

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
December 10, 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, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Mark Coleman 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 7:05 p.m.

The Pledge of Allegiance was recited and a moment of silence was observed for the soldiers fighting in the war efforts in Afghanistan.

Moved by Figurski, seconded by Litogot, 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 7:06 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Review of special use application, environmental impact assessment, and site plan for a 7,260 sq. ft. addition with connection to existing animal shelter facility, 2464 Dorr Rd., Sec. 15, 4.86 acre site, located on the west side of Dorr Rd. 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 Company and Barb Bentley and Debbie Oberle from the Livingston County Human Society were present to represent the petitioner.

Mr. Hammond stated they have made some changes based on input from the Planning Commission as well as staff. They have made the following changes:

1. Lowered the eave height of the building
2. Increased the roof pitch
3. Added ascent block around the entire building
4. The metal siding has been changed to flat-panel siding
5. The colors and materials match the existing building
6. The height of the evergreen trees have been increased to 10-12 feet

Mr. Purdy reviewed his letter of December 4, 2001. The special land use issues that need to be addressed require two variances from the ZBA. They will need a variance for the 200-foot I-96 right-of-way setback and the 100-foot setback from the west lot line.

An operation/management plan must be submitted for review. Commissioner Mortensen asked if this could be incorporated into their Impact Assessment. Mr. Purdy stated that it can and the details of which can be worked out with the petitioner prior to Township Board review.

Commissioner Burchfield asked if additional landscaping is required along I-96. Mr. Purdy suggested three more canopy trees.

A call to the public was made regarding special land use issues. There was no response and the call to the public was closed at 7:18 p.m.

Moved by Burchfield to recommend to the Township Board approval of the special land use for a 7,260 sq. ft. addition with connection to existing animal shelter facility, 2464 Dorr Rd., Sec. 15, 4.86 acre site, located on the west side of Dorr Rd. just north of I-96, petitioned by The Humane Society of Livingston County with the following conditions:

1. The petitioner shall obtain requested variance for the setback line for the new building being constructed from the ZBA.
2. The petitioner shall obtain requested variance along the west property line from the ZBA.
3. The operations and management plan dated October 31, 2001 regarding maximum number of animals and the prohibiting of euthanasia and cremation at this site be complied with.
4. The petitioner shall comply with all county and state requirements.
5. The screening along the I-96 right-of-way shall be as shown on the site plan with the addition of three canopy trees.

Commission Figurski seconded the motion and it was opened up for discussion.

Commission Cahill questioned having more landscaping be required for the I-96 right-of-way. There was a brief discussion regarding the view of the building from I-96 as well as from Dorr Road. It was decided to add two additional trees on the east side of the property.

Commissioner Burchfield amended his motion and added:

6. There will be two additional trees added to the east side of the property.

The motion carried unanimously.

Mr. Purdy reviewed his comments regarding the site plan

There was a discussion regarding the setback issues and it was decided that the Planning Commission should recommend approval of the variances to the ZBA.

Chairman Pobuda asked what the garage is being used for. Ms. Oberle stated the garage will be used for storing bulky items like cat litter and cages. They are going to remove the trailer on the property that currently houses these items.

Chairman Pobuda expressed his opinion that he is not overly pleased with the proposed building materials.

Commissioner Litogot stated that Brivar Construction will not park any trailers on I-96 or Dorr Road during construction of the new building.

Commissioner Cahill asked if the new building could be moved 10 feet to the north to allow for more trees along the I-96 right-of-way. Mr. Hammond stated this issue was discussed at the last Planning Commission meeting as well as administratively and it was decided that for aesthetic purposes, the buildings should be lined up with each other. Commission Cahill would prefer to have more trees and have the new building moved north 10 feet. Chairman Pobuda asked for comments from the other Commissioners and all agreed that the buildings should be lined up.

Mr. Purdy stated a sign permit will have to be obtained for any new signage. The petitioner will comply.

A call to the public was made regarding site plan issues. There was no response and the call to the public was closed at 7:45 p.m.

Moved by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the impact assessment with a revision dated of October 30, 2001 for a 7,260 sq. ft. addition with connection to existing animal shelter facility, 2464 Dorr Rd., Sec. 15, 4.86 acre site, located on the west side of Dorr Rd. just

north of I-96, petitioned by The Humane Society of Livingston County with the following conditions:

1. No exterior animal runs are permitted
2. No euthanasia nor cremation of animals shall be permitted
3. The number of animals permitted on the site will be a maximum of 130 cats and/or dogs
4. Dogs will not be permitted outside at night
5. The petitioner shall comply with all county and state requirements.
6. The impact assessment shall include the October 31, 2001 operations and management plan
7. Item F shall be amended to include the hours of operation and the maximum number of employees

The motion carried (Cahill – N; Brown – Y; Mortensen – Y; Figurski – Y; Pobuda – Y; Burchfield – Y; Litogot – Y)

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the site plan for a 7,260 sq. ft. addition with connection to existing animal shelter facility, 2464 Dorr Rd., Sec. 15, 4.86 acre site, located on the west side of Dorr Rd. just north of I-96, petitioned by The Humane Society of Livingston County with the following conditions:

1. Approval of the special land use permit and all conditions of that permit.
2. Approval of the impact assessment as revised on October 30, 2001 and conditions and changes set forth in the motion this evening.
3. Building materials presented this evening shall be used and shall be submitted to the Township Board and become property of the Township.
4. Petitioner shall meet all Township Engineer requirements.
5. Any changes in signage will require a sign permit
6. The contractor is prohibited from parking trucks overnight on this site that display business names or purposes

The motion carried (Cahill – N; Brown – Y; Mortensen – Y; Figurski – Y; Pobuda – Y; Burchfield – Y; Litogot – Y)

Moved by Burchfield, seconded by Mortensen, to recommend to the Zoning Board of Appeals the approval of the setback line variance on the I-96 right-of-way to be the same as the existing building of the Human Society and approval of the variance request on the west property line to 37.34 feet.

The motion carried (Cahill – N; Brown – Y; Mortensen – Y; Figurski – Y; Pobuda – Y; Burchfield – Y; Litogot – Y)

Chairman Pobuda asked the petitioner if they have dealings with veterinarians in the area. Ms. Oberle stated they have the approval and support of Livingston County Veterinarians Association for this project.

OPEN PUBLIC HEARING # 2... Review of special use application, environ-

environmental impact assessment, and site plan for proposed Light Automotive Service with towing, to be located in the former machine shop building located on 1.20 acre parcel in Section 10, on the south side of Grand River Ave. west of Dorr Road, petitioned by Spirit Automotive Services LLC. (PC 01-30)

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

Neil Plante from Boss Engineering and Glenn and Marilyn Carter were present to represent the petitioner.

Chairman Pobuda asked who is the owner of the property. Mr. Carter stated that J.R. Mitter is the owner of the property and he is present this evening.

Mr. Plante gave an overview of the site and surrounding area. They are proposing a light automotive repair and maintenance facility as well as a towing service. There will be no auto body work done on this site; just automobile repair.

They are proposing a fenced-in area, with a gravel surface, in the rear that would be an impound yard. They will only house licensed vehicles and it would not be a salvage yard.

They have proposed additional screening along the east and west property lines as well as bushes along the front of the building. They are proposing three canopy trees on Grand River Avenue.

Mr. Purdy reviewed his letter of December 3, 2001. He stated there shall be no outdoor storage or display of vehicle components and parts, supplies or equipment permitted. There shall also be no storage of dismantled, wrecked or derelict vehicles unless such storage is required by police or court order.

Mr. Carter stated there will be no wrecked vehicles parked on the site. He added they have to keep derelict vehicles for 21 days plus two weeks. Most vehicles stay for 1 to 30 days.

Commissioner Cahill asked what the difference is between a wrecked vehicle and a vehicle that has been in an accident. Mr. Purdy stated a wrecked vehicle is a totaled vehicle whereas the other vehicles can be repaired.

Commissioner Cahill asked the petitioner what is the majority of their business. Mr. Carter stated the majority of their business is vehicle repair. The towing service is another entity of that business.

Commissioner Brown asked where Mr. Carter's business is currently. he is located at Campbells Collision on West Street in Howell. He has an average of 15 vehicles on site at one time.

Commissioner Litogot asked what Mr. Carter does when the lot is full. He stated they rent space from other body shops.

Commission Litogot asked if all automobile servicing will be completed inside the building and if there will be any outside storage. Mr. Carter stated all repairs will take place inside the facility and there will be no outdoor storage.

Commissioner Litogot asked what the current Flo-Rite building will become as well as the house and the garage. Mr. Carter stated they are not sure what they will do with the Flo-Rite building at this point, they will rent out the house, and the garage will be used for storage of motorcycles and ATV's that they recover.

Commission Burchfield asked if Mr. Carter recovers vehicles that a private party has abandoned. He stated they keep them for 21 days and then 7 to 10 days and then they are scrapped.

Commissioner Burchfield asked why the petitioner is requesting gravel instead of a hard surface for the storage yard. Mr. Purdy stated that because this is an existing site, the Planning Commission can allow the gravel to remain. He has some concerns about the gravel, such as fluids leaking, dust, etc. He recommends paving the area. Mr. Hammond stated that most fluids from the vehicles have already emptied before they get to this site. Mr. Purdy stated the ordinance requires it to be paved, but the Planning Commission has the discretion to allow the gravel. Mark Coleman feels paving the area and adding a small storm sewer is a good idea.

Commissioner Mortensen stated he is not prepared to vote on this item this evening. He feels that more improvements need to be made to the site.

Commissioner Brown is questioning if this is the proper location for this business. Commissioner Cahill agrees with Commissioners Brown and Mortensen. He has some concerns as well, although he appreciates that the petitioner has been honest and forthright with his answers this evening.

Commissioner Litogot stated that if the fence is closed, you will not be able to see the vehicles and the lot is in the back next to where the boats for Wilson Marine are stored. The site use is not being changed much and the petitioner is proposing to improve the site.

Chairman Pobuda agrees with Commission Cahill when he stated that the petitioner has been honest with the Planning Commission this evening. He feels he would be a good neighbor.

Commissioner Litogot will approve the special land use and the gravel surface. Chairman Pobuda and Commissioner Figurski agree.

Commissioner Mortensen would like the pavement and a rendering of what is going to be facing Grand River. He added that if this item is not tabled, he will vote against it.

Commissioner Brown will approve the special land use and the gravel surface.

Commissioner Cahill will approve the special land use, but he would prefer the pavement.

Commissioner Mortensen stated he would like to see some upgrades to the building in order to grant the special land use.

A call to the public was made regarding the special land use. There was no response and the call to the public was closed at 8:34 p.m.

Mr. Carter gave his reasons for requesting the gravel surface. Most of the fluids from the vehicles are at the accident site and if something is brought back that is leaking, they have special clothes and rags that soak up the liquid and then they dispose of these properly. He added that most of the times the cars that come in have parts hanging off of them on the bottom because of the accident and it is easier to move the vehicle through the gravel with the hanging part than it would be to move it along the hard surface.

Mr. Purdy stated the petitioner is proposing eight-foot-wide sidewalks and only five-foot-wide sidewalks are required so this can be changed.

Commissioner Mortensen feel the Flo-Rite building is an eyesore and he would like to see a rendering of what this is going to look like. The petitioner presented the colors that are being proposed to paint that building. Mr. Carter added that they are planning on cleaning up that building in the spring.

Commissioner Brown asked about the screening of the cars. There will be an eight-foot-high fence with two feet of barbed wire at the top. They will also add silver or white nylon webbing between the fencing as well. Commissioner Cahill suggested green webbing to matching the building and blend in with the landscaping. All commissioners agree.

There was a discussion regarding the landscaping. It was suggested adding canopy trees to the west side of the site. Ms. Carter stated the arborvitaes proposed on the west side will block the yard where the canopy trees would not. Mr. Purdy suggested adding more plantings on the front of the site, adding 5 or 6

arborvitaes to the west side of the site and keeping the current arborvitaes on the east side of the site.

Commissioner Litogot stated the current spotlight is illegal and needs to be replaced. The petitioner will replace this light.

There will be no outdoor PA system and there will be a silent alarm system.

Chairman Pobuda asked for the Commissioners' opinions regarding hard surface or gravel for the yard. The engineer and the planner recommend pavement. Commissioners Litogot, Figurski, Brown and Cahill will approve the gravel. Commissioner Cahill asked if there should be special requirements as to the type of gravel as well as dust control. Mr. Purdy stated the petitioner has proposed crushed concrete, which will no cause dust problems.

A call to the public was made regarding site plan issues. There was no response and the call to the public was closed at 8:58 p.m.

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the special land use for a proposed Light Automotive Service with towing, to be located in the former machine shop building located on 1.20 acre parcel in Section 10, on the south side of Grand River Ave. west of Dorr Road, petitioned by Spirit Automotive Services LLC with the following conditions:

1. The petitioner shall provide a recorded access easement with the adjacent parcel to the east.
2. All motor vehicle repair work must be conducted within in the building
3. All outside storage or displays of motor vehicles, campers, components, parts, supplies or equipment is prohibited unless it is within the enclosed area as defined on the site plan.
4. Vehicles towed onto the site shall be removed within 31 days unless otherwise directed by appropriate court order
5. The designated area for vehicle storage shall be screened and enclosed.
6. Compliance with all Township, County, and State laws, including regulations for the storage of all flammable and hazardous materials.
7. There will be no body work performed at this facility
8. All vehicles stored will be registered.

The motion carried unanimously.

Moved by Figurski, seconded by Litogot, to recommend to the Township Board approval of the impact assessment dated November 28, 2001 for proposed Light Automotive Service with towing, to be located in the former machine shop building located on 1.20 acre parcel in Section 10, on the south side of Grand River Ave. west of Dorr Road, petitioned by Spirit Automotive Services LLC with the following condition:

1. The conditions of the special land use as made by motion this evening shall be added to the impact assessment.

The motion carried unanimously.

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the site plan for proposed Light Automotive Service with towing, to be located in the former machine shop building located on 1.20 acre parcel in Section 10, on the south side of Grand River Ave. west of Dorr Road, petitioned by Spirit Automotive Services LLC with the following conditions:

1. Township Board approval of the special land use and conditions as recommended by motion this evening
2. Exterior painting to be the colors as presented on the color chart this evening and shall be completed on or before July 1, 2002
3. Green vinyl webbing shall be installed on the north and east sides of the existing cyclone fence
4. Petitioner shall provide arborvitaes five to six feet on center along the west side of the property line
5. Petitioner shall extend the burning bushes across the parking area from the end of the building
6. Existing arborvitaes along the east property line shall be maintained.
7. Petitioner shall remove existing spot light and will replace it with one downward facing, shielded light
8. All changes in signage shall require a sign permit
9. Landscaping and accents depicted on the petitioner's landscape plan shall be complied with on or before July 1, 2002
10. The dumpster shall be located as indicated on the site plan and shall be concealed with a wood exterior enclosure on a concrete pad.
11. The storage area surface for motor vehicles shall consist of crushed concrete
12. Petitioner shall comply with all Township engineer requirements
13. Petitioner shall pay any associated REU's, which will be determined by Township staff
14. 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
15. The sidewalk shall be five-feet wide

The motion carried unanimously.

Chairman Pobuda called a five-minute break at 9:12 p.m.

OPEN PUBLIC HEARING # 3... Review of a site plan application, environmental impact assessment, and site plan for proposed 4,000 sq. ft. restaurant to be erected on former restaurant site located in Section 10, on the northwest corner of Grand River Ave. and Eckles Rd., petitioned by Nick Kovanis. (PC 01-31)

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

B. Recommendation regarding site plan.

Anthony Pucci of Anthony Pucci Associates, the architect for the project, as well as Mr. Nick and Harry Kovanis were present to represent the petitioner.

Mr. Pucci gave a brief overview of the project. They would like to have two driveways for better delivery truck maneuvering. They showed colored renderings of the proposed building and a landscape plan. The existing sign will be repaired and moved to the other side of the site.

They are going to require variances for the parking requirements, the front and rear setbacks, and the Grand River Avenue landscaping.

Mr. Purdy reviewed his letter of December 7, 2001. He acknowledged that the petitioner is wishing to rebuilt what was there before the accident.

The petitioner will have to go before the ZBA to secure variances regarding the front and rear setbacks, the parking space requirements, and the 20-foot greenbelt requirement. He noted the Planning Commission can make a recommendation to the ZBA regarding these issues.

Mr. Purdy suggested angled parking to meet the 20-foot greenbelt requirement, however, the applicant would lose more parking spaces. All Commissioners agree with what is proposed.

All Commissioners agree to allow the two curb cuts onto Grand River.

The petitioner will comply with all suggestions by Mr. Purdy regarding increased landscaping around the building, the detention pond, the dumpster as well as the hedgerow across the front parking lot as outlined in his December 7, 2001 letter, Items #6 and #7.

The parking lot is required to provide landscape islands, unless a variance is obtained. All Commissioners agreed to recommend approval of this variance to the ZBA.

Mr. Coleman stated the petitioner has met all of their issues discussed in his November 16, 2001 letter.

