

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
SEPTEMBER 13<sup>th</sup>, 2010  
6:30 P.M.**

**MINUTES**

CALL TO ORDER: At 6:30 p.m., the meeting of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Chairman Doug Brown, John McManus, Jim Mortensen, Diana Lowe, Barb Figurski, and Dean Tenge. Also present were Jeff Purdy of LSL Planning, Tesha Humphriss, Township Engineer, and Kelly VanMarter, Planning Director.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

WORK SESSION: No work session was required.

APPROVAL OF AGENDA: Upon motion by Barbara Figurski and support by Diana Lowe, the agenda was approved as submitted. **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 an amendment to a previously approved plan for Mancuso Produce (Banana Jacks) located at 1420 Lawson Drive, Howell, for an additional sign on the west of the building, Sec.9, petitioned by Jim Mancuso.**

Jim Mancuso addresses the Planning Commission. He is requesting a second sign to be placed on the west side of the building. He believes that the two signs would have a combined space of less than what the ordinance allows. The door entering into his space would otherwise not have a sign over it. It is hoped that this sign will draw people from the Kohl's parking lot.

Chairman Brown indicated that he has driven down Grand River and was able to see both signs. He doesn't see a need for it, but is not opposed to granting it.

The petitioner says that he does not agree and that the signs are already made.

Jim Mortensen wants to verify that the electronics are within the ordinance. The sign is an average backlit sign. It meets all ordinances according to the petitioner.

Dean Tenge believes it's appropriate for that location.

### **Planning Commission disposition of petition**

#### A. Disposition of Amendment.

**Motion** by James Mortensen to approve two signs for Banana Jack's produce station. Each sign will be 32 square feet or less and the height will not exceed 48 inches. They will be backlit as indicated in the materials presented this evening to the Planning Commission. Support by Dean Tenge. **Motion carried unanimously.**

### **OPEN PUBLIC HEARING # 2...Review of a sketch plan application and sketch plan for an amendment to a previously approved site plan for an additional auto display pod located at Krug Ford, 2798 E. Grand River, Howell, Sec. 6, petitioned by Rand Construction.**

Brent LaVanway from Boss Engineering addressed the Planning Commission. He requests an amendment to the previously approved sketch plan to the new showroom. A significant amount of pavement along the eastern portion of the dealership was removed. Between 30-45 feet of asphalt has been removed. They are seeking an additional double display pod between the two previously approved pods.

The landscaping requirements under the ordinance are provided for in the plan.

Barbara Figurski asks if the pods that were in the previous plan were located in the same place as they are in the current plan. Mr. LaVanway indicates that they were. Barbara Figurski asks about visibility with the new pods.

Kelly VanMarter has reviewed the plan based on the previous approval. The ordinance does allow for this new plan. One of the criteria under special use is that the display areas are permitted within the greenbelt of their landscape design. She thinks the additional double pod will use quite a bit of the greenbelt. She is supportive of their request, but would like to see some additional landscaping to offset the vehicle display encroachment, perhaps between the display pods.

Chairman Brown asks for a commitment by Krug Ford to maintain any annual and/or perennial beds. Mr. LaVanway can not commit on their behalf, but does commit that they will work with staff to reach an agreement. Kelly VanMarter has no further concerns.

The petitioner will not be installing any further lighting.

Chairman Brown asks why this set of plans do not indicate they are revised from prior plans. Mr. LaVanway indicates the cover sheet indicates that it's an amended sketch plan and because it was a brand new submittal that was paid for separately, they believed it was correct. Chairman Brown indicates that the approval, if any, should only address the double pod and that anything else for the balance of the project reverts to the earlier drawings that were approved prior.

James Mortensen asks the petitioner about irrigation. The petitioner says there are no notes one way or the other. Kelly VanMarter indicates she does not recall that being discussed. Tesha Humphriss indicates that an irrigation system would not cause her concern regarding grading, etc. Her letter dated September 7, 2010, expresses no concerns regarding engineering.

### **Planning Commission disposition of petition**

#### A. Disposition of Sketch Plan.

**Motion** by James Mortensen that the Planning Commission approve a third pod containing two vehicles for Krug Ford Lincoln Mercury, subject to:

1. The only change from the site plan approved by the Planning Commission on May 10, 2010 is the addition of this two vehicle pod;
2. The buffer area in the vicinity of the pods will have in-ground irrigation;
3. Landscaping will be improved to include annuals and/or perennials subject to staff approval;
4. There are no engineering issues with this proposed addition of a display pod.

Support by Diana Lowe. **Motion carried unanimously.**

### **OPEN PUBLIC HEARING # 3... Review of a sketch plan application and sketch plan for a proposed accessory building to the existing Crystal Gardens Banquet Hall located at 5768 E. Grand River, Howell, Sec. 10, Petitioned by Crystal Gardens.**

Mike Boggio of Boggio and Associates and Joe Thomas, owner of the property addressed the Planning Commission. They are seeking approval of a proposed accessory building to the existing building at Crystal Gardens. The accessory building is an open air chapel to be used for weddings and would be adjacent to the existing building. The architecture of the building will be consistent with the existing building. A photograph of the existing building was presented to reflect the colors and general design of the new building.

Mr. Boggio addressed the Township's letter of September 8, 2010. A 5' sidewalk is proposed.

The landscaping was discussed. The initial drawing reflected a hedgerow, but the new plan reflects berms on the sides of the driveway that are 2 – 3' higher than Grand River to screen the cars. They will use colorful landscaping through annuals and perennials in addition to that. Chairman Brown indicates that this is a very pleasant premise. Kelly VanMarter indicates that the ordinance gives discretion over landscaping materials. She would like the tree requirement to be met, but she will work with the petitioner regarding the rest. James Mortensen is inclined to leave it to staff approval. Kelly VanMarter is not opposed to that. She would like some of the trees to be ornamental. Dean Tenge believes there have to be some permanent trees due to the berm, but nothing that will screen the building. The petitioner indicated that the proposed landscaping has an approximately \$20,000.00 price tag. Kelly VanMarter will work with the landscaper.

The petitioner is requesting that the island located on the east side of the property be extended into a "T" formation. Tesha Humphriss believes that will be a nice solution.

The petitioner discussed the waste storage issue discussed in the Township's letter of September 8, 2010. The green storage trailer at the rear of the building has been located in the same spot since before the current owner purchased the building. It is located between the fence and the loading dock. The petitioner indicated that he uses it for additional storage space. Chairman Brown is not opposed to it since it is not easily seen by the public. He believes the petitioner should take that up with the zoning board of appeals. James Mortensen asked if it is a violation of the ordinance. Kelly VanMarter indicated that it could be considered a non-conforming structure and therefore, probably a zoning board of appeals issue.

The petitioner indicated that the sign will remain as is, that the plans are not correct as it relates to signs.

The petitioner indicated they will comply with everything the engineer has asked for. There will be no water or sewer within the structure, so there is no need to connect to the utilities. The only purpose for the building is for wedding ceremonies themselves. It will not be subject to pedestrian traffic for the most part.

The petitioner requested an additional year to install the sidewalk and berm along Grand River.

The Brighton Fire Department letter dated September 2, 2010 was read into the record by Chairman Brown.

### **Planning Commission disposition of petition**

A. Disposition of sketch plan.

**Motion** by James Mortensen for approval of the sketch plan reviewed this evening dated August 26, 2010 for an accessory building for Crystal Gardens subject to the following:

1. The building materials and colors will match the existing building;
2. A 5' wide path along Grand River and berm landscaping may be deferred until September 1, 2010, subject to the appropriate protections being provided to the Township to assure it's done, which are satisfactory to the Township staff and Township attorney;
3. The landscaping can include annuals, perennials and several ornamental trees, subject to approval by Township staff;
4. An additional parking space will be removed from that shown on tonight's site plan in the vicinity of the northwest corner of the pavilion and replaced with landscaping;
5. Township staff will determine whether the existing steel storage container is grandfathered or if it requires zoning board of appeals approval, in which case the zoning board of appeals' approval will be sought prior to a land use permit being provided;
6. No signage is being changed;
7. The proposal will meet the requirements of the Township Engineer's letter dated September 7, 2010 (with the exception of item 4) and the Fire Department's letter of September 2, 2010.

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

**OPEN PUBLIC HEARING # 4... Review of a special use application, environmental impact assessment, and site plan for a proposed 20,000 sq. ft. addition to a previously approved special use for warehousing of used batteries located at 5900 Brighton Pines Ct., Howell, Sec. 15, petitioned by Brivar Construction Company.**

David LeClair of Livingston Engineering and Craig Stocker of Brivar Engineering addressed the Planning Commission. They are requesting an addition to the warehouse located at 5900 Brighton Pines Court. The area of this proposed addition was previously graded and cleared.

Mr. LeClair indicates there are 19 large pine trees that will remain in place, as well as several deciduous trees and underbrush. The petitioner provided copies of the proposed floor plans and elevations to members of the commission.

The building itself will be an identical extension of the existing building. Samples were shown to the commission. They are the same materials as are on the existing building.

Kelly VanMarter discussed her letter dated September 9, 2010. She reviewed this plan as a site plan review. The applicant was given an abbreviated review time and there was a reduction of the applicant's fees. She has concerns regarding the landscaping around I-96. She would ask that the Planning Commission require staff to work with the petitioner to fill in the gaps regarding landscaping.

The ordinance requires a maximum of 25% metal on a building. She was concerned that this exceeds 25%. James Mortensen asked if the ratio is consistent with the existing building. Mr. LeClair indicated that it is. The far west side of the building is entirely brick, Kelly VanMarter reported. James Mortensen indicates that a brick session consistent with the existing building should be considered.

Kelly VanMarter would like to make sure there is adequate screening from Brighton Pines if it can not be placed elsewhere. If the planting was done pursuant to the original plan, the screening would be accomplished. The petitioner commits to work with Township staff regarding any additional landscaping that may be required.

Tesha Humphriss discusses her letter of September 8, 2010. She has no further concerns to discuss.

Chairman Brown addresses a typographical error in the environmental impact assessment, as well as cleaning up a few other minor details, such as the name of the local police department.

Dean Tenge indicated that he is concerned about waiving the requirement for 25% or less of the building being metal. Kelly VanMarter suggested that it can be waived in order to keep the buildings consistent. The petitioner indicated he is willing to place a brick band along the outside of the building between columns 4 and 5.

The Brighton Fire Department's letter of August 30, 2010 was discussed.

### **Planning Commission disposition of petition**

- A. Recommendation regarding Special Use Application.
- B. Recommendation regarding Environmental Impact Assessment.
- C. Recommendation regarding Site Plan.

**Motion** by James Mortensen to recommend to the Township Board approval of the special use permit to construct a 20,000 sq ft storage facility for the processing of batteries, subject to:

1. Approval by the Township Board of the related environmental impact assessment;
2. Approval by the Township Board of the related site plan;
3. This recommendation is made because the Planning Commission finds that the storage facility is consistent with section 19.03 and it is compatible with industrial activities in Brighton Pines Court.

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

**Motion** by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment dated August 20, 2010 subject to:

1. The assessment shall be corrected as follows:
  - a. The square footage referred to on page four will be corrected;
  - b. The third paragraph will be changed to begin with "For the proposed addition;"
  - c. The PIP provision on page two shall be changed to provide for the local police to be Livingston County Sheriff rather than Genoa Sheriff;
2. Attaching the PIP plan dated 8/19/10;
3. Approval of the special use permit and site plan by the Township Board.

Support by James Mortensen. **Motion carried unanimously.**

**Motion** by James Mortensen to recommend to the Township Board approval of the site plan for a battery storage warehouse subject to:

1. Approval by the Township Board of the Special Use Permit and Environmental Impact Assessment;
2. The building elevations and materials which will match the existing building are acceptable to the Township Board and will become the property of the Township;
3. A full brick panel will be added between panels 4 and 5 of the northeast elevation;
4. The existing outdoor storage, which is in violation of the Township ordinance, will be removed;
5. With regard to landscaping, several trees in the southeast corner of the building will have to be removed irrespective of this motion and will be relocated to open spots along the expressway, as approved by Township staff;

6. The requirements outlined in the Township Engineer's letter of September 8, 2010 have been complied with;
7. The requirements set forth in the Fire Department letter of August 30, 2010 shall be complied with. With regard to item number four, the petitioner will discuss and request clarification of that point from the author of the letter;

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

**OPEN PUBLIC HEARING # 5... Review of a special use application, environmental impact assessment and site plan for existing non-compliant outdoor storage at Industrial Resin Recycling located at 1480 Grand Oaks Drive, Howell, Sec. 8, petitioned by Industrial Resin Recycling, Inc.**

Chairman Brown addressed the Commission to update the Commission on how it came about that the petitioner was able to inhabit this building so quickly and that there was a fire on their former premises in Howell Township.

Bob Houston and Pat Cavanaugh of Industrial Resin Recycling and Pat Kehoe of Advantage Civil Engineering addressed the Planning Commission.

Mr. Kehoe reviewed with the Planning Commission what their goals are regarding the buffers, landscaping, etc. He also addressed the fact that it's economically unfeasible for this petitioner to bring some of these items into compliance.

Jeff Purdy discussed the requirement of outdoor storage being on pavement. The materials stored outside can not exceed the height of screening, so the material should be limited to 8'. He discussed landscaping. More evergreen are suggested than required and the Planning Commission may allow that rather than canopy trees. The petitioner is 128 trees short of the shrub requirement, but he doesn't feel that's necessary. He would suggest an additional 30 canopy trees along south and southwest sides of the site. Irrigation will be necessary. Dumpsters should be enclosed. This was the second review. Many items were addressed in the first site plan.

Tesha Humphriss discussed drainage and grading. She believes it will eventually be turned over to the Drain Commission after the easements are taken care of. The pond is over capacity and floods during storm events. The existing buildings and parking lots are "grandfathered in" as it relates to impervious surface. She believes 2 to 3 acres of gravel have been added since petitioner moved on site. The sedimentation basin is located in the middle of the fire lane.

Dean Tenge asks if drainage would be the same whether they occupy the premises or not. Tesha Humphriss indicates that it would. James Mortensen



feels that if a special use permit is granted, a time line should be put on it, which would require a review every 2 years or so. Chairman Brown indicated that the Planning Commission wants to work with the petitioner. The petitioner would like one year to reduce the height and volume of the racks. Chairman Brown indicated he would have no problem with the petitioners having outdoor storage at 8' behind their building. If petitioner could reduce their outdoor storage to that within one year, it would be helpful.

Dean Tenge feels it's more important to reduce the impervious surface than to get the height down. Discussion is held regarding allowing the petitioner to continue to keep the racks at 12' for one year to allow for more surface. The petitioner feels that within 24 months, the outside storage would be at an acceptable level to the Planning Commission and prior to that, the land could be reconfigured slowly to provide for proper drainage. James Mortensen feels there should be a review after one year to review the progress of the outdoor storage and getting the racks from 12' to 8'. Kelly VanMarter prefers a one year review, as well. The filing fee for the review may be waived.

The petitioner would like to hold off on discussion of the detention pond for a few years after the footprint of the outdoor storage is finalized. The detention pond would only account for the changes that they've made to the property since they took possession.

Allan Kelley addresses the Planning Commission. He asks if any of the outside storage is toxic. It is all plastics pursuant to the petitioner. Mr. Kelley asks if the goal is to eliminate outdoor storage completely. The petitioner indicates no, but they would reduce it until it can all be behind the building and screened.

### **Planning Commission disposition of petition**

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan.

**Motion** by James Mortensen to recommend to the Township Board approval of a special use permit for outside storage for petitioner, subject to:

1. The long run objective for this special use permit will be to remove impervious surface back to the prior level before occupancy by Resin Recycling in order to improve drain water management;
2. The long run objective will be to reduce the racks from a 12' to 8' height within a two year period and they will be completely behind the building;
3. The special use permit will be granted for a 12 month period, expiring November 1, 2011, at which time the applicant will submit a letter to

- the Township outlining the reduction status of outside storage on the site;
4. Renewal of the outside storage special use can be made effective November 1, 2011 with a full waiver of the application fees;
  5. The materials stored on the site in outside storage will continue to be non-toxic;
  6. In the short run, a water truck rather than irrigation, will be satisfactory for planting irrigation;
  7. This recommendation is subject to the Township Board's approval of the environmental impact assessment and site plan.

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

**Motion** by Barbara Figurski to recommend to the Township Board to approve the environmental impact assessment dated August 3, 2010, subject to:

1. Section D, as requested by the Township Engineer, storm water management should be revised to include an analysis of improvements to the site since petitioner occupied the building;
2. This recommendation is subject to approval of the Township Board of the special use permit and site plan.

Support by Diana Lowe. **Motion carried unanimously.**

**Motion** by James Mortensen to recommend to the Township Board approval of the petitioner's site plan dated August 24, 2010, subject to:

1. Approval by the Township Board of the special use permit and environmental impact assessment;
2. Additional landscaping requirements will apply only to the targeted long-run area of outside storage and will be reviewed in connection with the re-application for special use permit on November 1, 2011. The landscaping shown on the site plan along the Grand Oaks Drive frontage and the south side of the building shall be installed by 6/1/11. This site plan will be regarded as phase one. A phase two site plan will be reviewed 11/1/11 in regard to a special use application permit. At the end of phase one, petitioner will re-evaluate the required storm water management plan for the site per the anticipated reduction in impervious area;
3. The requirements of the Brighton Fire Department letter dated August 31, 2010 will be complied with, however the petitioner will discuss the issues with the vicinity of the southwest corner of the building with the author of the letter.

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

**OPEN PUBLIC HEARING # 6... Review of amendments to Zoning Ordinance Articles 11,14,16, & 25.**

Kelly VanMarter briefly discusses the proposed changes in the zoning ordinance.

Jeff Purdy discusses changes required by the new medical marijuana laws.

Jeff Purdy discusses changes proposed in sign ordinance.

**Planning Commission disposition of petition**

A. Recommendation of Zoning Ordinance Amendments.

**Motion** by James Mortensen to recommend to the Township Board approval of the zoning ordinance revisions reviewed this evening and summarized in the memo by Kelly VanMarter on September 9, 2010 and the LSL letter of July 22, 2010. Second by Barbara Figurski. **Motion carried unanimously.**

**Administrative Business:**

- *Staff report*
- *Approval of June 14, 2010 Planning Commission meeting minutes. **Motion** by Barbara Figurski to adopt the minutes of June 14, 2010. Support by Diana Lowe . **Motion carried unanimously.***
- *Member Discussion*

Adjournment at 10:13

Kristi Cox  
Recording Secretary