

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
May 8, 2000
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, John Cahill, Gary McCririe, and Ken Burchfield. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates; and Melissa Talley from McNamee, Porter, & Seeley. 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.

Chairman Pobuda stated we need to clean up the working of our motions for the Township Board. The motions need to be clear as to whether the Planning Commission is making a motion to "approve" or "recommend approval".

Mr. Archinal stated that we are now going to move the Board's review of approved items by the Planning Commission to three weeks. This will allow enough time for the minutes to be completed, reviewed and then presented to the Township Board.

Commissioner Cahill invited everyone to attend the Native Planting being held at the Township Hall on Saturday, May 13, 2000 from 9:00 a.m. to 11:00 a.m. and from 12 noon to 3:00 p.m.

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 Cahill to approve the Agenda with the following changes.

1. Public Hearing #1 would become Public Hearing #3. Article #3 of this Public Hearing would be discussed, but not acted on, at the beginning of the meeting to allow any residents to speak without having to wait until the end of the Planning Commission meeting.
2. Public Hearing #2 would become Public Hearing #1
3. Public Hearing #3 would become Public Hearing #2
4. Public Hearing #4 would be dropped from the agenda.

The motion carried unanimously.

The call to the public was made to discuss items not on the agenda.

Mr. Alan Scott of 1270 Rickett Road in Brighton is developing the River Bend Office Center with Mr. Griffith. The Planning Commission had approved the building materials to match those of the current building next to the proposed building. They are having trouble finding the exact brick. They have worked with three different vendors and came up with two different choices for the Planning Commission. After a brief discussion, a motion was **Moved** by McCrie, and seconded by Figurski, to allow the applicant of Riverbend Building A to change the color of the building to the materials presented this evening. **The motion carried unanimously.**

The call to the public was closed at 7:15 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 the following zoning text amendments:
(Tabled from 4-24-00 meeting)**

Article 3: Revised Keyhole regulations

Article 19: Amendments to this Article provide regulations, which address expansion to nonconforming uses and structures

Mr. Frank Jones of 800 Pathway had three questions for the Planning Commission regarding revising the Keyhole regulations:

1. Why are words being removed from the ordinance? Mr. Purdy stated there are words being added to the ordinance as well.
2. Who made the initial request for the revision? Mr. Purdy stated the revision was initiated by the Township. This keyhole ordinance had been challenged about two years ago and it was decided that the language was not very clear. The Township wanted to make it more understandable and to clarify what they were trying to accomplish.
3. How will it affect riparian residents on Lake Chemung as well as other lakes in Genoa Township? Mr. Purdy stated we are adding the word "easement" to regulate lake access for someone who is not a riparian. The amendments are clarifications to the existing ordinance. It will make the ordinance clearer and more understandable.

Mr. Al Lefler of 1030 S. Hughes asked if Genoa Township has ever reviewed and compared other township's keyhole ordinances and if these other ordinances have ever been challenged in court. How will Genoa's new keyhole ordinance hold up in court? Chairman Pobuda stated our Planners represent other townships and we rely on them. Mr. Purdy represents a number of different townships in Michigan and he has access to other ordinances. He has also written many keyhole ordinances for other townships. Mr. Lefler asked if any of these other ordinances have been challenged. Mr. Purdy stated there have been different cases where the ordinance held up in court and other times when it has not. He relies on the Township Attorney's advice.

Chairman Pobuda stated this will be acted upon at the May 22, 2000 meeting of the Planning Commission.

Mr. Don Neville of 616 Pathway wanted to find out what is being done to this ordinance, just these two things that were mentioned? Mr. Purdy answered yes.

The call to the public was closed at 7:27 p.m.

Moved by McCririe, seconded by Cahill, to table the review of Article 19 until the end of the meeting. **The motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review of a Special Use request for Genoa Business Park, Section 13, petitioned by Delcor Development/Genoa One LLC, Special Use is for a proposed Genoa Business Park, to be located on an 18-acre site, on the north side of Grand River just west of the St. Joseph Mercy Health Center. The proposed use is a 30,000 sq. ft office building and a 24,032-sq. ft. research industrial building. (PC 00-16).

- **Planning Commission disposition of Genoa Business Park petition**
 - A. Recommendation regarding special use application.**
 - B. Recommendation regarding impact assessment.**
 - C. Recommendation regarding site plan.**

Mr. Ralph Stoy of Delcor and Mr. Bruce Wallace of Atwell-Hicks were present. Mr. Stoy reviewed the plan for the business park. They want to get the first phase underway. They presented color renditions of the first two buildings. The buildings are going to be structurally similar and have the same brick and windows. Delcor will own the buildings and property and lease them.

Chairman Pobuda asked how tall is the two-story building. It is 40 feet. This meets the ordinance.

Commissioner Figurski noted that there is no signage on the plan. Mr. Stoy stated there is no signage proposed at this time. They will illicit approval from the Township before any signs are put up.

Commissioner Figurski asked for the number of trees being cut down. They are trying to maintain all of the significant trees around the perimeter of the property.

Commissioner McCririe asked about the clearing of the trees between the two entry drives. Mr. Stoy stated these will be cleared. They want to maintain the trees between Parcels #1 and #2. They will plant landscaping in accordance with the Township ordinance.

Commissioner Figurski asked about the lighting. Mr. Stoy stated the lighting is shielded and downward facing and the streetlights use decorative lighting. They are only 12 feet high.

Commissioner Figurski stated there are no dates on any of the plans. Mr. Stoy will put dates on the plans.

Commissioner Figurski stated this was a nice submission by the petitioner.

Commissioner Burchfield asked Mr. Stoy if there were any reasons why he would not be able to comply with the engineer's, planner's and fire department's requests. Mr. Stoy stated he wants to meet all of the ordinance requirements.

Commissioner Cahill stated it is a lovely project. Although he is concerned about the trees.

Mr. Purdy reviewed his letter of May 2, 2000. He stated that the applicant has made an excellent submittal and has complied with the ordinance. The architecture is very well designed. He stated the Planning Commission has to approve the building elevations for all sides of the building as well as materials. The petitioner showed a color rendition of the proposed building.

Mr. Purdy stated the Planning Commission may approve the wooden dumpster enclosure but he suggests using brick to match the existing building. Mr. Stoy stated wood and metal is easier to maintain, but he has no problem changing it to meet the Planning Commissions request.

Mr. Purdy stated the sign details can be administratively approved, but the Planning Commission can require that it be on the site plan for review. Mr. Stoy stated they do not know what the signage will be, but when they do, he is willing to show it and receive whatever approval is required. It was agreed that this can be handle administratively.

Mr. Purdy stated his recommendation to have the CMU on the building be integrally colored to match the brick. Mr. Stoy feels it is functionally and aesthetically better to go with a painted brick. Sometimes you get inconsistencies in color when you use integrally colored brick. They intend to own and hold these properties so they will maintain them. The Commissioners agreed with Mr. Stoy's opinion. Commissioner McCririe stated since the building is an internal building as opposed to being on the road, he is satisfied with the painted block.

Mr. Purdy stated the parking requirements are being met for general office, but if the building should be used for a medical office, the ordinance would not be met. Banked parking is proposed north of the office building. Mr. Stoy stated they have left space if they need to construct additional parking based on the tenants of the office building.

Commissioner McCririe feels that the entrances will not meet the ordinance if the additional parking is constructed. Mr. Stoy feels that because there is the cul-de-sac at the end of the road, there will be no need for a left turn lane. Commissioner McCririe stated he would like to see the access be from the back instead. Mr. Stoy has no problem making this change.

Mr. Purdy stated all of the fire department requirements need to be met. Mr. Stoy will meet all of the requirements of the fire department.

Ms. Tally referred to her letter of April 18, 2000. The petitioner should be aware that this site is served by softened water and that individual water softeners are not necessary. If the petitioner chooses to use a water softener, the discharge cannot be connected to the sanitary sewer and a potassium based regenerate should be used.

The REU's for this site are 22, but 8 have been paid so the balance due for sewer connection is \$78,864 and the balance due for water is \$57,166.

Ms. Talley reviewed her letter of May 2, 2000. She stated that the following information needs to be on the plans: a detail of the proposed structures for different contractors, all sizes of the storm sewer pipes of the research/industrial building parking north of the office building, the storm sewer profiles and sizing calculations, and the length, material and cover for all water mains and proposed lengths, material, slopes and inverts for the sanitary sewer. Mr. Stoy will comply with all of these requests.

Ms. Talley stated the plans for a concrete curb detail are different on Page 4 and Page 9. They would like to see these two sheets be consistent. Mr. Stoy will revise the sheets.

Mr. Talley stated the petitioner is proposing a 24-foot wide driveway. Genoa Township requires a driveway width of 30 feet. After a brief discussion, it was decided that the road will be 30 feet wide.

Ms. Talley stated the asphalt pavement section detail should be revised to indicate the proposed material of each course. Mr. Stoy will revise the plans.

Ms. Talley stated the asphalt pavement section detail does not appear to meet the minimum requirements of sub base material and thickness. Ms. Talley wants it to be the same as the roadway. Mr. Stoy stated it will be an 8-inch aggregate base.

Ms. Talley stated there may be some areas of the soil that contain peat deposits. She suggests following MDOT standard plan V-103 for the excavation of peat prior to paving operations. Mr. Stoy stated they will specially treat the areas where there is bad soil.

Commissioner Figurski stated she would like to see dust control measures on the site plan. Mr. Stoy will comply.

Commissioner Cahill feels this is a lovely project.

Commissioner McCririe feels this is a nice project.

The call to the public was made with no response.

Moved by McCririe, seconded by Burchfield, to recommend to the Township Board approval of the Special Use request for Genoa Business Park, Section 13, petitioned by Delcor Development/Genoa One LLC to be located on an 18-acre site, on the north side of Grand River just west of the St. Joseph Mercy Health Center subject to approval of the impact assessment and site plan. **The motion carried unanimously.**

Moved by Figurski, seconded by McCririe to recommend to the Township Board approval of the impact assessment dated March 30, 2000 for Genoa Business Park, Section 13, petitioned by Delcor Development/Genoa One LLC to be located on an 18-acre site, on the north side of Grand River just west of the St. Joseph Mercy Health Center. **The motion carried unanimously.**

Moved by McCririe, seconded by Cahill, to recommend to the Township Board approval of the site plan dated March 24, 2000 for Genoa Business Park, Section 13, petitioned by Delcor Development/Genoa One LLC to be located on an 18-acre site, on the north side of Grand River just west of the St. Joseph Mercy Health Center from Atwell-Hicks with a revision date of April 24, 2000 on Pages 1-10 inclusive with the following conditions:

1. Township Board approval of the Special Use as recommended by motion this evening.
2. Township Board approval of the Impact Assessment as recommended by motion this evening.
3. Township Engineer review and approval of all plans.
4. Building architecture and materials as presented are acceptable. The same material shall be presented at the time of submission to the Township Board and reduced renderings shall be provided to become the property of the Township.
5. Dumpster materials shall be masonry to match the buildings.
6. The banked parking lot shall be accessed off the Industrial/1 story building entrance drive. It shall be installed by the owner/developer at the direction of the Township Manager at such time as he determines there is a need.
7. The grade line and limits of grading shall be pulled off of Lot #2 and as far away from the west property line as possible to preserve as many of the existing trees as possible.
8. The petitioner understands that the water softener used on the premises may not discharge into the sanitary sewer and a potassium based regenerate should be used.
9. The petitioner acknowledges and accepts the REU's as set for on Page 4 of Ms. Talley's letter of April 18, 2000.

10. The industrial driveway shall be 30 feet wide and the office driveway shall be 24 feet wide.
11. The petitioner's dust control measures shall be reiterated on the site plan documents.
12. The petitioner shall comply with all of the requirements of the fire marshal.

The motion carried unanimously.

OPEN PUBLIC HEARING #3...Review of a site plan application for Intech Industrial Park, 6 buildings on 10.5 acres, an industrial complex with a total building area of 61,193 sq. ft at the south west corner of Dorr Road and Sterling Drive, Section 15, petitioned by Mandell Bilovus Lenderman & Associates. (PC 00-17).

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

Mr. Norbert Bowes, the developer, and Mr. Steve Linderman, the Architect were present. Mr. Linderman gave a brief description of their plans for this site. They have changed their plans from six buildings to five. They combined Building #A and #B to form Building #A. There are two acres of wetlands on this site. They are asking for suggestions and recommendations from the Planning Commission so they can make some changes and then bring this before the Planning Commission again.

Mr. Linderman stated he hopes to receive input on the site plan but feels the impact assessment can be acted on tonight. They would like to be at the Zoning Board of Appeals meeting tomorrow night. Chairman Pobuda stated the impact assessment and the site plan are usually acted on at the same time. Mr. Archinal stated the Planning Commission can make a recommendation to the ZBA and withhold acknowledgment on the site plan if the Planning Commission feels comfortable. If the Planning Commission is not comfortable with this, they can table it pending ZBA review and then it would come back to the Planning Commission with certain variances granted or denied from the ZBA.

Commissioner McCririe feels this project is going to have a lot of discussion and revisions. He feels it would be a moot point for the developer to go before the ZBA tomorrow night.

Commissioner Burchfield does not feel comfortable with the variances requested based upon the number of variances, and that it involves so many different aspects of the project. He would like to see a new impact assessment stating five buildings and not six. He would also like to see this project scaled down more.

Commissioner Figurski does not want to see a lot of variances. She is very concerned about the wetland areas. She feels they are putting too much in too small of an area.

Chairman Pobuda stated the Planning Commission will not make any recommendations to the ZBA tonight. Mr. Archinal stated the ZBA will not approve variances without site plan approval.

Mr. Purdy reviewed his letter of May 3, 2000. He stated the setback for Building A is not being met. Commissioner McCririe does not feel this portion of the property is buildable. All setbacks for this building cannot be met. Mr. Bowes feels this building sets the mood for the entire park. He feels the Sterling Corner intensified landscaping can be improved. He feels it is important from an aesthetic standpoint. Commissioner McCririe stated he appreciates the developers offer to intensify the landscaping, but he is very uncomfortable with this building. If this was a building by itself, it would never be approved. He is willing to work with the petitioner on the other buildings because these are set back off of the road, but he does not feel we should be looking at a building with that many variances. Commissioners Burchfield and Cahill agree with Commissioner McCririe.

Mr. Purdy stated the pavement for Building E loading area needs to be setback 20 feet from the south parcel line. The petitioner is asking for a 10-foot setback. They are allowing for the preservation of the south side tree line. The petitioner stated the rear setback on the east is facing an industrial park. They have met the front setback. Commissioner Burchfield would like to see this setback in compliance. The petitioner reiterated that it is backing up to another industrial park. Commissioner Burchfield feels that the petitioner has a good point. Commissioner McCririe agrees that the petitioner has a good point also. He feels the wetlands and landscaping around the southeast corner is more important. Mr. Purdy would recommend tree inventory and tree protection measures be proposed by the petitioner. Commissioner Cahill would like some assurance of tree protection.

Mr. Purdy stated all buildings are required to be setback 70 feet from a private road for the internal road or 50 feet if no parking is located in the front yard. It is difficult to tell what is front parking and what is side parking for all of the buildings. The petitioner stated they are trying to create a very attractive environment with a cul-de-sac with landscaping instead of having all parking area. Commissioner McCririe agrees with the petitioner's point of the cul-de-sac. He is not uncomfortable with this. Commissioner Burchfield feels the cul-de-sac is a much better idea than a "sea of asphalt".

Mr. Purdy stated a 66-foot wide private road easement is required, but the Planning Commission may reduce the width of the road easement to 50 feet. Commissioner Burchfield asked the petitioner why he is asking for this easement. The petitioner feels that because this is a private road with a cul-de-sac the easement can be granted to allow for more green than there would be with a 66-foot right of way. Commissioners Burchfield and Figurski agreed. Commissioner McCririe asked Ms. Talley how this would affect the utilities. Ms. Talley stated it would not pose a problem for the engineers.

Mr. Purdy stated all roads should have concrete curbing. The petitioner will comply with this request.

Mr. Purdy stated elevation drawings and color renditions need to be presented to the Planning Commission. He stated they would like to see integrally colored masonry. He also stated they need to see a detailed lighting and sign plan. It was determined that the lighting and sign plan can be handled administratively. The petitioner stated the sign is not designed yet. They will come back for further approval after it is designed. He showed the proposed colors and elevations for the buildings. All block will be similar split-faced block. Mr. Purdy stated he likes the materials and colors proposed. All commissioners agreed.

Commissioner McCririe asked about the back of Building B. He is concerned about the mass of the building and asked what vegetation is going to be added to break it up. He would like to see some trees along that side of the building.

Mr. Purdy stated a private road is proposed to cross the wetlands. He suggested having the road cross at the existing culvert. The petitioner stated design constraints would cause them to lose parking at Building B if they were to do this.

Ms. Talley reviewed her letter of May 2, 2000. The petitioner has not addressed the engineer's issues at this point. Ms. Talley stated the private road should have concrete curbs and gutters. The petitioner will comply with this request.

Ms. Talley stated she would like to see a revised set of plans that addresses the engineering issues.

The call to the public was made with no response.

Mr. Archinal feels a tabling motion would be in order so the applicant can meet with Township staff and make the necessary revisions discussed this evening.

Moved by McCririe, seconded by Figurski, to table the site plan application for Intech Industrial Park, 6 buildings on 10.5 acres, an industrial complex with a total building area of 61,193 sq. ft at the south west corner of Dorr Road and Sterling Drive, Section 15, petitioned by Mandell Bilovus Lenderman & Associates. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...Review of the following zoning text amendments:
(Tabled from 4-24-00 meeting)**

Article 19: Amendments to this Article provide regulations, which address expansion to nonconforming uses and structures

The Commissioners reviewed their concerns regarding the proposed changes to Article 19.

Commissioner Figurski asked why the word "fire" was being taken out of Section 19.0610. Mr. Purdy stated they took it out of the title so that it did not imply that it pertained only to fire.

Commissioner Burchfield asked about Section 19.0612. Is there any other basis that can be used besides "½ of the value of the building or structure"? Why is that the measurement? Mr. Purdy stated they are trying to discourage long-time survival of non-conforming structures. This will put a limit on the amount of modifications that can be done to a non-conforming structure. There was a discussion as to why this was being added. Mr. Purdy stated this is a way to get any non-conforming structures to become conforming by having to come before the ZBA.

Moved by Figurski, seconded by Burchfield, to recommend approval to the Township Board of the amendments to Article 19. **The motion carried unanimously.**

Moved by Figurski, seconded by Burchfield, to approve the minutes of April 24, 2000 with all noted changes. **The motion carried unanimously.**

Member Discussion

Commissioner Figurski stated Wilson Marine had three large floodlights on the west side of the building and they also had eight boats and three carts outside of the fence yesterday and today. Mr. Archinal will check the site for violations.

Commissioner Figurski stated there are large chunks of dirt on Hughes Road from Forest Ponds. Mr. Archinal will give Commissioner Figurski the name of a contact from the Drain Commissioner's office to express concerns related to the project at Forest Ponds.

The meeting was adjourned at 9:50 p.m.

Submitted By: Patty Thomas, Recording Secretary

Signed By: Barbara Figurski, Secretary