope. The petitioner has purchased the property adjacent to the north and grading will be done onto this site.

They are proposing to put the parking in the rear to keep that activity away from the adjoining residences. They will be providing sidewalks in front of this building as well as the existing building.

Commissioner Mortensen asked the reason for the petitioner purchasing Lot #9, which is the adjacent residential lot to the north. He purchased it so he could use it to grade from this site and not have to put in the 10 to 20 foot retaining wall.

Mortensen asked if the petitioner would consider combining these two lots into one. Mr. Barnwell advised that the petitioner hopes to build a home on Lot #9.

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

1. The building does not conform to the front yard setback. The applicant has indicated that they have a practical difficulty because of the right-of-way, but the ZBA will still need to approve the variance.
2. Color renderings of the elevations and building materials need to be submitted. Mr. Barnwell advised the architecture and materials will be the same as the existing building. All commissioners agree with information being sufficient.
3. A shared access agreement with the property to the south for the driveway needs to be recorded and provided to the Township in case ownership is separated in the future. The petitioner will comply.
4. The detention pond should be redesigned to be located within the site's boundaries; however, if it goes into the right-of-way, the Livingston County Road Commission will need to approve this. The petitioner is aware of this requirement and will be seeking approval. They were waiting until the outcome of this meeting.
5. A detailed photometric grid should be provided and the lighting must generate an intensity of less than 0.5 foot-candle along the residential property line. The lighting is the same as the current building and the petitioner will provide a photometric grid.

Deb Huntley reviewed her letter of February 6, 2003.

1. The slopes should not exceed one foot vertical to four foot horizontal and the proposed grading shows these being exceeded. It is at the discretion of the Planning Commission to allow this variance. She feels the variance should be allowed so the entire site does not have to be graded. All commissioners agree.
2. One foot of freeboard should be provided for the detention basin. It should be clarified on Sheet GR1 that the spot elevations of 981.11 along the top of the detention basin represent a minimum one-foot above the high water mark of the basin. The petitioner will comply.
3. The maximum allowed grade for a paved surface is 5% and the petitioner is proposing a slope greater than 7% of the parking lot near the entrance. The Planning Commission has the discretion to allow this. Mr. Barnwell stated this is on the driveway in order to allow the parking lot to be level. Ms. Huntley feels the variance should be granted. All commissioners agree with allowing the larger slope.
4. The driveway widths are being proposed at 26 feet and they are required to be 30 feet; however, the Planning Commission can approve the variance. All commissioners agree with allowing the 26-foot wide driveways.

The call to the public was made at 9:17 p.m.

Mr. Mark \_\_\_\_\_ of 2849 Stanley Place stated the site plan has not changed since the last time the petitioner was before the Planning Commission. If this is approved the surrounding neighbors will be impacted. The trees will be cleared and the site will be open up to the lights of Waldecker as well as the lights and noise of the Grand River traffic. He added there is currently dead plant material on the existing site and the petitioner has not taken care of this. Also, there are emerald ash borer trees proposed for this site, and these trees are not allowed in Michigan. He feels there is a more logical way to develop this site.

Mr. Tim \_\_\_\_\_ who owns Lot #10 stated that when the trees are cleared, the Waldecker lights are going to shine directly on his house. Due to all of the grading that has to be done, all of the trees are going to be taken out and he does not feel that any trees that are planted will survive because of the steep grade.

Mrs. Morris of 2831 Stanwood likes the slope and the protection it provides from Grand River. Once these trees are taken down, they cannot be put back. Developing this site will change the entire area. She added that the Planned Parenthood building stood vacant for most of the year. She questions the need for another building in this area.

Major \_\_\_\_\_ of 2797 Scottwood stated the petitioner has not spoken to the neighbors in the area. He does not want to see the trees taken down because of the impact it will have on the residents with regard to noise, traffic, as well as the impact on wildlife that live there currently. He feels his property value will be lowered and thinks there is a better use for this land.

Mr. Steve \_\_\_\_\_ of Lot #12 stated this neighborhood is very quiet and no one goes there unless they need to go there. They do not get any traffic. This will open up this residential area to the commercial area down below.

Mr. Dick Morris of 2831 Stanwood agrees with everything that has been stated by his neighbors this evening. His home has already been impacted by the building that was previously built, and now the petitioner wants to do it again.

Mr. Fred O \_\_\_\_\_ of 2742 Scottwood lives less than 1,000 feet from this site. He feels there are safety issues because of the grade once the trees are cleared. He added that the residence that would be built on Lot #9 will look right out onto Grand River.

Ms. Peggy \_\_\_\_\_ of 2826 Stanwood just moved to the area in July and purchased her property for its aesthetic value. She asked each of the commissioners to take a drive around the neighborhood at about 7:00 p.m. and

they will understand what the residents are speaking about. She would like the petitioner to develop this site within reason and consider the surrounding neighbors.

Ms. Wilma \_\_\_\_\_ of 2952 Stanwood worries about the impact of the draining onto her property if the slope is changed.

The call to the public was closed at 9:46 p.m.

Mr. Barnwell responded to the public's comments.

1. If the Ash Borer tree is not acceptable, they will plant a different tree.
2. The grading of Lot #9 will have no affect on Lot #10 and if Lot #9 is ever developed residentially, it will have to be graded anyway.
3. He agrees with the residents that the area will be opened to Grand River once the site is graded.
4. None of the drainage from this site is going to enter their property because this site is below them. He advised that the drainage from the residential area will impede onto their site and go into the detention basin.

Commissioner Mortensen advised the public that this property is already zoned office service and the people that own this property have a right to develop it. He stated this property could be developed with an office building this size with a lot more grading. The only variance this petitioner is seeking is to move it a little closer to Grand River. He feels it is a great development to have next to residential.

Commissioner Brown is concerned because the petitioner is going to be grading on a site that is not being approved. He feels the Planning Commission should know what amount of grading is going to be done on Lot #9.

Mr. Purdy advised that if a higher retaining wall is built, then the amount of grading onto Lot #9 could be reduced as well as providing additional barrier to Grand River. The wall with a fence is a more effective barrier than landscaping. Mr. Barnwell stated they have explored this option and they chose not to put in a higher retaining wall. Commissioner Brown would like to accomplish what is seems the residents are looking for, which is screening from the noise and the lights of Grand River. Commissioner Mortensen does not feel the wall will be very attractive to the residents.

Commissioner Figurski suggested tabling this item.

Commissioner Burchfield feels the petitioners are competent planners and engineers and the Planning Commission does not need to determine what needs to be done. The petitioner has the burden to prove to the Planning Commission

that they will not impact the surrounding area. He would like to see what the residents are seeing and would like to go visit the site. He would feel more comfortable to table it to have a chance to go look at the site than to have it tabled so the engineers can provide an alternate plan.

Commissioner Litogot stated he has been out there, but he will visit the site again.

Mr. Barnwell stated they would like to have this issue tabled this evening so the Planning Commission can go to the site and see the current building as well as what the neighbors are seeing.

Mr. Archinal stated there is 14 feet of front setback that could be changed to zero and this would lessen the impact of the grading in the rear. The building would still be far enough from Grand River due to the large right-of-way that is in front of this site. Mr. Barnwell would like to have a zero setback.

**Moved** by Figurski, seconded by Mortensen, to table Open Public Hearing #1. **The motion carried unanimously.**

Vice-Chairman Cahill advised that Open Public Hearing #1 will not be heard this evening to due to the lateness of the hour.

**Moved** by Figurski, seconded by Litogot, to approve the minutes of January 13, 2003. **The motion carried unanimously.**

### **Member Discussion**

Commissioner Figurski asked if the Planning Commission could require larger size trees be planted at the time a site is developed. Mr. Purdy advised the average size is 2 feet wide and 6 feet tall. If a tree were more than 2 feet wide, it would have to be brought in on a truck. He added that the survivability of the tree is lessened when the tree is larger and all trees will all grow to be the same size over time.

The meeting adjourned at 10:18 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary