

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
September 24, 2001
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, Ken Burchfield, Curt Brown, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc.; and Tesha Yielding 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.

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 7:06 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Consideration of an amendment to the Zoning Ordinance Text affecting Genoa Township, to allow drive-through Pharmacies in the Neighborhood Services District.

- **Planning Commission disposition of petition**

- A. Recommendation regarding Zoning Ordinance Text.

Mike Archinal stated we have worked on the CVS/Pharmacy project for a while and the zoning map has been amended for this particular site to be zoned Neighborhood Service District. This amendment would allow for drive-thru pharmacies as a special use in the Neighborhood Service District. The planner and the attorney have both approved the language of this amendment.

Commission Burchfield stated he is going to vote against this because he feels it is inappropriate for this particular piece of property. He does not feel that CVS/Pharmacy is just a pharmacy. He feels it is more of a general convenience store that has a pharmacy section.

The call to the public was made at 7:09 with no response.

Moved by Mortensen, seconded by Cahill, to recommend to the Township Board approval of the amendment to the Zoning Ordinance Text affecting Genoa Township, to allow drive-through Pharmacies in the Neighborhood Services District. **The motion carried (Cahill – Y; Brown – Y; Mortensen – Y; Figurski – Y; Pobuda – Y; Litogot – Y; Burchfield – N).**

OPEN PUBLIC HEARING # 2... Review of final site condominium for proposed site condominium on 18.83 acres located on the west side of Char Ann Drive, ¼ mile north of Grand River, Section 6, petitioned by Norm Dymond. (PC 01-13)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding final site condominium.

Mike Boss of Boss Engineering was present to represent the petitioner. They are asking for approval for a 13-lot site condominium. He noted there are deed restrictions on Page 21 of the Master Deed that outline what types of homes can be built on these 13 lots. They are going to be large, upscale homes. He stated that the owner of the land lives on Char-Ann Drive and is going to be consistent with the homes that are currently there.

Mr. Boss reviewed his comments to the Planner's letter dated September 18, 2001.

1. They do not have architectural plans because they are just developing the land.
2. They have not done a tree survey. The landscape plan shows the wooded area and where the trees are planned to be taken out. Their Master Deed and By Laws state that they will try to conserve and protect the natural features of the site.
3. The Township Board gave them preliminary approval for a 26-foot-wide road.
4. They have a letter dated August 27th from the Drain Commissioner.
5. The road name has been changed and approved.
6. They have submitted engineering and utility plans for final approval to the Township Engineer.

Commissioner Burchfield asked if there is going to be a special assessment district formed. Mr. Boss stated there will not be.

Commissioner Mortensen wants the record to show that he believes he did not vote against this project at the May 21, 2001 Board Meeting as stated in the minutes.

Commissioner Mortensen referred again to the Board Meeting meetings of May 21, 2001. It states that the road width shall be 30 feet. Commissioner Cahill believes this was an issue that was discussed at the Planning Commission as well and feels it is further proved because it is a condition of the motion at the Board Meeting.

Chairman Pobuda asked about the utility easement on Lot #9 and #10. Would each of these land owners own that property? Mr. Boss stated each property owner would own the property, including the easement, up to the property line.

Chairman Pobuda asked if the road can be tied into the road from the Earl Lake subdivision. Mr. Boss stated it cannot because there is no where for it to connect to in that subdivision.

Jeff Purdy reviewed his letter of September 18, 2001.

All commissioners agree that the language in the Master Deed is sufficient in lieu of architectural plans being submitted.

Mr. Purdy would like the landscape plan submitted to the Township Board at time of approval.

A tree survey needs to be provided for all areas to be disturbed. Mr. Boss stated they are not doing any grading beyond the right of way. When a builder comes in to build on a particular site, they will need to abide by the Master Deed and the By Laws. All commissioners, except Litogot and Mortensen, stated they would like to see a tree survey. Mr. Boss stated the tree survey would only affect the roadway because that is all they are proposing. They are not going to clear any of the land beyond the roadway. That will need to be done when an individual builder comes to the site. After a discussion and with the points made by Mr. Boss, all commissioners agree that a tree survey is not needed. Chairman Pobuda stated he would like the tree survey because he feels that a developer could come and clear the whole site out.

The petitioner is proposing a 26-foot-wide roadway. Mr. Purdy stated that because of the low density of this project (13 sites) the 26-foot-wide road makes sense. There was a brief discussion regarding the width of the road. Commissioner Burchfield stated he recalls that last time this was before the Planning Commission, they asked for the 30-foot-wide road because they were

allowing the petitioner to exceed the length requirement for the road. All commissioners agree.

Tesha Yielding reviewed her letter of September 17, 2001.

They have addressed most of their issues; however, thrust blocks are not acceptable means of restraining water main and they should be removed from Sheet #9 of the plans.

The call to the public was made at 7:47 with no response.

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the Hidden Ridge site condominium on 18.83 acres located on the west side of Char Ann Drive, ¼ mile north of Grand River, Section 6, petitioned by Norm Dymond. (PC 01-13) with the following conditions:

1. The complete landscape plan dated March 27, 2001 shall be made part of the final site plan.
2. A cross section of the 30-foot-wide road shall be added to the site plan
3. The Bi-laws shall be amended with an additional requirement that no trees of 8" caliper or more shall be cut down within the residential units without prior approval of the developer or the developer's successors.
4. Petitioner shall obtain written approval of the storm water drainage from the Livingston County Drain Commissioner.
5. The road name of Kenemond shall be approved by the Livingston County Road Commission as well as all required agencies.
6. The petitioner shall remove the thrust block detail from Sheet #9 of the plans.
7. Tree protection fencing and limits of grading for the road and utility construction shall be noted.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3... Review of a site plan application, environmental impact assessment, and site plan for proposed 8,900 sq. ft. retail building, at the northwest corner of Grand River Ave. and Meadowview Road, Section 8, petitioned by Meadowview Associates, L.L.C. (PC 01-26)

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

Jane Greenway of Equinox, Inc., Mike Boggio of Michael Boggio & Associates Architects, Steve Kalabat of Meadowview Associates, and Harvey Weiss were present to represent the petitioner.

Jane Greenway gave a brief overview of the proposal. They are proposing an 8,900 square foot retail building. They do not have any agreements with tenants at this point. They are providing 51 parking spaces instead of the 38 required.

Mr. Mike Boggio reviewed the architecture of the building. He showed colored elevations and material samples. They are using concrete masonry, split face block at the base in a contrasting color, EIFS material, and a standing seam metal roof that will screen the rooftop equipment. The trash enclosure will match the material of the building.

Commissioner Figurski asked what the height of the building is. It is 29 feet, which is within the ordinance.

It was discovered that the petitioner had made revisions to the elevation plans that were not reflected in the Commissioners' packets. There was a brief discussion regarding the differences.

Mr. Purdy reviewed his letter of August 27, 2001.

The building does not meet the 50-foot rear yard setback requirement. The Planning Commission can allow a 45-foot setback if additional landscaping is provided. Mr. Purdy noted some choices that the petitioner may have. He recommends a brick wall and a landscaping easement on the adjoining property. The petitioner could also eliminate parking in the rear, move the wall and then landscape on their property, or move the building back and lose five feet of building size. Mr. Weiss stated they have contacted the residential neighbors about planting on their property and have not heard back from them. He also noted the rear wall is to be made of the same material as the rest of the building, so it will not be just a stark concrete wall.

Mr. Archinal feels the landscaping is not enough to screen the building, the noise, the trash blowing, etc.

Commissioner Litogot does not feel we should encroach on the neighbors' property. He would like the screening wall and for the petitioner to meet the setback requirement.

Commissioner Burchfield would allow the 45 feet, but would like to see more landscaping wherever it can be added.

Mr. Weiss feels the wall is the best treatment between retail and residential.

Commissioners Mortensen and Brown would like to see the wall, but they would approve the 45-foot setback.

After a brief discussion, it was decided that the wall shall be built and the petitioner will be allowed the 45-foot setback.

The parking lot at the rear does not meet the 20-foot greenbelt requirement. The petitioner is going to request a variance for this from the ZBA.

The façade treatment along the east side of the building should be consistent with the front façade. He suggested bringing the roof around from the front to the east side of the building.

Standard parking spaces are required to be 9.5 feet wide. Mr. Boggio stated the ordinance allows for 9-foot wide parking spaces if they are double striped and that is what they are proposing to do. Mr. Purdy stated this is correct, but he would still recommend the 9.5-foot wide parking spaces. Mr. Weiss stated there are not going to be high turnover uses in this building and there will be no grocery carts.

The loading space shall be relocated 25 feet to the west to reduce the number of parking spaces interfered with. The petitioner will comply with this request.

A shared driveway should be provided with the property to the west. Mr. Weiss stated they have agreed to record a 26-foot-wide easement for a future service to the west drive along the front of the property.

The landscaping along the west lot line is deficient. Ms. Greenway described the ornamental grasses that will be used. Commissioners Mortensen and Brown agree with the grasses, but Commissioners Figurski, Cahill, Burchfield, and Litogot and Chairman Pobuda would prefer the grasses with some trees.

The Planning Commission should require a photometric grid be submitted to evaluate the light impact on the residences. Mr. Boggio stated all of their proposed lighting is downward facing and shielded. All commissioners except Burchfield agree that no photometric grid is required. Commissioner Burchfield would like to see a photometric grid.

Commissioner Litogot stated he would like to see all proposed signage, the floor plan with the tentative square footage for each tenant.

There will be no outdoor speaker system, no antennae on the building, no outdoor storage of any kind, and all grass areas will be sprinkled.

Tesha Yielding reviewed her letter of August 31, 2001.

She noted there is no grading for the detention basin shown on Sheet L-1. Ms. Greenway noted the detention basin and retaining wall are shown on Sheet G-1.

All of the other engineering issues are minor and can be worked out between the engineer and the petitioner.

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

Moved by Burchfield, seconded by Mortensen, to table the request for a proposed 8,900 sq. ft. retail building, at the northwest corner of Grand River Ave. and Meadowview Road, Section 8, petitioned by Meadowview Associates, L.L.C. (PC 01-26) at the petitioner's request; however, the Planning Commission reviewed the items that need to be addressed when they return to the Planning Commission for approval:

1. A sample of the proposed glass for the building shall be presented.
2. A revised copy of the architectural plans shall be submitted.
3. The brick wall to the rear shall not be higher than six feet and shall have a "broken up" design.
4. The 45-foot rear yard setback is acceptable.
5. The parking spaces shall be 9.5 feet wide
6. The loading area shall be relocated.
7. The petitioner shall record a 26-foot-wide easement from the west and south of the building to provide for further service drive.
8. The landscape plan along the west side to include six trees and ornamental grasses.
9. All proposed signage shall be presented.
10. A proposed interior floor plan shall be presented.
11. The petitioner shall satisfy all engineering requirements.
12. The Impact Assessment shall show hours of operation
13. Dust control measures shall be noted on the site plan.

The motion carried unanimously.

The Planning Commission took a break from 9:35 to 9:40 p.m.

OPEN PUBLIC HEARING # 4...Consideration of an amendment on proposed revisions to the Township's Noise Ordinance.

- **Planning Commission disposition of petition**
 - A. Recommendation regarding amendment revisions.

Mike Archinal stated the Township has had some enforcement issues with this ordinance and they have made revisions.

Jeff Purdy compiled a list of suggestions to the proposed ordinance taken from Hamburg Township that was presented to the Planning Commission. He feels his comments could be given to the Township Attorney and he could incorporate those into the current ordinance. He noted that the proposed ordinance states commercial business is limited to 80 decibels when residential is "receiving the sound". He feels that 80 decibels is too high and it should be reduced to 65 or 70 decibels. He also feels that a farm equipment section should be included in the ordinance.

Commissioner Litogot doesn't feel this is appropriate and does not like the model that was presented. He does not feel it was drafted well. He would like the attorney to consider a different model. Commissioner Figurski agrees.

Commissioner Mortensen asked for clarification of the following sentence in Section 9, Paragraph 2, Sentence 3 “If such tests show non-compliance, then such testing costs shall be borne by the owner or builder to comply with the sounds attenuation provisions of this ordinance”. Mr. Purdy stated this means that the person violating the ordinance will have to pay for the cost of the tests as well as the measures needed to be done in order to be in compliance.

Commissioner Cahill feels that it can be done better. He feels a lot of things need to be defined further. There is no definition of “DBA”.

Chairman Pobuda feels that Mr. Archinal, Mr. Purdy, and the Township Attorney can review other ordinances from other townships and address the concerns specific to Genoa Township and develop a revised ordinance.

The call to the public was made at 9:53 p.m.

Kelly Woodall of 5615 King Road, Howell commented on the number of decibels being allowed by the ordinance. She stated that moderate traffic at 100 feet away is 50 decibels and if you are standing next to it, it is at 70 decibels. There has been research done that states the average person cannot sleep if there is noise of 45 decibels or higher. She had other examples; standing next to a dishwasher is 60 decibels, regular conversation is 60 decibels, and a whisper is 30 decibels. She researched this information through the Noise Pollution Clearing House as well as a definition of noise pollution from an encyclopedia. She feels the suggested decibel levels are too high.

The call to the public was closed at 10:00 p.m.

Moved by Figurski, seconded by Litogot, to table the consideration of an amendment on proposed revisions to the Township’s Noise Ordinance so it can be reviewed and revised by the Township Manager, the Planner, and the Township Attorney. **The motion carried unanimously.**

Moved by Figurski, seconded by Litogot, to approve the minutes of September 10, 2001 with some minor changes to include:

1. Wyshacki Road will be changed to Washakie Road in Open Public Hearing #4

The motion carried unanimously.

Member Discussion

Commissioner Litogot asked why the land is being cleared by 96 and Grand River. Mr. Archinal stated that is where the auto mall is going to be built; however, they are just putting in the out-lots at this point.

Mike Archinal stated that Kevin Irish of Irish Construction has purchased approximately 3 – 4 acres west of Char-Ann Drive on Grand River, commonly known as the Itsell property. Mr. Irish said the land is unmarketable because it sits very low to Grand River. He would like to clear the land and bring in fill so the land could be developed. He wanted to know what the Township would require of him in order to begin this process. Commissioner Mortensen suggested that Mr. Irish come before the Planning Commission and show them what this site will look like while it is being developed as well as his tree preservation measures. It was also noted that there should be some provision stated that it will be developed within a certain time period.

The meeting adjourned at 10:10 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary