

**GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
APRIL 10, 2006
6:30 pm
AGENDA**

CALL TO ORDER:

The work session of the Planning Commission was called by Chairman Pobuda at 6:34 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, Curt Brown, James Mortensen, Teri Olson, Barbara Figurski, Dean Tenge and Steve Morgan.

Also present were: Kelly VanMarter, Township Planner, Tesha Humphriss from Tetra Tech and Brian Borden from LSL.

APPROVAL OF AGENDA:

Motion for approval of agenda made by Barbara Figurski. Support by Teri Olson.

Motion carried unanimously.

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

Items scheduled for action during the regular session of the commission were discussed.

DISCUSSION: of general items

The next meeting is scheduled for May 8, 2006.

ADJOURNMENT:

At 6:55 pm, the working session adjourned.

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
APRIL 10, 2006
7:00 pm
AGENDA**

April 10, 2006 PC Approved Minutes

CALL TO ORDER:

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:03 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited and a moment of silence was observed.

APPROVAL OF AGENDA:

Moved by Steve Morgan, supported by Dean Tenge to approve the agenda as submitted.

Motion carried unanimously.

CALL TO THE PUBLIC: (note: The Board will not begin any new business after 10:00 p.m.)

A call to public was made with no response. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING #1: Review of request for extension of site plan approval for a 30,000 square foot private elementary school and daycare (Brighton Country Day) located in Section 23 at the northeast corner of Bauer Road and Challis Road, petitioned by Brighton Country Day Schoolhouse Facilities, L.L.C. (05-08).

Petitioner, Tyla Wells, is present. Prior approval was conditioned upon her working with the Livingston County Road Commission. Petitioner indicates the Road Commission isn't ready to act on the road yet. That condition was imposed by the Township Board. Petitioner requires extension because of delays with Road Commission funding.

Tesha Humphriss addresses the planned intersection and its alternative.

Curt Brown inquires whether written agreement can be made before the road is revamped. Petitioner advises that neither the Road Commission nor the Township Board is willing to enter into a written agreement.

Planning commission disposition of petition

- A. Recommendation of impact assessment extension.
- B. Disposition of site plan approval extension.

April 10, 2006 PC Approved Minutes

Moved by James Mortensen to recommend to the Township Board that the extension of the impact assessment be granted. Support by Barbara Figurski.

Motion carried unanimously.

Moved by James Mortensen that the extension of the site plan approval for one year be granted. Support by Dean Tenge.

Motion carried unanimously.

OPEN PUBLIC HEARING #2: Review of final site plan application and impact assessment for a proposed 16-unit single family site condominium development located north of Cunningham Lake Road, West of Sundance Trail in Sec. 34, petitioned by Doyle Homes, Inc. (06-06)

Robert Doyle and Jeff Doyle of Doyle Homes present. Petitioner requests approval of final site plan. Petitioner advises that the issue of the trees on lots 8 and 9 is driven by the profile of the road. In prior site plans, lot 8 was to be a topsoil stockpile area and would have been cleared anyway. The proposed grade is no longer close enough to the existing grade to save the trees. No tree survey was done and accordingly the plans are drawn up without specificity with trees and the trees at lots 8 and 9 are predominately black locust trees. The landscape plans would reflect that lots 8 and 9 would be planted with canopy trees pursuant to ordinance once the black locust trees were removed.

Brian Borden indicates that would be fine, but he would prefer to have an approved landscape plan rather than performing off-the-cuff replacements, which would be difficult for the Township staff. Additionally, it should be noted that black locust trees are on the prohibited species list.

James Mortensen clarifies that the landscape plan currently is approved, but any changes must be approved by the Planning Commission.

Brian Borden indicates that the remaining County approvals must be obtained prior to Planning Commission approval. The Drain Commission and Road Commission approvals are outstanding. Petitioner indicates the Drain Commission's approval is awaiting Tetra Tech's approval. Tesha Humphriss indicates that she is in contact with the Drain Commissioner's office and that is correct. Petitioner indicates the Road Commission has approved their plans, but then they were later contacted with some questions regarding discrepancies. Steve Morgan asks what that discrepancy is. Petitioner indicates that the Drain Commission wants to insure that the drain water runoff is released at the same rate as undeveloped property. The Road Commission requires same rate and volume as pre-development.

Brian Borden indicates that the three ground mounted lights are the only lights proposed. Petitioner confirms that.

Brian Borden proposes that a prohibition on tree removal within the rear and side yards be incorporated. Petitioner objects to that. Petitioner suggests that the by-laws reflect that approval be required to remove any tree greater than 8”.

Brian Borden discusses the Cunningham Lake greenbelt and detention pond and confirms that they would be preserved and off-limits.

James Mortensen discusses what power the Township has as opposed to the power of the Association. Chairman Pobuda indicates that this has been problematic before. The Master Deed was reviewed by the Township Attorney pursuant to Petitioner.

Tesha Humphriss refers to the April 5th letter. The Health Department issued a preliminary approval letter and a formal approval should be forwarded to the Township.

Kelly VanMarter requests that the Exhibit B drawings be submitted and approved by the Township.

Steve Morgan inquires as to who will share the maintenance of the driveway for Lot 15. Petitioner indicates it’s a good question and he will look into that.

Chairman Pobuda inquires about lot 15 with the existing house on it. Petitioner indicates he went to the Z.B.A. because the barn was an accessory structure and approval has been given for them to keep the barn.

Barbara Figurski asks about the deed restriction reflecting approval for 16 sites, but that more sites may be developed. Petitioner indicates one lot may be split, but there is no permission to do that at this point.

Dust control is issued on sheet 5, the erosion control plan.

Chairman Pobuda asks if the entryway is large enough to accommodate emergency vehicles. Petitioner indicates that it is per Road Commission standards. Chairman Pobuda suggests they revisit that and make sure the entry is large enough.

Chairman Pobuda requests that Petitioner consider adding watering capabilities for the entryway planting area.

Planning Commission disposition of petition

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

Moved by Barbara Figurski to recommend approval to the Township Board of the environmental impact assessment and date it as of today. Support by Curt Brown.

Motion carried unanimously.

Moved by James Mortensen recommend to the Township Board that the site plan be approved subject to the following:

1. Any deviation in landscaping from what is shown on plan will require approval of Township Administration staff and/or revision of site plan.
2. The Master Deed should be revised to indicate the financial responsibility for maintaining the shared driveway of lots 15 and 16.
3. The landscaping at the subdivision entrance will be irrigated.
4. The requirements of the Township Engineer as outlined in Tetra Tech letter dated April 5, 2006 be complied with.

Support by Barbara Figurski.

Steve Morgan requests clarification of irrigation provision. James Mortensen indicates it is irrigation for the landscaping at the entrance.

Motion carried unanimously.

OPEN PUBLIC HEARING #3: Review of site plan application and impact assessment to occupy existing building located at 895 Grand Oaks Drive, Petitioned by Kubinec Strapping. (06-08)

Cathy Riesterer, Attorney for Petitioner is present with Bob & Shirley Kubinec, 4777 New Haven Drive, Howell, Michigan and Michael Siterlet, Construction Manager, 247 Victoria Park, Howell, Michigan.

Petitioner seeks site plan approval.

Petitioner indicates that the cost of connecting to public water and excavation would total approximately \$7,000.00. It is suggested that water usage would be minimal with a strapping business and would approximate five gallons per day. Petitioner would rather utilize those monies in landscaping and improvement of facade.

James Mortensen inquires about the smaller building indicated behind the primary building in the plans. Petitioner indicates there is no future building foreseen. James Mortensen indicates any approval at this point does not include that. Chairman Pobuda indicates any approval regarding setbacks is grandfathered in. Therefore, any expansion that would increase any nonconformity would be prohibited and would require approval.

Brian Borden goes over the April 4th letter and the concerns outlined therein. The subject property is currently under review to industrial and that has not been approved yet. Therefore, any action taken tonight should be subject to that. Applicant has already

verified that outdoor storage of any matter will not be permitted. Petitioner indicates deliveries are usually made between noon and 3:00 pm.

Brian Borden discusses the non-conformity issues, which the Board is already aware of. There are no significant changes proposed with elevation. The Construction Manager indicates the roof is in disrepair and will need to be addressed.

Brian Borden recommends that the trucks and trailers on site be monitored to make sure they're there as briefly as possible.

The drive aisle in front of the building does not meet the 24' width requirement. Brian Borden indicates it is close. Chairman Pobuda indicates no action should be taken at this time on that.

Brian Borden reports that the buffer zone requirements are not met in this drawing. He suggests that some of the required plantings be shifted to the front to help screen the loading area. Petitioner submitted revised plans regarding that today.

The requirement for a 6' wall/fence or 3' berm is addressed for the north and east property line. Dean Tenge prefers there not be a fence. The Board suggests that there be an increase in planting, but not particularly a berm or a fence.

Brian Borden indicates the vibernum (phonetic) shrubs exceed the species percentage requirement.

Brian Borden reports that the proposed waste receptacle location and enclosure will require approval. Additionally, a concrete base pad is not present currently and is required. Tesha Humphriss indicates the current plan will conform with the Township requirements as to location. The current enclosure is made of treated lumber, which is allowable with Board approval. Petitioner will rebuild it of masonry subject to approval of staff and will landscape appropriately around it. The minimum opening is acceptable pursuant to the revised plan.

Brian Borden discusses wall mounted lighting, which is pre-existing as well as the monument sign. The lighting will meet the Township ordinance. The sign installer will necessarily pull a sign permit at the Township.

The inconsistency regarding building size with the site plan and environmental impact assessment was discussed. Petitioner will submit a revised impact assessment.

Tesha Humphriss discusses the April 5th letter. She expects a minimal impact on traffic. Any addition to parking is subject to approval. Petitioner would request that current sidewalk in front of façade of building be removed. This is not a sidewalk along the road. Any future drainage changes must be approved. There will be no industrial wastewater.

Tesha Humphriss indicates that there are sufficient water hydrants to allow for the petitioner to continue with well water and that she is sure there is a sprinkler system in place within the building.

Petitioner indicates there will be no environmentally hazardous materials.

Planning commission disposition of petition

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

Motion by Barbara Figurski to recommend approval of the impact assessment to the Township Board. Second by James Mortensen, subject to the following:

- 1. Approval by Township Board of rezoning proposal.
- 2. A description will be added to the environmental impact assessment, describing what business activity will be conducted on the site.
- 3. No overnight parking of trucks will be permitted on the site.
- 4. A discussion of water usage will be added to the environmental impact assessment, stating what usage is predicted.
- 5. No outdoor storage will be permitted.

Motion carried unanimously

Motion by James Mortensen that site plan be approved subject to:

- 1. The building envelope shown in the back of the plan will either be removed or a note added that this is only possible future expansion.
- 2. No significant changes will be made to the exterior of the building
- 3. The dumpster will be angled as shown to the Planning Commission this evening and it will be upgraded to masonry matching the existing building and set on a concrete pad.
- 4. Landscaping, which is deficient by 14 canopy trees, 14 evergreens and 56 shrubberies will be added, portions of which will be relocated to the north and east boundaries of the site, which will be approved by Township's administrative staff.
- 5. The existing lighting will be reviewed to assure that it meets Township ordinances and revised, if necessary, to meet that ordinance.
- 6. A sign permit will be required for addition of signage to the existing monument.
- 7. Requirements of the Howell Fire Authority as spelled out in their letter will be complied with.
- 8. Requirements of Township Engineer in Tetra Tech letter of April 5th will be complied with, excepting item 6, which will be removed.
- 9. Subject to approval of rezoning approval by Township Board.

Support by Barbara Figurski.

Motion carried unanimously

OPEN PUBLIC HEARING #4: Review of site plan application and impact assessment for a proposed renovation 2,166 square foot building addition and parking expansion located at the southeast corner of Grand River and Chilson Road (2426 E. Grand River and 51 Chilson Road), Sec. 6, petitioned by Eternal Tattoos, Inc. (06-03)

Petitioner appears via Bill Goodrow from Civil Design Services, Terry Wilker, 2426 E. Grand River, Howell, Michigan and Dave Bogdan, Builder.

Bill Goodrow indicates that there have been fruitful conference calls with the Drain Commission and Ed Akin.

The safety concerns of Bill Goodrow in relocating the sidewalk are discussed. The parking spot where the sidewalk ends is the handicapped space. Funding for sidewalks will be addressed through a bond issue or some other manner by the Township.

Brian Borden reminds Planning Commission that the materials and colors were shown to them last time petitioner appeared. Chairman Pobuda indicates that they were approved.

Brian Borden indicates that there is a requirement for cross-access of easements in writing. Petitioner indicates that there is an agreement in recordable fashion.

Brian Borden addresses landscaping issues with the buffer zone at the adjacent property on the south side. The plantings have been increased to the required number, although the width of the berm has not been increased. The 10' width was in previous plans.

Inconsistency regarding shrubs must be corrected. Petitioner agrees.

Lighting is discussed. The details and intensities need to be provided with specifics.

Tesha Humphriss addresses the concerns listed in the April 5th letter. A revised set of plans was received today.

Underground detention is proposed. The outlet to MDOT right-of-way was worked out, but there remain a few minor outstanding issues.

Emergency overflow was discussed. Tesha Humphriss indicates that an overflow would result in a pond in the parking lot, which should trigger the owner to take action. Manufacturer requires annual maintenance of structure.

Curb was added on east side of the site as part of the improvements in the updated plan.

Tesha Humphriss reports to the Committee with regard to the REU's.

Tesha Humphriss discusses the new drive on Chilson Road, which is awaiting Road Commission approval. As it relates to the Grand River entrance, Tesha Humphriss indicates that there should be a channelized (phonetic) island that would only permit those exiting to turn right onto Grand River. Bill Goodrow indicates that this may result in problems with congestion for the handicapped parking spot. Tesha Humphriss reports that this would provide a refuge for pedestrians crossing this entrance/exit. She indicates it's wide enough for an island. Steve Morgan indicates the channelized island would be perhaps four feet and would be mountable. He concurs that it is not a maintenance issue. The Board concurs that there should be an island there. Petitioner indicates that they are going to seek MDOT approval and Tesha Humphriss believes MDOT will support this decision.

Steve Morgan asks that the letter of the cross-easement agreement be provided to Kelly VanMarter. Petitioner indicates that he will install an irrigation system.

Planning commission disposition of petition

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

Motion by Barbara Figurski that a recommendation be made to the Township Board to approve the impact assessment. Support by James Mortensen provided that the following statement be added to the environmental impact assessment: "Petitioner acknowledges if site plan is approved for underground water detention, that a development agreement and/or periodic inspection, maintenance and joint reporting requirements may be required by one or more governmental organizations to be performed at the property owner's expense. Also, correction of any collateral damage to this site and/or any neighboring properties will be the sole financial responsibility of the property owner. In addition, the petitioner acknowledges that the Township may require these covenants to be recorded prior to issuance of a land permit." Also, the following language should be added: "Attached would be the product notes statement for product note 3.140 that petitioner intends to use and that at a minimum, petitioner would comply with the manufacturer's inspection and cleaning requirements as spelled out in that document."

Motion by James Mortensen that the site plan be approved for Eternal Tattoos reviewed this evening, subject to:

1. Sidewalk funds in a form satisfactory to Township staff will be set aside for the sidewalk along Grand River.
2. The building materials, colors and architecture reviewed previously are acceptable.
3. Township staff will be provided with an easement or access agreement for the proposed shared access drive.
4. A 10' buffer zone is acceptable on the southerly portion of the property with the additional landscaping as presented.

5. The inconsistency between the landscape table and landscape plan for the number of burning bush shrubs will be corrected to reflect 16 burning bushes.
6. All landscaping will be irrigated.
7. Township ordinances will be met with in terms of type and intensity of lighting.
8. All requirements of the Howell Fire Authority as spelled out in their letter of March 27th will be complied with.
9. The items spelled out in Tetra Tech's letter of April 5th will be complied with.
10. A re-engineering review by the petitioner with the Township Engineer will be done prior to submission of the packet to the board.
11. A channelized island prohibiting left turns onto Grand River will be added.

Support by Barbara Figurski.

Motion carried unanimously

Administrative Business

Motion by Barbara Figurski to approve the minutes of March 27, 2006. Support by James Mortensen.

Motion carried unanimously.

Kelly VanMarter indicates that disks will no longer be prepared for the Commission members and the members will need to download the information from a web page or she will load the information directly onto their computers for them.

Kelly VanMarter indicates that Genoa has officially become a charter township. This will not affect the Planning Commission's responsibilities.

Meeting adjourned at 9:47 p.m.

Respectfully submitted,

Kristi Cox
Recording Secretary