Chairman Pobuda asked about restaurant aroma/odors affecting the neighbors. Mr. Pucci stated they are quite a distance from the nearest residence and they have hood ventilators so this should not be a problem.

A call to the public was made at 8:48 p.m. with no response.

Chairman Pobuda noticed the two letters from residents that were submitted to the Planning Commission. Both Mr. and Mrs. Dunbrock and Mr. Rooney would prefer a greenbelt buffer along the rear property line instead of a three foot wall.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the impact assessment dated December 7, 2001 for a proposed 4,000 sq. ft. restaurant to be erected on former restaurant site located in Section 10, on the northwest corner of Grand River Ave. and Eckles Rd., petitioned by Nick Kovanis with the following condition:

1. Page 2, #9 shall have dust control measures added

The motion carried unanimously.

Commissioner Burchfield asked if outside seating is being proposed. They are not proposing it at this time, but they would like it to be an option. Commissioner Burchfield asked if they will be providing food and beverage outside. The petitioner would like to. There was a discussion regarding this and it was decided to limit the number of tables allowed as well as the hours it can be in use.

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the site plan for a proposed 4,000 sq. ft. restaurant to be erected on former restaurant site located in Section 10, on the northwest corner of Grand River Ave. and Eckles Rd., petitioned by Nick Kovanis with the following conditions:

1. Approval of the impact statement as recommended by motion this evening
2. Petitioner shall obtain the required approval of variances from the ZBA for front and rear set backs, parking space reduction, greenbelt requirement, elimination of landscape islands, and waste receptacle setback.
3. In the event of a future parcel split, the petitioner shall provide an easement for the property to the west.
4. The landscaping along the south will be replaced from pine and evergreen trees to canopy trees, such as red maples
5. The detention area trees will be replaced with canopy trees
6. The proposed hedgerow along the north side of the property shall consist of dwarf burning bushes
7. Pine trees shall be added to the area of the rear property line in addition to the current arborvitaes
8. The petitioner shall comply with all Township Engineer requirements as well as REU's, which will be determined by staff
9. The building materials and for the exterior of the building as presented this evening are acceptable
10. 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

11. If the petitioner elects to have outside seating on the east side of the restaurant, it shall be limited to four four-top tables, no entertainment of amplified music, and service and seating shall cease after 10:00 p.m.
12. The new sign shall comply with the current Township ordinance.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Zoning Board of Appeals approval the five variances requested by the petitioner due to the narrowness of the site and that the applicant is proposing to construct a the same use on this site in a smaller building as what was previously there.

The motion carried unanimously.

Planner's Report

Mr. Purdy stated he checked the Wal-Mart lighting and it is within the limits of the ordinance. He advised that if this is causing a concern, then maybe the Township should revisit the ordinance.

Moved by Figurski, seconded by Mortensen, to approve the minutes of November 12, 2001. **The motion carried unanimously.**

Member Discussion

Mr. Archinal asked the question about when we negotiate for improvement in order to grant special land uses, are we risking exposure when we ask for more trees when the special land use is for an animal shelter, to use an example from this evening. Mr. Purdy stated these conditions should note be conditions of the special land use, they should be conditions of the variances. He added that the Planning Commission needs to make sure that what you are requiring above and beyond the ordinance is tied to the special land use and/or variance.

Commissioner Cahill asked if we could have petitioners show what the site currently looks like. This would help the Commissioners to see what changes are being proposed and will also provide a historical reference. Jeff stated the Planning Commission could require it, but the ordinance would have to be amended.

Chairman Pobuda noted an article that stated Genoa Township has 738 mobile homes. This reinforces the fact that there is affordable housing available in Genoa Township.

Township Supervisor Gary McCririe asked to address the Planning Commission.

He noted that when the Planning Commission recommended denial of the wedding chapel amendment, they should have listed the reasons for their recommendation.

Chairman Pobuda questioned Mr. McCririe about the Township Board's contrary vote to their recommendation of denial for Tutor Time. Mr. McCririe stated the Township Board felt the location was appropriate due to the internal road system. He added that the Township Board did not feel that the Township should be more restrictive than the state requirements for square footage per child. He noted that the Township Board does not taking contradicting the Planning Commission's recommendations very lightly and feels it is the exception and not the rule.

Mr. McCririe stated that sometimes the Planning Commission does not get the recognition they deserve. He commended the Planning Commission on their job and wished everyone a happy holiday season.

The meeting adjourned at 10:23 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary