

**GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
November 12, 2001  
6:30 P.M.  
MINUTES**

The work session of the Planning Commission was called to order by Vice-chairman Bill Litogot at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Barbara Figurski, James Mortensen, Ken Burchfield, Curt Brown, and Bill Litogot. Also present was Michael Archinal, Township Manager and Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. 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 Vice-chairman Litogot at 7:00 p.m.

The Pledge of Allegiance was recited.

**Moved** by Figurski, seconded by Burchfield, 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 7:01 p.m. Vice-chairman Litogot noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING #1...**Review of site plan application, environmental impact assessment, and site plan for proposed 10,960 square foot, one-story child care facility for Tutor Time located on 1.35 acres on the north side of Grand River at Grand oaks Drive, Sec. 9, petitioned by Lorenzo Cavalier-Boulder Construction (PC 01-27)

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

B. Recommendation regarding site plan

Dave Beschke and Jeff Smith of Equinox as well as Chris Miller from Boulder Construction, Harvey Weiss, and Donna Palmerson, the regional manager for Tutor Time, were present to represent that petitioner.

Mr. Beschke stated a work session was held between the Township and Tutor Time and a lot of outstanding issues were resolved. They have added 1/5 of an acre to the size of the site in order to accommodate a better traffic flow pattern. This plan meets the master plan as well as the Grand River corridor plan.

Mr. Smith reviewed the changes that were made to the site.

1. They added a 50-foot turning radius for delivery trucks as well as school buses.
2. They added 10 parking spaces as well as five spaces where cars can stack when parents are dropping off children.
3. They increased the outdoor play area to 6,200 square feet, which is more than is required.
4. They screened the dumpster as well as the dumpster enclosure.
5. They added a four-foot fence around two sides of the outdoor play area as well as added six-foot high screening to the property to the west of the site.

Mr. Miller gave a brief overview of the building. He showed colored elevations as well as building samples. It will be a red brick building with white aluminum trim and paned windows. The roof will be made of gray dimensional shingles. They are proposing vinyl fencing for the play area.

Ms. Palmerson gave a brief overview of the Tutor Time business. They are an international company with 225 schools in the US and 16 in Michigan. They have been in Michigan since 1997. They are open Monday through Friday from 6:30 a.m. to 6:30 p.m. They offer care for children from six-weeks old to 12-years old. The local public school will drop children off before and after school so they have proposed the 50-foot turning radius to accommodate this. They have an inside play area for children until they are 2 ½ years old. Each child plays in this area for ½ hour in the morning and ½ hour in the evening and they are rotated by classroom.

Vice-chairman Litogot asked what the school does if it rains. Ms. Palmerson stated they have a multi-purpose room, which is like a gym. They also have a room called The Village, where the children engage in dramatic play. It has five different play areas, which are set up like a small town.

She stated all of their food is delivered pre-cooked. They only have to heat and serve. They do not do any cooking on this site. They provide the children with two snacks and one lunch.

She stated there are sometimes special events held at the facility. They sometimes have an open house on a Saturday from 10:00 a.m. to 2:00 p.m., sometimes they have activities for families in the evening and on Saturdays, they have a stepping up ceremony for children going to pre-school and they will hold this at another location due to the large number of families that will be attending. They have a staff meeting from 6:30 p.m. – 8:00 p.m. once a month.

They abide by the state ratio standards of number of children per caregiver.

1. 6 weeks to 2 ½ years has a ratio of 1 to 4
2. 2 ½ to 3 years has a ratio of 1 to 8
3. 3 and 4 years has a ratio of 1-10
4. 4 and 5 years has a ratio of 1-12
5. 6 to 12 years has a ratio of 1-20

They keep their ratios at 1 to 12, even for the older children.

Commissioner Mortensen asked if they are subjected to ongoing state inspections. Ms. Palmerson stated they have to pass an inspection from the state, the health department as well as the fire department before they can open. The first approval is only valid for six months and they do periodic visits during this time and then before this one expires, they do another inspection and the next license is valid for two years; however, they do make periodic visits during that time as well.

With regard to safety, they have an open-door policy with regard to parents. They have a monitoring system where the parent can view the child's room over a television screen and would not have to disturb the class. They have a "daily link" that goes home with each child at the end of the day outlining their progress and what they did that day, there are phones in every classroom so parents can call the teacher directly, each family is given a swipe card that they must use to enter the building, which also clocks them in and out so the administration knows exactly how many children are on the premises in case of an emergency. The parents also need to sign in their children in the classroom.

Commissioner Brown asked how Tutor Time determines the number of children allowed at each facility. Ms. Palmerson stated they follow the state requirements of 50 square feet per child under 2 ½ years old and 35 square feet per child over 2 ½ years old.

Mr. Purdy reviewed his letter of November 8, 2001

Based on the number of children attending this facility indicated on the site plan, the indoor play area does not meet the requirements of the Township. Currently the Township's ordinance is 250 square feet per child. They have discussed this and the Township is proposing to amend the ordinance so that it is 50 square foot per child, regardless of the age of the child. He added that even if this

amendment goes into effect, there are still more children proposed than what would be allowed under the new ordinance. He did rough calculations and it appears that at 184 children, which is what is proposed, there is only 35 square feet per child. Commissioner Mortensen added that the Township realized their ordinance of 250 square feet per child is far away from the state requirements and they are willing to change it, although that will still not accommodate 184 children in that size building. Ms. Palmerson stated that just because there are 184 children enrolled at the school, there will not be 184 children at the school at one time as some children are part time. Commissioner Mortensen does not feel that the Township is going to change the ordinance to be less than 50 square feet per child. Mr. Beschke feels the standards set by the state are safe. Mr. Purdy stated that 50 square feet is standard in other communities. The Township would like to use one requirement, regardless of age, so they could estimate the occupancy of the building without worrying about the various ages of the children.

Commissioner Burchfield stated he would vote for the amendment to 50 feet per child because he feels that 250 square feet per child is too much. He has a lot of problems with this site. He is aware that the state sets standards, although the state encourages local governments to regulate the use of the land in their communities. He also does not feel this is the proper location for this type of facility.

David Beschke stated they will provide the square footage for each room so the Planner can get an exact size of the available play area.

Mr. Purdy stated the outside play area requirements are being met based on this area being used on a rotational basis.

Mr. Purdy would like the waste receptacle turned so that the doors do not face Grand River. Mr. Smith will make this change on the plans.

The call to the public was made at 7:48 p.m.

Ms. Judy Dunn asked what the requirements are for public and private schools. Mr. Archinal stated public schools are not under the scrutiny of the local government. They do not have to go through site plan approval nor do they have to abide by zoning ordinances.

The call to the public was closed at 7:49 p.m.

Commissioner Mortensen feels this is an outstanding project, feels this community needs more childcare, and he likes the location. He will require that the amended ordinance of 50 square feet per child be met.

Commissioner Brown is comfortable with the location, he would require the 50 square feet per child with regard to the indoor play area, and he is comfortable with the size of the outside play area, given it will be used on a rotational basis.

Commissioner Figurski would like the 50 square feet per child ordinance adhered to. She has a problem with the location, although she could "live with it". She also is concerned with the proposed signage. Mr. Beschke stated the signs have been revised and they do meet the ordinance.

Commissioner Burchfield feels the ordinance needs to be changed to 50-square feet per child. He noted that in order for the outdoor play area to meet the ordinance, the children need to go out in shifts. There are two ordinance amendments to make this work at this location. He also feels it will generate a lot of traffic. He is opposed to this proposal.

Commissioner Mortensen informed the petitioner that based on the opinions heard this evening, the 50-foot per child will be approved by the Township. Mr. Beschke stated that will be acceptable to Tutor Time.

Vice-chairman Litogot asked if there will be any hazardous materials used at this site. Ms. Palmerson stated they only use bleach for a sanitization solution. Vice-chairman Litogot stated Page 8, Section H of the Impact Assessment needs to be changed to reflect this.

Commissioner Figurski noted on Page 2, the first section titled "Current Zoning", the words "The site is proposed" shall be deleted. On Pages 2 and 4, it states the detention pond is in the "southwest corner". This needs to be changed to "southeast". Also, on Page 6, the second paragraph, the sixth line, "In addition, any future....." shall be deleted. She also noted that the hours and days of operation should be noted in Section F of the Impact Assessment.

**Moved** by Mortensen, seconded by Brown, to recommend to the Township Board approval of the Impact Assessment dated November 16, 2001 for a proposed 10,960 square foot, one-story child care facility for Tutor Time located on 1.35 acres on the north side of Grand River at Grand oaks Drive, Sec. 9, petitioned by Lorenzo Cavalier-Boulder Construction (PC 01-27) with the following conditions:

1. Page 8, Section H needs to be changed to reflect the use of bleach as a hazardous material at this site.
2. Page 2, the first section titled "Current Zoning", the words "The site is proposed" shall be deleted.
3. On Pages 2 and 4, it states the detention pond is in the "southwest corner". This needs to be changed to "southeast".
4. Page 6, the second paragraph, the sixth line, "In addition, any future....." shall be deleted.
5. The hours and days of operation shall be noted in Section F.

6. The maximum number of students on the site at any one time will not exceed one child per 50 square feet of indoor play area
7. The outdoor play area ordinance requirements shall be met based on that area being used on a rotational basis.

**The motion carried. (Brown – Y; Mortensen – Y; Litogot – Y; Figurski – N; Burchfield – N)**

**Moved** by Mortensen, seconded by Brown, to recommend to the Township Board approval of the Site Plan dated November 6, 2001 (with the building interior plans dated November 5, 2001) for a proposed 10,960 square foot, one-story child care facility for Tutor Time located on 1.35 acres on the north side of Grand River at Grand Oaks Drive, Sec. 9, petitioned by Lorenzo Cavalier-Boulder Construction (PC 01-27) with the following conditions:

1. Building materials, as presented this evening, are satisfactory and shall be presented to the Township Board.
2. The dumpster will be rotated so that the opening does not face Grand River.
3. Township Board approval of Impact Assessment as recommended by motion this evening.
4. If the petitioner chooses to use a water softener, the discharge cannot be connected to the sanitary sewer and a potassium based regenerate should be used.
5. All signage shall be approved through the Township Manager
6. Dust control measures shall be added to the construction plan.
7. Township Engineer review and approval of all plans.

**The motion failed. (Brown – Y; Mortensen – Y; Litogot – N; Figurski – N; Burchfield – N)**

Mr. Archinal informed the petitioner that this proposal still goes before the Township Board, however, it goes with a negative recommendation from the Planning Commission.

**OPEN PUBLIC HEARING #2...** Review of special use application, environmental impact assessment, and site plan for a 7,260 square foot addition with connection to existing animal shelter facility at 2464 Dorr Road, Sec. 15, 4.86 acre site, located on the west side of Dorr Road just north of I-96. Petitioned by The Humane Society of Livingston County (PC 01-29)

- **Planning Commission disposition of petition**

- A. Recommendation regarding special use application
- B. Recommendation regarding impact assessment
- C. Recommendation regarding site plan

Joe Hammond from Brivar Construction, Barbara Benford, the Vice-president of the Livingston County Human Society and Debbie Oberlethe President of the Human Society were present to represent the petitioner.

Mr. Hammond stated they are requesting a special use approval for an addition to the existing facility on Dorr Road. They are here and prepared to answer the Planning Commission and Planner's questions.

Commissioner Burchfield asked the petitioner why the Township should consider a new proposal from this petitioner when they are currently out of compliance of a variance granted in 1997.

Mr. Hammond stated he cannot respond to that. When they considered this addition, they were not aware of the 30-foot side yard setback variance that was granted. They are proposing to maintain the same side yard setback on Boss Engineering's plan from 1997. He assumes this was granted in order to keep the building the furthest away from the residence and as close to the expressway as possible.

Vice-chairman Litogot asked why the addition is so large. Debbie stated they have previously had animals in foster care until they are ready to be adopted. With this facility, they can house the animals in one central location instead of having to foster them out.

Barbara stated they compared their volume of animals to other communities as well as the Humane Society of the USA and this is what is recommended.

Vice-chairman Litogot asked why the building is so high. There is a small mezzanine for storage.

Vice-chairman Litogot asked what the large door is for. They order dog food and kitty litter as well as other supplies in large quantities so the door is for the trucks to deliver these items.

He also asked how the waste disposal is handled. Debbie stated the solid waste is hauled away and the animals that are in kennels have their kennels washed down every day with water that empties into a drain in the floor and when a new animal occupies a kennel, the entire kennel is cleaned and sanitized.

Commissioner Figurski asked what the garage is used for. Debbie stated it is used for storing other items, such as cages, donated items, etc.

Commissioner Mortensen asked if any animals were put to sleep at this facility. Debbie stated this service is contracted out to veterinarians in the area. They do not have a pet cemetery nor a crematorium at this site.

Commissioner Mortensen asked about the noise and odor from the animals. Debbie stated all dogs are housed in-doors and are let out during the day so there is no noise during the evening or nighttime hours to disturb the neighbors. All of the waste is hauled away and the cages are disinfected. They have to follow USDA regulations.

Commissioner Mortensen stated he does not like the architecture of the building, especially the view from the expressway. Debbie stated they do not have much money, as they are a non-profit organization. Commissioner Brown is sympathetic to this being a non-profit organization, but would like to see a nicer-looking building. Mr. Purdy stated the petitioner can apply to the ZBA and they may require higher evergreen trees to screen the building from the expressway. Mr. Hammond noted it is an industrial building and the property is zoned industrial.

Mr. Purdy reviewed his letter of November 6, 2001.

He stated a special land use permit from the Township Board would need to be granted based upon a recommendation from the Planning Commission. Operations and Management Plan needs to be submitted as part of this application. Mr. Hammond stated this was done per his letter of October 31, 2001.

Mr. Purdy reviewed his concerns with the design of the building. He would like to see some sort of masonry or window accents along the I-96 side of the building to break up the massiveness of the structure. He would also like some reduction with regard to the height of the building. He stated the building material samples need to be presented to the Planning Commission. Mr. Hammond presented examples of the proposed building materials. Mr. Hammond stated they do not have a problem with adding windows or masonry to this side of the building.

Any new proposed signage requires a permit. Mr. Hammond stated they are proposing a ground sign and it will be submitted for permit.

Vice-chairman Litogot asked about outdoor lighting. Mr. Hammond stated there would only be outside lighting over the exit doors.

Vice-chairman Litogot stated he would like to see the building lowered. Commissioner Mortensen does not like a very huge and plain building on the expressway. He would like to see improved architecture and a smaller building.

Mr. Hammond asked if there is a way to keep going forward while the building design is being worked out. Mr. Archinal stated the petitioner would have to go before the ZBA and they could be put on the December 11, 2001 agenda. The petitioner would come before the Planning Commission in January, 2002 and could have approval from the Township Board by the end of the year.

The call to the public was made at 8:38 p.m. with no response.

**Moved** by Burchfield, seconded by Figurski, to table Open Public Hearing #2, review of special use application, environmental impact assessment, and site plan for a 7,260 square foot addition with connection to existing animal shelter facility at 2464 Dorr Road, Sec. 15, 4.86 acre site, located on the west side of Dorr Road just north of I-96. Petitioned by The Humane Society of Livingston County (PC 01-29). **The motion carried unanimously.**

### **Planners Report**

Mr. Purdy stated, based on discussions at the joint meeting, they are working on several ordinance amendments, including the land use for child care centers discussed this evening.

**Moved** by Figurski, seconded by Mortensen, to approve the minutes of October 22, 2001. **The motion carried unanimously.**

### **Member Discussion**

Vice-chairman Litogot noted the memo sent to the Planning Commission from Kelly Kolakowski, Planning Coordinator dated November 1, 2001 regarding landscaping guarantees. She states that they cannot compel the developer to replace dead landscaping after the one-year guarantee period because once the homeowners association has taken over, the developer is no longer responsible for the landscape. Commissioner Burchfield suggested passing the obligation onto the homeowners association or lot owner.

The meeting adjourned at 8:51 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary