

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
WORK SESSION
DECEMBER 10th, 2007
6:30 P.M.
AGENDA**

CALL TO ORDER: At 6:30 p.m., the work session of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Vice Chairman, Dean Tenge, James Mortensen, Barbara Figurski, Teri Olson, Chris Grajek, Diana Lowe and Doug Brown. Also present were Rob Nesbitt of LSL, Tesha Humphriss of Tetra Tech and Kelly VanMarter, Planning Director.

APPROVAL OF AGENDA: Upon motion of Barbara Figurski and support by James Mortensen, the agenda was approved as submitted.

DISCUSSION: of Agenda items of the regular meeting of the Planning Commission.

DISCUSSION: of general items

ADJOURNMENT: Upon motion by Barbara Figurski and support by Teri Olson, the work session was adjourned at 7:00 p.m.

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 10th, 2007
7:00 P.M.
AGENDA**

CALL TO ORDER: At 7:03 p.m., the work session of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Vice Chairman, Dean Tenge, James Mortensen, Barbara Figurski, Teri Olson, Chris Grajek, Diana Lowe, and Doug Brown. Also present were Rob Nesbitt of LSL, Tesha Humphriss of Tetra Tech and Kelly VanMarter, Planning Director.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited and a moment of silence was observed.

APPROVAL OF AGENDA: Upon motion by Barbara Figurski and support by Teri Olson, the agenda was approved as amended to move item number one to item number three. **Motion carried unanimously.**

CALL TO THE PUBLIC: (*Note: The Board reserves the right to not begin new business after 10:00 p.m.*)

OPEN PUBLIC HEARING #1...Review of a request for an additional wall sign for White Castle located at 3832 W. Grand River, as provided by footnote 2(b) of Table 16.1 of the Genoa Charter Township Zoning Ordinance.

Joe Barts, Construction Representative from White Castle addresses the Planning Commission. He presents a drawing of the proposed signage for White Castle. He requests additional signage on the west side of the building, facing the private drive to the WalMart plaza. He believes that the monument sign is overpowered by those of WalMart and Lowe's.

Planning Commission disposition of petition

A. Disposition regarding 2nd wall sign.

Motion by James Mortensen that the Planning Commission grant White Castle two signs of 32' square feet each on the north side and west side of the building, finding that the difficulties expected, including landscaping of property to the west justify this motion and it is consistent with footnote "b" of table 16.1 of the Township Ordinance. Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review of a request for an additional wall sign for Cleary University located at 3750 Cleary Dr., as provided by footnote 2(b) of Table 16.1 of the Genoa Charter Township Zoning Ordinance.

Gary Bachman, Facilities Director of Cleary University addresses the Planning Commission. He is requesting permission to place signs on the north facing and east facing walls of the Johnson Center building. This building impedes the view of the main building, so therefore the signs should be placed there. The signs total 93.5 square feet. The building is oriented in such a way as to lend itself to two signs.

Planning Commission disposition of petition

A. Disposition regarding 2nd wall sign.

Motion by James Mortensen moves that the Planning Commission grants Cleary University approval of two signs on the Johnson Center Building because of the difficulties in locating this particular building due to the density on the site and it is within 16.1(b) of the ordinance. Support by Chris Grajek. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 3...Review of a final PUD site plan application, impact assessment, and PUD agreement for a proposed 5,200 sq. ft. retail/office building located at 2160 E. Grand River, petitioned by William Colley Architect. (07-08)

Mr. Mark Hiller and Mr. William Colley address the Planning Commission to request approval of the final PUD and site plan. The petitioner has worked with the Township and has made alternate arrangements regarding the easement.

Mr. Colley reports that the owners are concerned about the bike path requested by the Planning Commission. One exists on the north side of Grand River, but with the property being placed as it is, a bike path could cause potential problems regarding entry onto Grand River and diminished visibility due to the viaduct.

James Mortensen indicates he is not inclined to grant this relief. Tesha Humphriss indicates this has not been master planned because it is at the very edge of the Township. She doesn't disagree with the petitioner's claim that the sidewalk would dead end at the viaduct anyway. James Mortensen indicates his inclination is to require a bond for the sidewalk issue. Mr. Nesbitt suggests that the sidewalk should be required to connect into the building, but no further. Kelly VanMarter indicates there has been some talk of abandoning the railroad tracks at a future date. David Bittner (co-owner of the property) indicates his concern is that any sidewalk would encourage walkers to continue under the viaduct. Petitioners, John Sherston and David Bittner are present and indicate they'd object to posting a bond and feel that any discontinuation of the sidewalk could conceivably lead to civil liability on their part. Mr. Colley asks if this could be sent to the Board for approval. James Mortensen explains that the purpose of the Planning Commission is to make a recommendation to the Township Board.

James Mortensen indicates that he believes a sidewalk should be required to the western side of the building and a bond in escrow for a sidewalk from the western end of the building to the western end of the property line with a time period of three years and if a sidewalk is not required, the bond would be canceled and returned. Mr. Bittner believes this would classify as an attractive nuisance.

Tesha Humphriss indicates that the grading is quite steep. If a sidewalk were put in, there would be a large amount of grading to level out the sidewalk. She believes walking along the site to Grand River is unlikely. She believes the safest tact would be to require a sidewalk from the western edge of driveway up to the sidewalk on petitioner's site.

Mr. Colley suggests that rather than a bond, just place additional language in the PUD.

Tesha Humphriss indicates the sidewalk would be in the easement, so it wouldn't even be on petitioner's property. It would be between the drive and the building. Mr. Nesbitt agrees with Tesha Humphriss. He thinks that is the logical placement of the sidewalk.

James Mortensen thinks the petitioner should be financially responsible for the sidewalk connecting the eastern side of the property to the western property line.

Tesha Humphriss suggests that a stub of sidewalk be placed on the eastern end of the driveway/easement. Mr. Colley indicates there is no room.

There has been a draft easement agreement regarding G.O. according to Tesha Humphriss

Tesha Humphriss discusses the November 5th letter. Mr. Bittner addresses the Planning Commission's concerns regarding environmental contamination. The D.E.Q. is involved and they are working with the petitioner.

The 1 on 3 slope must be approved by the Planning Commission. The engineers have no objections, but approval is required.

Underground detention is requested and historically, the Township has approved underground detention for sites such as this. The ordinance regarding the maintenance agreement should be adhered to. Petitioner will agree. Tesha Humphriss asks for a soil boring sample to check for groundwater. Petitioner indicates they are obtaining borings anyway, so they will forward one to the Township.

Petitioner indicates that if the sidewalk weren't required, a natural slope could be utilized, but a 1 on 3 is required now. James Mortensen indicates that under his proposal regarding the sidewalks, he would be more willing to go with a 1 on 3 slope.

Tesha Humphriss addresses that the parking space overhang could be accommodated by the 7' sidewalk.

Mr. Nesbitt discusses the rear yard setback. The requirement was met in the previous plans, but the newest plans are only 39'. The PUD agreement would have to note any waiver.

Mr. Nesbitt addresses the proposed materials and colors. Mr. Colley presents material samples, but does not have a color rendering.

Mr. Nesbitt indicates ramps should be provided. This should be included in the PUD agreement.

Regarding the landscaping plan, there is a deficiency of canopy trees, but there are sufficient evergreen trees to make up for it under the ordinance. Petitioner agrees to replace one evergreen tree in the parking lot with a canopy tree.

Mr. Nesbitt indicates there are inconsistencies with the lighting scheme. Petitioner will make the two sheets consistent. They will adhere to the L-1 plan rather than the A-1 sheet. All lighting fixtures will be full cut off and downward directed.

Barbara Figurski asks about dust control. This is not addressed on the plans, but on the impact assessment. Petitioner will place it on the plans.

Petitioner addresses the Fire Marshall's letter. The building code does not require an automatic sprinkler system in the upper level, but only on the lower level. They will provide a fire suppression system as required by the building code. Discussion was held regarding any language in the motion to refer to this issue.

Tim Murphy addresses the Planning Commission and tells how there was a similar situation to the sidewalk issue in Lansing on Saginaw Street. A young girl was killed after stepping into the street when the sidewalk stopped.

Planning Commission disposition of petition

- A. Recommendation regarding PUD agreement.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding final PUD plan.

Motion by James Mortensen to recommend to the Township Board approval of the PUD agreement for this building, subject to the following:

1. The agreement will be revised to indicate that the rear yard setback is 39';
2. The agreement will indicate that if the Township develops a plan which may or may not be in conjunction with the municipality to the west for the sidewalk to be extended from the western edge of the driveway to the western edge of the property line, it will be done at the owner's expense and this agreement will be in recordable form satisfactory to the Township Attorney;
3. The agreement will be revised to include reference to the township ordinance regarding underground storm water control systems – ordinance 13.08 – and will include the management reporting and maintenance plan in a form acceptable to the Township Engineer, Staff or Attorney. The PUD agreement will include reference to the fact that the owner of the property will be financially liable for any overflow to

- adjacent properties caused by failure of the underground water retention system;
4. The Township Board approve the site plan and the environmental impact assessment;
 5. This recommendation is subject to approval by the Township Attorney, both as to this agreement, as well as the underlying easement agreement.

Support by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment as submitted. Support by Chris Grajek. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the final PUD plan subject to the following:

1. Approval by the Township Board of the PUD agreement and impact assessment;
2. The rear yard set back will be 39';
3. The building materials and architectural renderings are acceptable and will become property of the Township;
4. The bike path will commence at the eastern end of the driveway and proceed through the western end of the driveway and south along the building connecting to the southerly building sidewalk;
5. The evergreen tree will be replaced by a canopy tree;
6. The lighting plan will be as depicted on sheet L-1 and not A-1 and the fixtures will be full cut off and downward directed;
7. Dust control measures will be added to the site plan;
8. The requirements of the Brighton Area Fire Department, as addressed in their November 11, 2007 letter, with a potential revision to paragraph 1-A will be complied with;
9. The requirements of the township engineer as spelled out in their letter dated December 5, 2007 will be complied with and with regard to that letter, particular attention will be paid to paragraph four regarding creation of a maintenance agreement satisfactory to the Township Engineer and Township Attorney. Further, particular attention will be paid to paragraph five regarding channeling storm water overflow to the parking lot. Also, particular attention will be given regarding item seven regarding the proposed sanitary lead connecting into the manhole with an existing drop connection;
10. Further notes will be added to the site plan indicating potential permission for the public to use the pavement around the site in lieu of potential addition of the sidewalk from the west end of the driveway to the western end of the property line;

11. A copy of the temporary construction permit provided by Burger King will be provided to the Township Staff;
12. These comments are relative to the plan dated October 31, 2007 and addressed by the Planning Commission this evening.

Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #4...Review of a site plan application, impact assessment, amendment to the PUD agreement and site plan for a proposed 4,500 sq.ft. credit union with 4 drive-thru lanes located at 4433 E. Grand River, petitioned by NuUnion Credit Union.

Neal Plante of Boss Engineering, Tim Murphy of NuUnion Credit Union, and Thom Dumond of Boss Engineering are all present. Petitioner presents their proposed drawings. Due to some property swapping with the Corrigan's ext door, they now have a rectangular parcel.

Four parking spaces will be shred with T.W. Friends.

Petitioner is proposing 3 on 1side slopes and a decorative fence around the pond.

The sanitary sewer will be brought in from Grand River. The water main has been extended into the property pursuant to the Fire Department's request and extended to the property edge at the request of Tetra Tech.

A sidewalk will be placed onto the property. Landscaping will be as proposed.

Petitioner provides samples of the proposed materials.

James Mortensen and Barbara Figurski both indicate they do not like the proposed kiosk. Petitioner suggests that their credit union members have requested kiosks. James Mortensen indicates that they have not been allowed in the Township so far.

Dean Tenge addresses the possibility of back-ups, even with the kiosks. Chris Grajek asks about the purpose of the kiosk when there is an ATM lane already in the drive-thru. Petitioner indicates it's just a further convenience. Petitioner explains that a study was done by a professional company who recommended that a branch be opened within Livingston County and went so far as to suggest what type of street to be on, how many lanes to have and to have kiosks available.

James Mortensen asks if a second exit would be required on Whitehorse Drive if there is no kiosk. Thom Dumond indicates it would still be necessary. Tesha Humphriss suggests that the ordinance requires it.

James Mortensen indicates he has no objection to four drive-thru lanes.

Doug Brown has mixed emotions about the fourth drive-thru lane. Diana inquires if there are other banks that have four or more. There are two that do. She has no issue with the four lanes. Barbara Figurski suggests that she does not care for four lanes, nor the kiosk. Dean Tenge would rather see construction now than later. Chris Grajek has no problem with four. He does not object to the kiosk either. Teri Olson has no problem with four lanes. The general ordinance is three drive-thru lanes, but a special land use permit would allow for four and a kiosk.

If the kiosk were not allowed, the site plan would remain the same, otherwise.

Tesha Humphriss refers to the December 5th letter from the Township Engineer. The easements for ingress/egress are discussed. James Mortensen indicates four easements will be required for final approval – two by petitioner and two by the adjacent property owners.

Drainage and grading are discussed. The storm water management system was revised. Items three and four are discussed and she asks that the required documents be provided. Item five, the 1 on 3 slope is also addressed. It's in back of the site, adjacent to Whitehorse Drive. The amount of impervious area on the site forces this slope. Dean Tenge asks about retaining walls and slopes versus fencing. Tesha Humphriss indicates that she agrees with the constraints discussed by petitioner, however if a drive-thru lane is eliminated, the pond could be moved out. Petitioner says they will attempt to get a 1 to 4 slope on one side so the fence could be eliminated. This could be done administratively through the Township Engineer or proof that it can't be done may be provided.

Traffic flow is discussed by Tesha Humphriss. She expresses concern over queuing on the site as proposed. Mr. Nesbitt discusses the purpose of the traffic study. Tesha Humphriss doesn't want to see a sea of pavement or a four way stop fifty feet off of Grand River. Thom Dumond explains how this isn't a possibility. Neal Plante discusses the parking lot and exits onto Whitehorse. He doesn't see many conflicts. Tesha Humphriss indicates that the cross-access easement should be moved to the north, which would affect the entire site. Dean Tenge suggests it's in petitioner's best interest to obtain the traffic study.

Tesha Humphriss thinks the only analysis necessary is the access to the site and internal queuing. Petitioner says this is the plan that Corrigan – the adjacent property owner – wants. Tesha Humphriss makes some calculations and finds a four-way is not a possibility. It still relies on how Corrigan's property is developed. There is a ten foot buffer in favor of petitioner.

Dean Tenge suggests a motion requiring either a traffic study or approval of a new plan by Tesha Humphriss. James Mortensen is not comfortable with that. Neither is Barbara Figurski.

Planning Commission disposition of petition

- A. Recommendation regarding amendment to PUD agreement.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Motion by Barbara Figurski to table this matter at the request of petitioner. Support by James Mortensen. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of 11-12-07 Planning Commission meeting minutes. Upon motion of Barbara Figurski and support by James Mortensen, the minutes for the November 19, 2007 meeting were approved as amended. Diana Lowe and Doug Brown abstained from the vote.*
- *Member Discussion. The next meeting is January 14th, 2008. Election of officers must be done at that meeting.*

Motion by Barbara Figurski to adjourn. Support by Chris Grajek. **Motion carried unanimously.**

Meeting adjourned at 10:29 p.m.

Respectfully submitted,

Kristi Cox
Recording Secretary