

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
January 26, 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, John Cahill, and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Jeff Purdy 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.

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 7:00 p.m.

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

Chairman Pobuda swore in Teri Olson and welcomed her to the Planning Commission.

Moved by Figurski, seconded by Olson, to approve the agenda as written. **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, PUD, and Site Plan applications, environmental impact assessment, conceptual PUD plan, and PUD agreement to rezone a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo Homes, the request is to rezone property from AG (agricultural) to RPUD (residential PUD). (PC 03-25)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding PUD rezoning application.
 - B. Recommendation regarding conceptual PUD plan.
 - C. Recommendation regarding PUD agreement.
 - D. Recommendation regarding impact assessment.

Mr. Kirt Anderson and Amy Ackerman of Atwell Hicks were present to represent the petitioner. Mr. Anderson noted that Nick Balberman of Crescendo Homes was unable to attend tonight's meeting; however he has authorized them to make decisions on his behalf.

Mr. Anderson stated that after comments from their last meeting, they have revised the open space, emergency exits, and PUD details. They have changed their mix to 186 single-family lots and 118 multi-family dwelling. They have changed the entrances by adding pedestrian pass / fire road, added open space in the northwest corner of the site, and showed pathways to link active recreation areas. A 50-foot Right of Way has been proposed, which will push the lots closer together, but will give a better buffer to the wetland and open space. The road was widened to 30 feet, which will allow parking on one side of the roads.

Mr. Purdy reviewed his letter of January 16, 2004.

The proposed architecture should utilize brick on all facades. Mr. Anderson showed colored pictures of a typical home. They are proposing 3 feet of brick on the rear of the home and there is a lot of brick on the front. Mr. Purdy does not want to see a full brick front and then the other three sides all vinyl siding. He suggested 50 percent brick on the sides and rear. Mr. Anderson agrees with the front and the side; however, the rear of most of the homes will not be seen. All commissioners agree with Mr. Purdy and this will be added to the PUD Agreement.

The front yard setback for the attached residents need to be shown on the plans. Ms. Ackerman noted it was in the site data.

The Planning Commission has the discretion to require a bike path along Challis Road as it is in the long-range plans of the Township to connect a bike path in this area. Mr. Purdy suggested either requiring the installation now or having the petitioner post a bond. Chairman Pobuda and Commissioner Cahill would like to see the bike path installed. Commissioner Mortensen feels it will be a long time before that path leads to anything and he does not feel it is fair to require the developer to install it or tie up his money in a bond. Commissioner Cahill feels the funds need to be available. Commissioner Figurski, Olson and Pobuda agree.

When the application returns for final Site Plan approval, there will be specific documentation from MDEQ regarding approval of the wetland crossings and delineations.

Commissioner Cahill questioned these roads being private and noted how the City of Brighton is in discussions currently with condominium owners regarding this issue. Mr. Purdy stated a private road maintenance agreement will need to be in the by-laws and PUD Agreement to ensure that there is a funding source to maintain the roads, etc.

Ms. McAvoy noted that comparing this to the City of Brighton's issue is not reasonable. Genoa Township does not have the capability to maintain roads. This would fall to Livingston County. It is best that the association maintain the roads to their specifications instead of relying on the Road Commission as these streets would have very low priority.

Ms. McAvoy reviewed her letter of January 21, 2004. She has three items regarding drainage and grading that will need to be addressed at final Site Plan approval and her utility issues will be reviewed completely during the construction plan approval process.

With regard to traffic and pavement, she has the following comments:

1. A grading easement will need to be obtained for the adjacent property owner near the cul-de-sac near Lots 97 and 98.
2. The number of driveways fronting the cul-de-sac in the multiple family portion should be reduced if possible. Ms. Ackerman advised they will comply with this request.
3. The horizontal curve near Lot 180 has a horizontal curvature of 210 feet. The Genoa Township Ordinance states that the minimum horizontal curve shall be 230 feet, although the Planning Commission may reduce this radius to not less than 150 feet if the design would accommodate expected vehicle speeds and truck/bus traffic. All commissioners agree to allow the 210-foot horizontal curvature.

Ms. McAvoy reviewed the proposed Livingston County Road Commission improvements in this area. They are proposing to put a four-way stop at the corner of Brighton and Chilson Road. There will be the need for a traffic light in approximately 5 to 10 years. It is anticipated that with the improvements proposed, the levels of service at Brighton and Chilson Roads and Brighton and Slip Road will not be impacted by the development. She suggests having the Road Commission review the petitioner's traffic study when planning future improvements. The petitioner's addition of accel and decel lanes as well as a left turn and/or bypass lane should be coordinated with the improvements proposed by the Road Commission.

Commissioner Mortensen advised the petitioner that they may need to participate financially in the improvements to the Slip Road intersection if this development will decrease the level of service here.

Chairman Pobuda asked the petitioner what they plan to do with the other part of the site that is not being proposed to be developed at this time. Mr. Anderson advised it will either be utilized for wetland mitigation or it will be left natural.

Commissioner Cahill questioned the status of the subsurface contamination. Mr. Anderson stated they have not completed the study yet; however, the preliminary data is outstanding, but the entire study will take more than three months to complete. Commissioner Mortensen stated that the Township is proceeding with the Brownfield Authority. Commissioner Cahill would like to have this noted in the PUD Agreement. Mr. Purdy agrees and the petitioner will comply.

Commissioner Olson asked if the speed limit is going to change on Chilson Road. Ms. McAvoy advised it will not change.

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

Mr. Jay Miller of 6163 Pinecone Court has concerns regarding the closeness of these homes to the wetlands as well as the runoff into the wetlands. He is also concerned about the wild life. There are rattlesnakes, cranes, as well as the three endangered species that was noted by the petitioner. He does not want this development to connect to their subdivision. If the DNR sells their property, could it be developed and then connected? He questioned light pollution from this site. He is also concerned about infrastructure. He feels that the developer should help pay for the improvements to the intersection at Brighton and Chilson Roads. He also feels these improvements should be made before the development is built and not after.

Mr. Steve Jawarski of 5353 Pinelake Drive asked if there will be sewer or septic for this development.

Mr. Charles Stitman of 5441 Pinelake is concerned about access from this subdivision to their subdivision. There is an easement shown and he would like to know what the plans are.

Mr. Dave Nicholson of 5337 Pinelake noted that he has the same concerns as his neighbors.

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

Ms. Ackerman addressed Mr. Miller's concerns regarding the runoff into the wetlands. They have put in sedimentation basins, which will filter out the stormwater before it is discharged into the wetland or lake. The County and the

DEQ will need to approve all of this. They have also evaluated the amount of water that is currently going to the wetlands and lake and need to ensure that with their development, they will not be either saturated or dried out.

They are not proposing any streetlights, however, they will default to the Township's recommendation. They will have house lighting and lighting on the subdivision name sign at the entrance.

They will not be connecting to the Copperleaf subdivision to the north. They are proposing a fire access easement on the southeast corner of the site. Mr. Purdy noted that if the DNR were to sell their property, that person could go to the County to ask permission to connect the subdivisions to that public road. Genoa Township does not have control over that, but they have control over the connection to Copperleaf because both of these subdivisions are in Genoa Township.

Ms. McAvoy advised the public that this development will be serviced by municipal sewer and water, with the improvement costs being born by the developer.

Moved by Mortensen, seconded by Cahill, to recommend to the Township Board approval of the PUD Rezoning Application to rezone a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo Homes, the request is to rezone property from AG (agricultural) to RPUD (residential PUD) conditioned upon approval by the Township Board of the Impact Assessment, PUD Agreement, and Conceptual PUD Plan. This recommendation to the Township Board to rezone this property is made to eliminate an unattractive gravel site in the Township, eliminate potential contamination of the ground, and it is a transition to the surrounding zoning and consistent with the Master Plan. **The motion carried unanimously.**

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Conceptual PUD Plan dated December 23, 2003 for The Preserve of Genoa with the following conditions:

1. Approval by the Township Board of the PUD Rezoning Application, PUD Agreement, and Impact Assessment.
2. Approval by the Fire Department or elimination of their concerns.
3. It will be revised to show front yard setbacks for the attached residential units.
4. MDEQ confirmation of the status of the wetlands on the site.
5. The proposed road width of 30 feet and the ROW width of 50 feet are acceptable; however, utility easements must be provided along these roads.
6. Requirements of the Township Engineer as stated in their letter dated January 21, 2004 will be met with the following exceptions or eliminations:

- a. A turning radius of 210 is acceptable.
- b. No new traffic impact study will be required.
7. Accel and decel lanes and bypass and/or turning lanes in the vicinity of the site will be required by the road commission and the expense of which shall be borne by the petitioner.
8. A financial mechanism shall be provided to fund the bike path construction along the site frontage in a form deemed acceptable by the Township Attorney and Staff.

The motion carried unanimously.

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the PUD Agreement for the Preserve of Genoa with the following conditions:

1. A financial mechanism will be established in the Master Deed and condominium agreement for the maintenance and snow removal for the interior roads by the developer and condominium association.
2. Any contamination shall be cleaned up to meet the State of Michigan residential standards.
3. Approval by the Township Board of the PUD Rezoning Application, Conceptual PUD Plan, and Impact Assessment
4. Review and approval of the PUD Rezoning Application, Conceptual PUD Plan, and Impact Assessment by the Township Attorney.
5. A financial mechanism will be established by the petitioner to ensure sufficient funds will be available when improvements to the Brighton Road / Chilson and Slip Road intersection are made to restore it to the level of service existing prior to the construction of the development.
6. Section 2.3 shall have the following added "A left turn and/or bypass lane and accel and decel lanes required along Chilson Road will be constructed at the developer's expense".
7. Section 2.4 shall have the following added as the third sentence "Utility easements satisfactory to the Township Engineer will be provided and recorded".
8. Section 2.5 shall read "Developer shall have the right to assign its obligations under Section 2.4 with respect to installation of **a five-foot wide concrete** sidewalk to builders of homes....."
9. Section 2.6 – the first sentence shall read "The PUD will be developed with public sanitary sewers and water mains as approved **by Genoa Township Standards**, subject to the establishment of a mechanism for the financial participation of the developer satisfactory to the Township and developer".
10. Section 2.6 shall have the following sentence added "In addition, the PUD development will be part of a special assessment district for the upgrade of the water and sewer systems".
11. Section 2.8 shall be deleted.
12. Section 3.2, second sentence shall read "The Township will exercise its best efforts to complete such sanitary sewer and water

- improvements on or before _____". The remainder of the section shall be deleted.
13. Section 3.3 shall read "The Township shall accept all PUD improvements, **excluded of roads**, dedicated to it by Developer.....".
 14. The following sentence shall be added to the end of Section 3.4. "Two-story, single-family homes will be a minimum of 2,500 square feet and ranch-style homes will be a minimum of 2,000 square feet."
 15. Section 3.5 shall be changed to read "Final Site Plan review by the Planning Commission will be a public hearing".
 16. The following sentence will be added to the end of Section 4.3. "Condominium by-laws shall include provisions for landscape maintenance and replacement".
 17. The following sentence will be added to the end of Section 5.1. "The Master Deed and condominium association rules will be reviewed by the Planning Commission and Township Attorney at the time of Final Site Plan approval".
 18. No street lights will be permitted, except at the entrance sign.
 19. The following sentence shall be added to section 6.1 "No detached accessory buildings shall be permitted on any lots"
 20. Section 6.2 shall be changed to read "All decks may extend a maximum of 15 feet into the rear yard and will conform to principal structure side yard setbacks.
 21. Section 6.4 shall have the following second and third sentences added "Two-story, single-family homes will be a minimum of 2,500 square feet and ranch-style homes will be a minimum of 2,000 square feet. At least 75 percent of the front and 50 percent of the sides and rear facades will be brick".
 22. The final Site Plan shall designate conservation areas and the Master Deed shall provide for the preservation of these areas in a natural state in perpetuity through legal mechanism such as a conservation easement.

The motion carried unanimously.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment dated December 23, 2003 for with the following conditions:

1. Dust control measures to be utilized during construction shall be added.
2. Section F shall read "The development is expected to produce 300 new homes producing about 1,050 residents. (Assuming 3.5 persons per home) and there will be a corresponding impact on schools, fire and police services, and traffic.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2...Review of final PUD site plan, environmental impact assessment, & PUD agreement for proposed 16 single-family homes on

approximately 70 acres (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 & Sec. 29, petitioned by Chestnut Development. (PC 03-09)

- **Planning Commission disposition of petition**

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

Mr. Dan Schrauben of Professional Engineers, and Mr. Steve Gronow, the property owner, were present.

Mr. Schrauben stated they have made a significant change to where the road exits onto Chilson Road due to sight distance concerns. They have received approval and a road construction permit from the Livingston County Road Commission. The wetland permit is also in place.

Commissioner Mortensen asked if the two categories of preservation have been recorded. Mr. Schrauben stated that once the PUD is approved by the Township, then the preservations can be recorded.

Mr. Purdy reviewed his letter of January 16, 2004.

1. Details of the proposed entranceway ornamental fixtures must be proved. Mr. Schrauben advised that they do not have the detail for the entrance lights, however, they will be submitted prior to their presentation to the Township Board.
2. MDEQ approval is required for the wetland crossing. The petitioner will comply with this request.

The call to the public was made at 9:10 p.m.

Mr. Peter Werner of 4074 Chilson stated his property is enclosed in this PUD and he does not see his driveway on the plan. He noted that the proposed driveway causes a sight distance hazard and he would want to maintain his original driveway, which was supposed to be paved. He also asked if anything else is planned for this site. Could this be developed more densely? Also, where is the construction entrance planned.

The call to the public was closed at 9:16 p.m.

Mr. Schrauben advised that Mr. Werner's driveway easement will be maintained. The PUD Agreement locks in this development; there will be no changes to this plan. During construction, the original driveway will be maintained.

Mr. Werner spoke again and stated that his driveway was to be paved; however, Mr. Gronow is telling him that he will be able to use the new paved entrance and his current easement will not be paved. He does not want to utilize that new road

for safety reasons. When he purchased this property, he paid for the road to be paved.

There was a lengthy discussion regarding the issue of Mr. Werner's easement and how he will access Chilson Road from his home.

Mr. Schrauben stated they wanted the entrance to be where the existing road is; however, the neighbor to the north would not grant them an easement to remove the trees on his property to get the sight distance approval, so they had to move it further to the south.

Mr. Gronow stated that Mr. Werner can continue to use his easement. He does not have to access the subdivision entrance. He noted that the paving of the easement was a private agreement between Mr. Werner and the original seller of the property.

Ms. McAvoy noted that the plans show the new roadway crossing over Mr. Werner's easement. Mr. Werner stated that is not a problem. He is concerned about the safety of the placement of the new driveway.

Mr. Gronow noted that the trees will be taken out, which will improve the sight distance for the new entrance.

Ms. McAvoy noted that the drainage, catch basin, etc. are affected by the new road placement. Mr. Schrauben stated that if the catch basin needs to be relocated, they can do that.

Chairman Pobuda agrees that this is a private matter and the Township should not be concerned with the easement, access road, and paving of the road. Commissioner Cahill feels it is a Township issue. The Planning Commission would be approving a road that would be going through this resident's easement. This issue should have been discussed previously.

Mr. Gronow has proof that the sight distance will be the same (600 feet) when the road is moved to the south and the trees are removed. The Road Commission has done the study and approved this and granted a permit that there is 600 feet of clear distance requiring the trees to be removed.

Moved by Mortensen, seconded by Olson, to recommend to the Township Board approval of the final PUD Site Plan dated December 22, 2003 for proposed 16 single-family homes on approximately 70 acres (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 & Sec. 29, petitioned by Chestnut Development with the following conditions:

1. Details of the proposed ornamental lighting for the entrance will be provided to the Township Board.
2. MDEQ approval for the wetland crossing shall be obtained.

3. Livingston County Health Department approval for all septic and wells for the 16 lots to be developed.
4. The Township Staff, Attorney, and Engineer will review the proposed road off of Chilson Road and the private drive of Parcel #2B to ensure that Parcel #2B's easement is not infringed upon as well as the LCRC approving the two entrances onto Chilson Road.

Commissioner Cahill interjected the motion. Mr. Werner's easement **is** being infringed upon. The Township was not aware of this condition for Mr. Werner's roadway. He does not feel it is clear. Mr. Gronow stated that all of Mr. Werner's rights are being preserved. If he would like the road paved, then he will pave it for him.

Commissioner Mortensen continued his motion.

5. Township Engineer will determine that water management is not altered with the new placement of the access road.

Commissioner Cahill reiterated his feeling that this item should not go forward this evening. It should be tabled and resubmitted with new plans for the Engineer's review regarding drainage concerns and safety. The Township will be approving a PUD with a road that was not shown on the plans.

Chairman Pobuda called for a roll call vote: **(Cahill – no; Mortensen – yes; Figurski – no; Pobuda – yes; Olson – yes). The motion passed.**

Ms. McAvoy noted that the Planning Commission did not hear her comments regarding this issue.

Moved by Mortensen, seconded by Figurski, to rescind his previous motion. **The motion carried unanimously.**

Ms. McAvoy reviewed her letter of January 21, 2004. She had the following comments:

1. The 25-foot wetland buffer should be delineated and noted on the plans.
2. The standard detail for the proposed Valley Gutter should be updated according to the detail.
3. The ROW should be dimensioned and labeled for the proposed private road, including ROW width changes.
4. The proposed lawn grades immediately outside the roadway should be at a minim 1:4 slope per Township Standards. The locations near the proposed entrance and near Station 8+00 should be updated.
5. The proposed contour should be shown with some curvature as they meet existing contours and should be consistent throughout the plan.

Commissioner Mortensen restated his motion to include

6. Engineering requirements outlined in Tetra Tech's letter dated January 21, 2004 shall be complied with.

Commissioner Olson seconded the motion and Chairman Pobuda called for a roll call vote: **(Cahill – no; Mortensen – yes; Figurski – no; Pobuda – yes; Olson – yes). The motion passed.**

Commissioner Cahill stated that this is being rushed through. The engineer's comments were not reviewed before the first motion was made and voted on.

Chairman Pobuda apologized that he did not ask the engineer's review. He asked Ms. McAvoy if any of her issues are detrimental to the project. Ms. McAvoy stated they are not.

Moved by Mortensen, seconded by Olson, to recommend to the Township Board approval of the PUD Agreement received January 7, 2004 for proposed 16 single-family homes on approximately 70 acres (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 & Sec. 29, petitioned by Chestnut Development with the following conditions:

1. Review and approval by the Township Attorney.
2. Deed restrictions shall be recorded for Parcels C, D, and E that provide some conservation easements and restrictions protecting preservation and wetland areas as contained in the condominium Master Deed and by-laws.

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

Moved by Mortensen, seconded by Olson, to recommend to the Township Board approval of the Impact Assessment dated November 20, 2003 for proposed 16 single-family homes on approximately 70 acres (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 & Sec. 29, petitioned by Chestnut Development

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

OPEN PUBLIC HEARING # 3...Review of site plan application, environmental impact assessment, and site plan, for proposed 20,388 sq. ft. office supply retail building (Staples) located in Sec. 5 between Wal-Mart and Lowe's at the southeast corner of Grand River and Latson Road, petitioned by RLG Howell LLC and GCG Howell LLC. (PC 03-30)

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

Mr. Bo Gunlock of RG Properties was present to represent the petitioner. He stated they developed this site six years ago and at that time had plans to include a 30,000 square foot Office Max store. The store size has been reduced to 20,388 square feet and there has been a loading dock added. He reviewed Mr. Purdy's concerns. He asked for the loading dock to be relocated. They have

complied with this request, however, they then had to move the entrance door 15 feet to the left to allow for the stock room on the same side as the loading dock.

He showed sample building materials. He noted they would like to put a "swimming pool slats" fence in any color requested by the Township to screen the loading dock and not brick. The trucks will only be seen from one small portion of Latson Road.

With regard to the bike paths, they originally did not plan to do this because of the potential for Latson Road to be widened; however, if the Planning Commission wishes them to install the path, then they will comply.

Commission Cahill noted his concern with the travel trailers and RV's that have been for sale and parked in the Wal Mart parking lot. It is very unsightly. Ms. Kolakowski stated that the code enforcement officer is working on this.

Mr. Gunlock stated that he has heard of this being done at other Wal Mart stores around the country. He will address this issue. He added that the far parking lots do not get utilized; however, once the new Bennigans is built, this parking will be utilized and the parking of RV's and trailers will be decreased.

Mr. Purdy stated that Mr. Gunlock has addressed his concerns; however, he would still recommend the brick enclosure for the loading dock and dumpster. Mr. Gunlock noted that since they are "tucking" them in the back, they would like relief on this issue. He suggested installing a wall that blocks the dumpster and the dock, as opposed to a full enclosure. Mr. Purdy and the Commissioners agree with this proposal.

Ms. McAvoy reviewed her letter of January 21, 2004.

1. The plans should be signed and sealed by a licensed professional. The petitioner will comply.
2. A 25-foot easement should be shown for the water main. Mr. Gunlock noted that the rest of the side has 20-foot water main easements. Ms. McAvoy stated that if the rest of the site has 20-foot easements, she will agree to that; however, it does need to be shown on the plans.

Mr. Gunlock showed a drawing of his proposed lighting. Ms. Kolakowski noted that it does not show the fixtures at a 90-degree angle, which is required. Mr. Gunlock stated they will ensure the fixtures are at a 90-degree angle.

Mr. Gunlock added that they will comply with all of the Fire Department's concerns noted in their review letter.

The call to the public was made at 10:12 p.m. with no response.

Chairman Pobuda questioned the lease terms for this building. Staples has a 10-year lease. He feels that if one of the outlots would leave at the end of their lease, they would not have a problem releasing it. This is a great location in the Township. He noted that at the end of the lease, the development company owns the building.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment for a proposed 20,388 sq. ft. office supply retail building (Staples) located in Sec. 5 between Wal-Mart and Lowe's at the southeast corner of Grand River and Latson Road, petitioned by RLG Howell LLC and GCG Howell LLC with the following conditions:

1. Dust control measures shall be added.
2. The size of the building, number of employees, and hours of operation need to be included.

The motion carried unanimously.

There was a discussion regarding the bike path at the corner of Latson Road and Grand River. Mr. Purdy noted that currently it travels around the corner and does not connect to the street. Mr. Gunlock advised they will make that change; however, there are no pedestrian signals or crosswalks at that intersection. Ms. McAvoy agrees that it should not be done without a pedestrian signal or crosswalk.

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Site Plan for a proposed 20,388 sq. ft. office supply retail building (Staples) located in Sec. 5 between Wal-Mart and Lowe's at the southeast corner of Grand River and Latson Road, petitioned by RLG Howell LLC and GCG Howell LLC with the following conditions:

1. The rear and side walls shall be constructed of split faced block painted to match the building.
2. Building materials presented this evening are approved and become the property of the Township.
3. The bike paths on Latson Road and Grand River shall be extended to the intersections.
4. One six-foot split faced block screen wall will be installed to conceal the truck well and dumpster.
5. Wall mounted light fixtures will be reviewed and approved by Township Staff.
6. All items in Tetra Tech's letter dated January 21, 2004 shall be complied with.
7. Dust control measures will be employed during construction.
8. All requirements of the Howell Area Fire Department will be complied with.

The motion carried unanimously.

Moved by Figurski, seconded by Cahill, to approve the minutes of January 12, 2004. **The motion carried unanimously.**

Member Discussion

Commissioner Cahill is very angry with regard to Open Public Hearing #2. The petitioner misled the Planning Commission from beginning to end. He threatened the Commission at the first meeting, proposed a phony conservation plan, and misled the Commission regarding his neighbor's driveway and property. He feels he should have been required to go back and work this out.

Commissioner Mortensen stated the Township advised Mr. Gronow to pursue a PUD. The driveway moving to the south is a very recent development. The motion assures that if the neighbor's easement is a real issue, then the Board will never approve it.

Commissioner Cahill noted that he opposed this project from the beginning. It is not a true use of the PUD zoning. The homes are not clustered and open space is not preserved.

Commissioner Mortensen stated there will be a lot of open space with 73 acres of land with only 17 homes.

The meeting adjourned at 10:50 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary