

March 13, 2000

GENOA TOWNSHIP  
PLANNING COMMISSION  
MARCH 13, 2000  
WORK SESSION  
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, Jim Mortensen, Jerrold Joseph, John Cahill, Gary McCririe, and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlance & Associates, Inc.; and Melissa Talley from McNamee, Porter, & Sealey. 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 Mortensen, supported by Figurski to approve the Agenda.

A 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 Don Pobuda noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING #1...Review of a site plan application to demolish and reconstruct a tower to accommodate the Livingston County 800 MHz system at the corner of Nixon and Crooked Lake Roads. (Tabled from 2-14-00 and 2-28-00 meetings).**

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

Steve Morgan from Boss Engineering, John Hargrove from Livingston County, and Jimmy Cormier from Duke Communications were present. Mr. Morgan gave a brief overview of the proposed tower.

Commissioner Cahill asked if it was necessary to have a 300-foot tower. Mr. Hargrove stated that they originally wanted a 400-foot tower, but 300 feet will support their needs.

Mr. Purdy reviewed their letter of March 10<sup>th</sup>. The county would be willing to allow for a system of a red beacon at night and a white strobe during the daylight hours because the red beacon has less impact at night than the strobe. The petitioner agrees to this. There will be a single, pulsing red beacon at night.

Chairman Pobuda asked how the tower is powered. The tower is commercially powered and there are two backup generators.

There was a brief discussion regarding the lighting and what the FAA will require in terms of lighting. It was noted that there would be one light at the top and two side lights midway up the tower.

Mr. Purdy stated that they will require a written agreement to allow co-location of other wireless communication equipment on the tower. Duke Communications will provide a letter agreeing to this.

Commissioner Joseph asked what types of antennae are on there now. There are two microwave dishes and three VHF and UHF antennae for a total of five. Commissioner McCririe asked what the maximum width of the microwave dishes will be. They will be 10-feet in diameter.

Mr. Purdy stated that landscape screening could be required by the Planning Commission near the utility building as well as the guide wire anchors. Mr. Morgan stated that the building is 300 feet from the road and that there would be no water at the site to maintain any landscaping. Commissioner Figurski stated that you can see the building from the road. The petitioner stated that there will be a six-foot chain link fence around the building. After a brief discussion it was decided that the petitioner will plant four evergreen trees around the building and fuel tank.

Commissioner McCririe asked if the transformer pad and the propane tank can be moved to the west side of the building as to make it less conspicuous from Nixon Road. The petitioner stated that it would cause a significant financial impact to excavate the dirt as well as not allowing room for any additional buildings for new tenants. There also needs to be a drive around the tower for maintenance and operational purposes.

Mr. Purdy stated that the Planning Commission has the discretion to approve the materials being used for the new building. They suggest it be covered with brick facing. The petitioner stated that this is a pre-fabricated building. It has already been built. It is made of concrete with a reddish rock covering. It was decided that this material is fine. Commissioner Mortensen asked when any new buildings are going to be added to the site, does it have to come before the Planning Commission. Mr. Purdy answered that this requires administrative approval.

Mr. Purdy stated that a maintenance agreement needs to be provided to the Township that indicates if the tower ceases to be used, it would be removed. The petitioner asked for a time limit to get new tenants on the tower before it had to be removed. The ordinance states a twelve-month timetable.

Mr. Purdy stated that any outside agency, such as the FAA, approval must be met. The petitioner has already contact the FAA and will have that approval for the Township Board.

Ms. Talley reviewed their letter of March 9<sup>th</sup>. The plans should be revised to show the finished floor elevation of the proposed building. The petitioner will comply.

The petitioner needs to indicate on the plans that the existing tower and guide wires will be removed within 60 days of completion of the new tower. The petitioner will comply.

The petitioner should revise the plans to show the size, slope, length, and material of the proposed culvert. The petitioner will comply.

Township Standards require for a one-way access drive to be a minimum of 15 feet. The Planning Commissioner can approve the proposed 12-foot wide drive. The petitioner stated that they expect six to seven cars per month accessing that road. During construction time it may be increased.

The site access road detail shall be revised to state the compaction requirement, to clarify where the geotextile is to be located, and to state the material shall meet MDO 22A standards. The petitioner will comply.

The petitioner shall provide Livingston County Road Commission approval for the drive connection to Nixon Road prior to submission to the Township Board.

There was a discussion regarding the number of microwave dishes that would be allowed on the tower. Mr. Morgan stated that they do not want to be limited to the number of microwave dishes that can be on the tower. Mr. Purdy stated that if they wanted to add more dishes than what was approved, they would have to come before the Planning Commission again. Mr. Archinal stated that the pros

of having a co-location tower is so that other tenants can co-locate on that tower without having to come before the Planning Commission. If tenants were allowed to co-locate on an existing tower, it would eliminate the need for many different towers being built. It was decided that the number of microwaves would be limited to ten.

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

Mr. Bob Block, Livingston County Administrator stated that some of the cost of this tower comes from the County. He feels that they have done what they needed to do to meet the Township's requirements in regard to the lighting on the tower. Building this new tower has also provided a better solution to the Township than building additional towers. He asked the Township to not outweigh the requirements with aesthetic conditions where they are not necessary.

Chief Brookings, Police Chief for Greenoak Township stated that the longer this takes to be approved, the more time we're wasting for the safety of the public and police officers. He would appreciate a fast and expedient approval of this tower.

Mike Murphy from the LCS Department reiterated what Chief Brookings said. It is crucial that we have the tower for the system to work the way it is supposed to. If we didn't have the caliber of emergency services we do in Livingston County, we would experience more problems.

Dick Winset, County ERS Project Manager supports this tower. He request that this request be passed so they can enhance the system and carry out their duties.

The call to order was closed at 7:51 p.m.

**Moved** by Litogot, supported by Mortensen to approve the impact assessment dated February 7, 2000 to demolish and reconstruct a tower to accommodate the Livingston County 800 MHz system at the corner of Nixon and Crooked Lake Roads. **The motion was unanimously carried.**

**Moved** by McCririe, supported by Figurski to approve the site plan to demolish and reconstruct a tower to accommodate the Livingston County 800 MHz system at the corner of Nixon and Crooked Lake Roads with the following conditions:

1. Township Board review and approval of the impact assessment as recommended by motion this evening.
2. Township Engineer's review and approval of all plans.
3. Township Zoning Board of Appeals variance approval for the height of the structure.

4. The tower shall be a gray galvanized color with a red beacon light during the night and white strobe during the daylight, along with two red side lamps midway up the structure. No additional lighting will be allowed.
5. The structure shall be limited to ten microwave dishes with a maximum diameter of ten feet each.
6. The petitioner shall remove the existing tower on or before 60 days of completion of the new tower.
7. Petitioner shall supply to the Township attorney language satisfactory to the attorney providing for co-location of additional users provided they do not conflict with any of the current users.
8. There shall be no signage on the tower.
9. Subject to FCC and FAA approval, if necessary.
10. Driveway access may be 12-feet wide.
11. Te petitioner shall provide a minim of four evergreen tress on the east side of the security fence to screen the gas tank and building which shall be shown on the site plan prior to submission to the Township Board.
12. Any new buildings proposed for the site in the future shall be of similar color and materials with similar landscaping as provided this evening.

**The motion was unanimously carried.**

**Moved** by Mortensen, supported by Joseph to recommend to the Township Zoning Board of Appeals to grand a variance to allow replenishment of an existing non-conforming structure. **The motion was unanimously carried.**

**OPEN PUBLIC HEARING #2... Review of special use and site plan applications for a 12,600 sq. ft. addition to Crash Tool, 1225 Fendt Drive, Lot 9, Gentech Industrial Park, Section 08, petitioned by Brivar Construction. PC-01.**

- **Planning Commission disposition of Livingston County petition**

- A. Recommendation regarding impact assessment.
- B. Recommendation regarding special use.
- C. Disposition of site plan.

Mr. Stan Bersh of Brivar Construction stated that they have handled the concerns that were discussed at last month's meeting.

There was a discussion regarding supplemental landscaping being planted on the northeast side of the site because the tree line was cleared by Wal-Mart and Home Depot. The petitioner stated that the north property line is as close as it can be to the drainage ditch and there is nowhere to plant trees. It was decided that three trees would be planted on the north side of the site.

Mr. Purdy reviewed their letter of March 7<sup>th</sup>. The Planning Commission can recommend to the Township Board approval of the special land use, which is required for facilities larger than 20,000 square feet.

Ms. Talley reviewed their letter of March 2<sup>nd</sup>. Livingston County Drain Commission approval will be required for the retention basin.

They would like to see the detail for the retention wall to indicate what is going to be there.

The water connection fees are \$3,000 for this site. The sanitary sew system connection fees are \$4,200.

A call to the public was made at 8:20 with no response.

**Moved** by Litogot, supported by Joseph to approve the impact assessment dated January 24, 2000 for a 12,600 sq. ft. addition to Crash Tool, 1225 Fendt Drive, Lot 9, Gentech Industrial Park, Section 08, petitioned by Brivar Construction. PC-01. **The motion was unanimously carried.**

**Moved** by McCririe, supported by Litogot to approve the special use for the total of 21,060 square feet. **The motion was unanimously carried.**

**Moved** by McCririe, supported by Litogot to approve the site plan for a 12,600 sq. ft. addition to Crash Tool, 1225 Fendt Drive, Lot 9, Gentech Industrial Park, Section 08, petitioned by Brivar Construction. PC-01 with the following conditions:

1. Township Board review and approval of the impact assessment as recommended by motion this evening.
2. Township Board review and approval of the special use as recommended by motion this evening.
3. Township Engineer's review and approval of all plans.
4. Petitioner shall provide three additional evergreen trees on the north property line shown on the site plan prior to submission to the Township Board.
5. Subject to Livingston County Drain Commission approval.
6. Petitioner understands and accepts the water and sewer connection fees subject to final audit of the Township Engineer's staff.
7. Petitioner understands any proposed water softeners shall not be connected to the Township sanitary sewer system and shall utilize a potassium-based product.

**The motion was unanimously carried.**

**OPEN PUBLIC HEARING #3... Review of a site plan application, environmental impact assessment, and site plan for a 4,096 sq. ft.**

**accessory structure, a 416 sq. ft. showroom, and a 2,000 sq. ft. addition to Brighton Stone. PC 00-05**

- **Planning Commission disposition of Livingston County petition**

- A. Recommendation regarding impact assessment.
- B. Disposition of site plan.

Mr. Les Began of Brighton Stone reviewed the proposed changes they want to make. They would like to move all of the outside storage out of public site and indoors. He feels this will help make the property look cleaner and neater and will also allow for more parking.

Mr. Purdy stated that the addition to the front of the building does not meet the setback. Also, the current building is not a conforming structure and would require approval from the Zoning Board of Appeals. The petitioner has an appointment with the ZBA.

Commissioner McCririe inquired which area was going to be an addition and what was going to be a new structure. The addition will be on the existing building and the building in the back would be all new.

Mr. Purdy stated that the petitioner must ensure that the purpose of the new building in the rear would be to relocate materials that are currently stored outside. The petitioner confirmed this.

Mr. Purdy stated that the site plan needs to indicate the route that a truck would take on the site. Chairman Pobuda agreed that the traffic flow needs to be shown on the site plan. Commissioners Figurski and Mortensen agreed. There was a discussion regarding the traffic flow on the site. Commissioner Mortensen stated that a new site plan needs to be submitted showing the traffic flow. Chairman Pobuda stated that the plan also needs to show where the bins are going to be located and what is going to be stored in them.

Mr. Purdy stated that the rear building needs to meet the 50-foot setback because it is adjacent to a residential area. The petitioner stated that there is an in between park that will help meet the setback for that building. There was a discussion regarding the rear building. Commissioner Figurski is against the building being so close to the residential area. Commissioner Mortensen inquired as to what kind of trade offs can the Township approve in order to get rid of the outside storage. There was a discussion regarding what changes can be made to the building in order to meet the setback and accommodate all of Brighton Stone's inventory. Commissioner Litogot suggested moving the entire building along the back of the property. The petition did not want the entire building along the back because of the setback, so he put part of it along the side.

Commissioner Joseph stated that the current building is a non-conforming building and adding onto it is prolonging the use of a non-conforming building. This should be a temporary building and should not be expanded on.

Chairman Pobuda suggested tabling this item and having the petitioner schedule an informal meeting with Mr. Archinal to discuss the planner and engineer's review letters.

**Moved** by McCririe, supported by Figurski to table the approval of the impact assessment and site plan for a 4,096 sq. ft. accessory structure, a 416 sq. ft. showroom, and a 2,000 sq. ft. addition to Brighton Stone. **The motion was unanimously carried.**

**OPEN PUBLIC HEARING #4...Review of a site plan application, environmental impact assessment, and site plan for the Mark Leonard building for a restoration of a 2,400 sq. ft. building and the addition of nine parking spaces, petitioned by mark Leonard. PC 00-07.**

- **Planning Commission disposition of Livingston County petition**

- A. Recommendation regarding impact assessment.
- B. Disposition of site plan.

Steve Morgan of Boss Engineering, Mark Leonard, and Mr. and Mrs. Evans and their daughter Melissa, the current owners of the property, were present. Mr. Morgan stated that Mr. Leonard does not have any plans to change the building. He will be adding a handicap ramp. It will be used for a residential home building office.

Commissioner Mortensen feels this is a good use for this building.

Commissioner McCririe noted that a site plan has already been approved for this property. Mr. Morgan stated that Saturn has released their option to the property in writing. The petitioner will furnish this information to the Planning Commission.

Mr. Purdy stated that they are happy to see that this historical building is going to be used and saved as a valuable landmark for the Grand River Corridor.

Mr. Purdy stated that the height of the building should be noted on the site plan. The petitioner will comply.

Mr. Purdy stated that the interior and exterior of the building will remain unchanged.

Mr. Purdy stated the eight-foot path along Grand River Avenue is located on the property to preserve trees, but an easement needs to be provided, the path should meander back into the right-of-way at the east and west edges of the

property, and curb ramps are needed along the pathway at the driveway. The petitioner will comply with all three of these requests.

Mr. Purdy stated that five additional trees would be needed along the front of the property, but the Planning Commission can count the existing trees in the front yard to count towards this requirement. The Planning Commission would prefer to leave the trees as they are.

The impact assessment and site plan must reflect no outside signage.

Ms. Talley reviewed their letter of March 2<sup>nd</sup>. MDOT approval will be required for the proposed drainage onto Grand River.

Ms. Talley stated that the plans should be revised to include the drive elevations.

Ms. Talley stated the proposed driveway is 24-feet wide, but Township standards require a minimum of 26 feet. There appears to be enough room for two vehicles to pass without interference. It is the discretion of the Township to allow for this variance.

There was a discussion regarding the utility connection fees. There is a balance of \$41,632. This balance will be transferred to the new owner but it still needs to be determined if it would need to be paid up-front or over a 10-year period.

Commissioners Joseph, Mortensen, Cahill, and Litogot all agreed that this is a good plan for this building.

The call to the public was made at 9:25 p.m. Mrs. Evans, the current property owner, is delighted that the building is going to stay. The residents have expressed their delight. She is happy to go forward with this plan and thanks the Township for their consideration.

**Moved** by Figurski, supported by Litogot to approve the impact assessment for the Mark Leonard building for a restoration of a 2,400 sq. ft. building and the addition of nine parking spaces, petitioned by mark Leonard. PC 00-07 with the following change:

1. Page 1, "No outdoor storage 'at this time'..... "at this time" should be removed.

**The motion was unanimously carried.**

**Moved** by McCririe, supported by Joseph to approve the site plan for the Mark Leonard building for a restoration of a 2,400 sq. ft. building and the addition of nine parking spaces, petitioned by mark Leonard. PC 00-07 with the following conditions:

1. Township Board review and approval of the impact assessment as recommended by motion this evening.

2. Township Engineer's review and approval of all plans.
3. The height of the building shall be noted on the plans.
4. Petitioner shall provide a pathway easement with language satisfactory to the Township attorney and the path shall be brought back in the right-of-way along the east and west property lines.
5. The trees that exist along the Grand River frontage shall be sufficient as to satisfy the landscaping requirement along that frontage.
6. The petitioner shall not remove any of the trees
7. The 24-foot drive aisle as proposed is accepted.
8. The petitioner understand that there shall be a partial repayment of the \$41,632 sewer assessment for the property to be agreed upon by the Township Board, subject to the agreement between Mr. and Mrs. Evans and the Township dated March 22, 1990.
9. Petitioner understands any proposed water softeners shall not be connected to the Township sanitary sewer system and shall utilize a potassium-based product.

**The motion was unanimously carried.**

### **Administrative Business**

**Moved** by Figurski, supported by Litogot to approve the minutes of the February 28, 2000 meeting with the following changes:

1. The last page "she also noted that days and hours of operation need to be on the door of the building." should be changed to ".....need to be inserted under I".
2. Add "Note: This item was discussed with the petitioner but no action was taken."

**The motion was unanimously carried.**

The meeting was adjourned at 9:34 p.m.

Prepared by: Patty Thomas, Recording Secretary

Signed by: Barbara Figurski, Secretary