

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
February 9, 2004
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, James Mortensen, Curt Brown, and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Ron Nesbitt from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra McAvoy from Tetra Tech, MPS. 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. Also, Ms. McAvoy introduced Kelly Ferrencz, who is a traffic engineer for TTMPs. She will be assisting Debbie when there are plans involving traffic issues.

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 7:02 p.m.

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

Moved by Figurski, seconded by Mortensen, to approve the Agenda with the following change:

Agenda Item #2 shall have “Item B: Recommendation Regarding Impact Assessment” added.

The motion carried unanimously.

The 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 7:04 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING #1... Rezoning application and environmental impact assessment to rezone 11 acres located at Challis Road east of Bauer Road and south of the railroad tracks, Sections 24 & 25, from CE (Country Estates) to PRF

(public/recreational facilities), petitioned by Schoolhouse Facilities, LLC (PC 03-28)

• **Planning Commission Disposition of Petition**

- A. Recommendation regarding Rezoning Application
- B. Recommendation regarding Impact Assessment

Mr. Timothy Stoker of Dickinson Wright, representing Schoolhouse Facilities, LLC, stated he was not at the previous Planning Commission meetings; however, he has attended subsequent work sessions. They will not be making a formal presentation to the Commission; however they will answer any questions. They have resubmitted the traffic information and feel it addresses that the proposed rezoning and use will not result in a negative impact to the a.m. or p.m. traffic.

Ms. McAvoy showed drawings of MDOT's plans for this intersection, which is scheduled to be completed in 2005. She concurred with Mr. Stoker that the addition of their proposed use will not change the level of service to this intersection.

Commissioner Brown questioned the reason for the school not affecting the traffic is because it starts later and ends earlier than the a.m. and p.m. peak traffic hours, respectively. Ms. McAvoy confirmed.

Commissioner Figurski feels there will still be too much of a traffic impact in this area.

The call to the public was made at 7:12 p.m. with no response.

Moved by Mortensen, seconded by Brown, to recommend to the Township Board approval of the Rezoning Application for 11 acres located at Challis Road east of Bauer Road and south of the railroad tracks, Sections 24 & 25, from CE (Country Estates) to PRF (public/recreational facilities), petitioned by Schoolhouse Facilities, LLC for the following reasons:

1. The use is less intensive than the Master Plan zoning of LDR
2. It is compatible with the PRF zoning to the immediate south of the property.
3. While not specifically spelled out, PRF is seldom predicted in the Master Plan.

The motion carried (Brown – yes; Mortensen – yes; Figurski – no; Pobuda – yes; Olson – yes). Commissioner Figurski stated that she feels there will be too much traffic and a large amount of grading and tree removal as well as drainage affecting this rezoning. She would like it to stay Country Estates.

Moved by Mortensen, seconded by Brown to recommend to the Township Board approval of the Impact Assessment dated December 22, 2003 for the rezoning of 11 acres located at Challis Road east of Bauer Road and south of the railroad

tracks, Sections 24 & 25, from CE (Country Estates) to PRF (public/recreational facilities), petitioned by Schoolhouse Facilities, LLC with the following conditions:

1. An addition will be made requiring that the applicant pay for any road improvements near the entrance of the site, such as acceleration, deceleration and/or left turn or bypass lane, if the Township can require such participation.
2. Acknowledgement by the petitioner that only one entrance and exit for the site will be approved.
3. The hours of operation of Monday through Friday, with the exception of occasional ancillary and customary activities associated with a school, shall be noted.

The motion carried (Brown – yes; Mortensen – yes; Figurski – no; Pobuda – yes; Olson – yes).

OPEN PUBLIC HEARING #2... Rezoning application to rezone a 2.0-acre parcel of land in Section 13 that will result from the proposed land division of parcel 4711-13-100-042 from IND (industrial) to LDR (low density residential), petitioned by John Conely. (PC 03-20)

- **Planning Commission Disposition of Petition**
 - A. Recommendation regarding Rezoning Application
 - B. Recommendation regarding Impact Assessment

Mr. Jim Barnwell of Desine, Inc., John Conely, Dennis Kirkwood, the architect, and Mr. Jeff Hobson from Dickinson Wright were present.

Mr. Barnwell stated they are proposing a parcel split and rezoning for two acres to LDR for a better transition to the residential area to the west. They feel it is consistent with the Master Plan. They have changed the “cut” for the rezoning based on Mr. Purdy’s recommendation.

The call to the public was made at 7:24 p.m.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment, which is part of the Special Land Use Application dated January 12, 2004, consisting of Page #10, Item I for the rezoning of a 2.0-acre parcel of land in Section 13 that will result from the proposed land division of parcel 4711-13-100-042 from IND (industrial) to LDR (low density residential), petitioned by John Conely. **The motion carried unanimously.**

Moved by Mortensen, seconded by Brown, to recommend to the Township Board approval of the Rezoning Application for the rezoning of a 2.0-acre parcel of land in Section 13 that will result from the proposed land division of parcel 4711-13-100-042 from IND (industrial) to LDR (low density residential), petitioned by John Conely with the following reasons:

1. The request to rezone to LDR is consistent with the Master Plan.

2. The request of rezoning provides a shield from an industrial property to the north from residents to the south and west.

The motion carried unanimously.

OPEN PUBLIC HEARING #3... Reconsideration of special use application, site plan, and environmental impact assessment for proposed 3,000 square foot addition to existing structure and a new 11,958 square foot building with four lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales, and storage, petitioned by Conely Engines and John Conely. (PC 03-20)

- **Planning Commission Disposition of Petition**

- A. Reconsideration of 12/22/03 motion regarding special use application, site plan, and impact assessment.
- B. Recommendation regarding special use
- C. Recommendation regarding impact assessment
- D. Recommendation regarding site plan

This item was remanded back to the Planning Commission by the Township Board after receiving a negative recommendation.

Moved by Mortensen, seconded by Olson, to reconsider the Planning Commission's December 22, 2003 motion recommending denial of the Special Land Use, Site Plan and Impact Assessment for a proposed 3,000 square foot addition to existing structure and a new 11,958 square foot building with four lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales, and storage, petitioned by Conely Engines and John Conely. **The motion carried unanimously.**

Mr. Jim Barnwell of Design Engineering stated they are requesting Special Land Use and Site Plan approval for additions to the current building. The building is currently 10,000 square feet and they are proposing to add 3,000 square feet as well as the addition of a new 11,958 square foot building to the rear of the site.

With the 3,000 square foot addition, Mr. Conely would like to clean up the site and address the issues that have been noted by the Township. The 12,000 square foot building will be leased to complimentary businesses.

They will have paved display areas as well as paved and curbed parking added to the rear of the property around the proposed new building. They would like to keep the 3:1 slope in the rear of the site in order to protect the existing trees.

He showed their landscape plan and noted they would like to cluster the required amount of landscaping to help shield the area from the abutting residential area.

Commissioner Mortensen suggested having the first discussion, public hearing, and motion regarding the Special Land Use and the discuss then site plan issues. All commissioners agreed.

Mr. Nesbitt stated the petitioner would need two Special Land Uses. One to allow the building to be used for retail and rental activities as well as one for the outdoor display sales and storage. They are satisfied that the request meets the criteria in the ordinance. They have no concerns regarding the Special Land Use application.

Ms. McAvoy stated she has no outstanding Special Land Use issues.

The call to the public regarding the Special Land Use was made at 7:35 p.m.

Ms. Nancy Brown of 7121 Lindsey Drive noted that the things that were promised before by Mr. Conely (i.e. landscaping, etc.) were never implemented. There are more cars in the back of the building than there were before. She noted that the berm has been built, but the trees have not been planted on it. She feels that Mr. Conely is doing whatever he wants to do and does not obey the laws.

The call to the public was closed at 7:39 p.m.

Commissioner Brown asked Mr. Conely what is planned for the outdoor storage. Mr. Conely stated they plan to use the site and parking as provided on the plans. There will be no other storage, other than cars, outside. He stated that he has been trying to get approval for this expansion since 1997 to help ensure that this will be cleaned up. He noted that the berm trees are ready to be put in; however, the weather changed before they could have been planted. He will have this site be a first-class operation.

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Special Land Use to allow the 11,000 square foot building to be used for automotive rental and retail business and to allow the subject property to be used for outdoor display, sales, and storage of vehicles for the automotive rental and retail business conditioned upon:

1. Approval by the Township Board of the Site Plan, Impact Assessment, and Rezoning Request as recommended by motion this evening.
2. Outdoor sales, display, and storage will be generally limited to passenger cars and light trucks, which are undamaged and drivable.
3. Unlicensed and inoperable vehicles and parts will not be stored outside for more than two business days. The rotation of damaged, inoperable, or unlicensed vehicles between indoor and outdoor storage to avoid the two-business day condition will be unacceptable.
4. The landscaping requirements agreed upon this evening will be completed by August 31, 2004.

5. All other aspects of the Township Ordinance related to outdoor storage will be adhered to by the petitioner.

The motion carried unanimously.

The Commission began discussing the proposed site plan.

Mr. Nesbitt stated they are generally satisfied with the site plan, with the understanding that the most important issue of buffering the residents to the west is met. The proposed site plan provides for most of the required landscaping on the property; however, it is deficient by 12 shrubs. He would also suggest adding more landscaping to the northwest property line.

Mr. Barnwell stated they will add the suggested landscaping and will also turn the berm to the north due to the change in the property line of the rezoned residential area.

There was a discussion regarding requiring more trees along the west parking lot line. Mr. Barnwell stated they have moved some of the trees from this area and put them in the rear to help screen the residential area, All commissioners agree.

Ms. Kolakowski suggested that the petitioner plant evergreen trees in lieu of the deficient 12 shrubs. The commissioners agreed and the petitioner will comply.

Ms. McAvoy stated she agrees with the 3:1 slope for the rear of the property line to help preserve the existing trees.

There was a discussion questioning if parking for the damaged cars should be limited to a certain area. Mr. Nesbitt feels this is important to protect the neighbors as well as the traffic on Grand River.

Chairman Pobuda asked Mr. Conely what types of vehicles are currently parked at the rear of the site. He answered there is a motor home, two to three semi-trailers, and two cars that are all licensed and titled in his name.

Commissioner Mortensen noted that the Special Land Use approval that was just recommended does not allow for these types of vehicles; just cars and light trucks.

Mr. Conely noted that the semis are currently parked along the side of the building to the east of the site. They do not cause conflict with the neighboring industrial use. He stated that if he cannot keep his personal motor home on the site, then he will park it at home or rent a location to park it. All commissioners agreed to allow the semi's to be parked on the east side of the property.

Mr. Nesbitt noted that the parking of the semis could create a fire hazard. He also noted that the Planning Commission should ensure that these semis are not parked too close to Grand River. He suggested having the loading dock further to the north, which will allow the semi" to be parked further to the rear of the site, which will not cause a fire hazard when semi's are parked at the dock as well as keep them far enough from Grand River.

Commissioner Brown asked where the cars in need of repair are going to be parked. Mr. Conely stated they will be keeping these cars at the rear of the building. He noted that the Special Land Use condition states they cannot be there for longer than two business days. Commissioner Brown does not feel that is a desirable place to park damaged cars when there is going to be a retail building there.

Commissioner Figurski asked why three cars are going to be parked on the display pod. Mr. Conely stated this will be their advertisement.

Commissioner Figurski feels there is a lot of lighting on this site. Mr. Conely stated the lighting that they are proposing meets the Township Ordinance.

The call to the public regarding the Site Plan was made at 8:38 p.m.

Mr. Bill Ross of 2603 Hubert questioned why there is not more landscaping being required between the industrial property and the newly-zoned residential property.

Mr. Douglas Sams of 7089 Lindsey noted that the Planning Commission previously denied this request. He reiterated what Commissioner Burchfield said about the Township not having the ability to enforce the non-compliance issues.

Chairman Pobuda advised Mr. Sams that the Township is currently in litigation with several businesses in the Township that are not complying with ordinances.

Ms. Kolakowski stated the Township only has one enforcement officer and it can be difficult to keep up with violations; however, recently the Township has been given the ability to now issue tickets to violators.

Commissioner Mortensen noted that the Township has filed suit against Home Depot, Wal Mart and Lowes in the past. We do have the ability to enforce violations; however, cannot police every little thing, but things that are egregious get addressed.

Mr. Sams continued saying he does not feel that the necessary adjustments have been made to the plan. There is also ambiguity as to what is be agreed to (i.e. number of trees, etc.).

Commissioner Figurski noted that the new plans are dated January 12, 2004 and the last public meeting was in December.

Chairman Pobuda advised Mr. Sams that the details will be addressed during the motion.

Mr. Mike Young of 7118 Lindsey Drive noted that Mr. Conely recently cleaned up the site in the front and back; however he is concerned that he will not keep up with it.

Ms. Brown stated that this request was previously tabled because Mr. Conely had not previously complied with the requirements of the Special Land Use. He still has not complied. She is concerned that nothing will change and she will need to sell her house.

Chairman Pobuda advised Ms. Brown that when she purchased her home, she knew what the adjacent property zoning was.

The call to the public was closed at 8:47 p.m.

Moved by Figurski, seconded by Brown, to recommend to the Township Board approval of the Impact Assessment dated Rev. January 12, 2004 for a proposed 3,000 square foot addition to existing structure and a new 11,958 square foot building with four lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales, and storage, petitioned by Conely Engines and John Conely with the following conditions:

1. The PIP dated August 6, 2003 shall be part of the Impact Assessment.
2. REU's will be revised as determined by the Township Engineer and Staff.

The motion carried unanimously.

Chairman Pobuda questioned the required buffer between this site and the newly-zoned residential property as questioned by Mr. Ross. Mr. Nesbitt stated Type A landscaping is required and the existing vegetation will meet this requirement to the south and the proposed landscaping to the north is sufficient.

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Site Plan dated January 13, 2004 for a proposed 3,000 square foot addition to existing structure and a new 11,958 square foot building with four lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales, and storage, petitioned by Conely Engines and John Conely with the following conditions:

1. Township Board approval of the Rezoning Application, Special Land Use and Impact Assessment as recommended by motion this evening.
2. The berm to the west will be curved to match the residential property line and four additional trees will be added.

3. Four to six additional trees will be added to the west side of the property north of the berm with the precise number and type of trees to be determined and approved by Township staff.
4. The ground sign will be of a monument type and will meet the Township Ordinance.
5. A favorable fire department recommendation will be required regarding safety requirements and the PIP plan.
6. Tractor trailers and similar vehicles incidental to the business on this site will be parked on the east side of the building south of the loading dock.
7. Damaged and inoperable vehicles, which are permitted for no longer than two business days, will not be parked in the front of the building nor on the west side of the property.
8. The REU's will be as determined by the Township Engineer and staff.
9. The sanitary sewer lead note on the utility sheet shall be SDR 23.5 PVS and not 32.5.
10. A 3:1 grading slope in the rear of the property is acceptable.
11. The lighting will meet the Township Ordinance and will not exceed 0.5 footcandles at the property line.
12. Dust control measures shall be added.
13. The dumpster enclosure will consist of the same scored block used on the buildings.
14. All rooftop equipment shall be screened.
15. There will be no outdoor P/A system allowed
16. The Township Board shall add to the Special Land Use the outdoor vehicle storage and parking details described in this site plan.
17. Landscaping and buffer zones as presented this evening are acceptable with the modification made by this motion.
18. The landscaping along Grand River will be irrigated.

The motion carried unanimously.

Moved by Figurski, seconded by Mortensen to approve the minutes of January 26, 2004 as corrected. **The motion carried unanimously.**

Member Discussion

Commissioner Figurski stated that the Firestone dealer has a lot of tires stored in the back of their site. Ms. Kolakowski will relay this information to Adam.

Commissioner Figurski also noted that the chiropractic office in the Grand River Annex has a very large banner. Ms. Kolakowski will address this issue as well.

Commissioner Brown questioned if the cleanup that Mr. Conely has performed is significant enough for the Township to consider his request. Commissioner Mortensen stated he is sympathetic to Mr. Conely. He has grown and is trying to make changes to accommodate that, although he has not outgrown this site yet.

Commissioner Mortensen advised the Planning Commission that the Township is planning to spend approximately \$20,000 on a state-of-the-art projector system for site plans, etc.

The meeting adjourned at 9:23 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary