

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
September 10, 2001
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, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Caryn M. Champine 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 7:03 p.m.

The Pledge of Allegiance was recited.

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

1. Open Public Hearing #2 shall contain Item C. Recommendation regarding Special Land Use

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... Consideration of an amendment to the Zoning Ordinance Text affecting Genoa Township, to allow drive-through Pharmacies in the Neighborhood Services District.

- **Planning Commission disposition of petition**
 - A. Recommendation regarding Zoning Ordinance Text.

Mr. Archinal stated there seemed to be no objection to this text amendment from any Commissioners during the work session this evening. He suggested tabling the motion in order to have the Township Attorney review the text and it can be brought in front of the Planning Commission again on September 24, 2001 for approval.

Moved by Figurski, seconded by Mortensen, to table Open Public Hearing #1.. Consideration of an amendment to the Zoning Ordinance Text affecting Genoa Township, to allow drive-through Pharmacies in the Neighborhood Services District. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 2...Review of site plan application, site plan and environmental impact assessment for proposed 10,880 sq. ft. pharmacy and drive-through facility located in Section 6, at the northwest corner of Grand River Ave. and Golf Club Rd. consisting of 3.69 acres, petitioned by CVS/Pharmacy.

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

Mr. Jim Cisek from Velmeir and Mr. Stephen Dunkle of RC Associates were present to represent the petitioner.

Mr. Cisek stated the Planning Commission has received a signed package, which was not submitted at the last meeting. They have also presented a new sign drawing showing proposed signage. He stated they are under the sign requirements. They have also submitted a photometric grid.

Ms. Caryn Champine stated the pylon sign does not meet the requirement. The petitioner cannot have a pole and a wall sign. The pylon sign must be a monument sign and should just say "CVS".

Commissioner Mortensen feels this should be tabled this evening because the Commissioners and planner have not had time to review the sign package as it was just presented this evening.

Commissioner Figurski didn't expect to see so many signs.

Mr. Dunkle stated there is either going to be the monument sign or the pylon sign, not both. Although the information presented this evening shows both signs, the pylon sign is going to be replaced with the monument sign.

Commissioner Cahill feels there are too many signs. He reiterated his point that this is the introduction to the township and he does not like the appearance of this proposed project.

Commissioner Litogot does not like all of the arrows and directional signs in the parking lot. Commissioner Cahill agrees.

Mr. Cisek reiterated the fact that they are under the ordinance requirement with regard to signs.

Ms. Champagne stated the drive thru pharmacy is a Special Land use and therefore the Planning Commission has discretion to look at these types of things.

Commissioner Cahill wanted to remind all Commissioners what took place to get the petitioner to this stage. They have asked to change the zoning ordinance and they have two variances from the Zoning Board of Appeals.

There was a discussion and some of the proposed signs were removed. Commissioner Mortensen still does not feel comfortable. Commissioner Figurski wants to make sure it is clear in the motion what signs are going to stay and which ones are going to be eliminated.

Mr. Dunkle presented their building material samples. They have added more glass to the two front sides of the building.

He stated they have moved the entrance from Golf Club Road to line up with the Whistle Stop driveway as requested by the Livingston County Road Commission. They have now encroached into the wetland buffer.

They have added the eight-foot walkway along Grand River.

He also asked the Planning Commission to consider the trees in the wetland to be used as part of their buffer to the north and west. There are at least 24 10-inch trees and it provides an adequate buffer to the adjacent property.

Ms. Champine reviewed her letter of September 5, 2001.

The petitioner must confirm that the drive-through will only be used for prescription drop-off and pick-up. This should be stated in the Impact Assessment.

There are a number of landscape issues that need to be addressed prior to site plan approval.

1. Two canopy trees need to be added to the Grand River greenbelt. The petitioner will comply.
2. The petitioner is proposing arborvitaes for the Northern Edge Buffer Zone "B". The planner would prefer to see dogwood trees spaced 15 feet apart in staggered rows. Twelve trees will be sufficient. Ms.

Champagne noted there is room for negotiation with regard to the wetland trees being used as part of the buffer. She suggested taking the 7 remaining canopy trees required in this zone to be placed along the retention pond area. The Township will waive the 19 evergreen tree requirement because there is no more room on the site. Also, the six-foot does not have to be installed because of the topography of the land. All Commissioners and the petitioner agree.

Mark Coleman reviewed his letter of September 5, 2001.

His only concern was the wetland buffer; however, the petition has gotten this variance approved by the Zoning Board of Appeals. He added that due to the new position of the driveway on Golf Club Road, they are encroaching into the wetland edge. This needs to be approved by the Planning Commission.

Commissioner Litogot stated that all rooftop equipment will be screened and the dumpster enclosure material shall match that of the building.

The call to the public was made at 8:15 p.m. with no response.

Moved by Figurski, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment for a proposed 10,880 sq. ft. pharmacy and drive-through facility located in Section 6, at the northwest corner of Grand River Ave. and Golf Club Rd. consisting of 3.69 acres, petitioned by CVS/Pharmacy with the following changes:

1. Page 3, Item D shall state "Dust control measures will be used at the time of construction".
2. Page 4, Item E shall state how many days the store will be open.
3. Page 4, Item H under the heading Storage and Hauling shall be changed to "Hazardous materials will not be stored on this site".

The motion carried unanimously.

Moved by Mortensen, seconded by Cahill, to recommend to the Township Board approval of a proposed 10,880 sq. ft. pharmacy and drive-through facility located in Section 6, at the northwest corner of Grand River Ave. and Golf Club Rd. consisting of 3.69 acres, petitioned by CVS/Pharmacy with the following conditions:

1. Eventual approval by the Township of a zoning amendment permitting drive thru pharmacies as special uses.
2. Approval of the Special Land Use for a drive-thru pharmacy on this site.
3. Approval by the Zoning Board of Appeals for the encroachment into the wetland buffer zone due to the redirection of the driveway on Golf Club Road as requested by the Livingston County Road Commission.
4. Approval by the Township Board of the Impact Assessment.

5. Building materials, as presented this evening, are satisfactory and shall be presented to the Township Board.
6. The plastic will be removed and windows will be primarily non-reflective glass with a small spandrel area.
7. Lighting fixture detail will be provided showing shoebox, downward-directed lighting.
8. Rooftop equipment will be screened and the details of this will be approved administratively.
9. Signage will be shown in the submitted CVS Pharmacy Brochure dated August, 20, 2001 subject to the following:
 - a. Signs shown on page titled CVS Pharmacy Sign Placement will be revised to eliminate Sign B, replacing with Sign C
 - b. Sign C will be eliminated on Golf Club Road
 - c. Sign F on Golf Club will remain; however, all additional Sign F's will be eliminated.
 - d. Sign G will be eliminated
 - e. Sign I will be eliminated
 - f. Under the heading D, only the "Enter Drive Thru/pharmacy" will be accepted.
 - g. Two Sign A's are acceptable
 - h. Sign H is acceptable
 - i. Sign E is acceptable
 - j. Sign INF-4 is acceptable
 - k. No banner signs are permitted
 - l. No window signs are permitted
10. Two canopy trees will be added in the Grand River greenbelt.
11. Twelve (12) dogwood trees will be added on the northwest corner of the site at the drive thru
12. Four (4) canopy trees will be added near the retention pond.
13. Three (3) canopy trees will be added to the front of the site.
14. There will be no outdoor displays or storage at this site.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Special Land Use permitting CVS Pharmacy to operate a drive-thru pharmacy with the following conditions:

1. Approval by the Township Board of the zoning amendment permitting drive-thru pharmacies as a special use.
2. Confirmation by applicant that the drive-thru will be used only for prescription drop off and pick up.
3. Approval by the Township Board of all elements of the site plan as made by motion this evening.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3... Review of special use application, environmental impact assessment, and site plan for proposal to build a facility for

small private outdoor functions in Section 18, at 2530 Kings Court, west of Chilson, north of Crooked Lake, south of Beck, on the west side of railroad tracks, 36.5 acres, petitioned by Anthony and Kimberly Adamczyk.

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

Anthony and Kimberly Adamczyk were present as the petitioners. They are asking the Planning Commission to approve a Special Land Use for their 35-acre property to be used for outdoor events.

Mr. Adamczyk stated there will be two buildings; a gazebo that is already constructed, and a 50x70 pavilion. They will also install a parking lot. The Adamczyks feel that this use is similar to a bed and breakfast, which is permitted in County Estates zoning.

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

Mr. Robert Kauseruk of Main, who still owns property in this area, is opposed to this project. He feels it offers no benefit to the local community, has the potential to be a nuisance, and is in a very remote location that would not be patrolled by police.

Mr. Brian Trapp of 2925 Kings Court stated the traffic for this site would come directly past his house. Kings Court is not paved; it is basically a driveway. He agrees with Mr. Kauseruk with regard to the noise and police.

Ms. Renee Pasko of 2765 Kings Court stated there are eight children that live on Kings Court and they play in the street because it is a private road. It is not maintained by the county so there will be degradation of the road from all of the traffic.

Mr. Robert Fish of 2303 Chilson Road objects to this project. He feels the traffic would be a major concern. Kings Court exits onto Chilson Road at a very dangerous curve. He also does not feel this use is comparable to a bed and breakfast.

Mr. Discher lives on the corner of Kings Court and Chilson. He has grandchildren that visit him and play on the private road. This road is actually part of their property and was grandfathered as a courtesy so the neighbors have access to their homes. It is literally a driveway; it is a dirt road. He stated the corner is very dangerous and there have been many accidents.

Lori Petrullis of 2344 Chilson stated her concerns of the traffic and the dangerous corner of Chilson and Kings Court.

Mr. Peter Rosenkrands of 2828 Chilson agrees with the views already expressed. He feels this project will have a negative impact on their property value. He sees no benefit to the community and feels it will be a nuisance to the neighborhood.

Mr. John Brennan of 2470 Chilson has lived in this area for 36 years. It was developed as a residential area. The road is a private dirt road and it is owned by the neighbors. He feels the owners can be held liable for any accidents. He stated there have been 8 deaths on that corner while he has resided there. He stated there is no sign at the railroad crossing and was curious if the petitioner was willing to put in lights or a gate. He agrees with the police patrol issue stated earlier. He would request that the Planning Commission recommend denial of this project. He also commended the planner for their excellent report and asked if the Township could include Chilson Road residents when they send letters to neighbors regarding this issue. These residents are also affected.

Mrs. Adamczyk responded to the view of the public. She was told by her attorney that the road is an easement and owned by all of the residents.

With regard to the noise and alcohol use, this project would be used for small charity events or parties. They have no intentions of hosting big parties or bands. The only musicians they see having would be violinists. They would not permit any alcohol at these functions. She stated she has been requested by the Breast Cancer Association to host an afternoon tea for them. These are the types of events she would host. They are open to any suggestions to ensure safety to the neighborhood.

Regarding the railroad, they have received full approval from the MDOT and Tuscola/Saginaw Bay Railroad who operate that railroad who feel that a crossing is not needed; however, the Adamczyks are willing to put in lights.

Ms. Champine reviewed her letter of August 7, 2001. This type of use is not permitted in a Country Estates zoning. It is more intense than a bed and breakfast. She would recommend denial of this project as the use is not permitted. She would encourage the applicant to withdraw and look at other avenues. Their other options are to go to the Township Board and request approval without the recommendation from the Planning Commission or they could withdraw their Special Land use and apply for a text or map amendment for the Country Estates zoning.

Commissioners Figurski, Mortensen, and Brown are opposed to this project. Commissioner Cahill is opposed to the project as well. He does not feel it belongs there.

Mr. and Mrs. Adamczyk stated they wish to withdraw their request and will seek a text amendment.

The Planning Commission took a break from 9:00 – 9:05 p.m.

OPEN PUBLIC HEARING # 4... Review of site plan application, site plan, and environmental impact assessment, for proposed 47 single-family units on 66.91 acres located on the north side of Cunningham Lake Road in Section 34 of Genoa Township, petitioned by The Terra Land Group L.L.C.

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

Mike Boss was present to represent the petitioner. Also present were representatives from Terra Land Group and Gordon Builders.

Mr. Boss reviewed the proposed project.

1. They would prefer to have private roads instead of public ones.
2. The wetland areas will not be impacted.
3. They are proposing a 97,000 square foot, approximately 2-acre park, which exceeds the requirement.
4. They will have on-site wells and septic.
5. They are proposing 47 single-family homes on 66.91 acres

Ms. Champine reviewed her letter of September 10, 2001.

The future road connection at the west end of Orchid Ridge should be redesigned so it extends to the west edge of the site and is not included in Lot #38 and #39, it is currently shown as part of their property. The petitioner will comply.

Ms. Champine stated the park should be easily accessible and visible to all residents. The petitioner stated that each of the lots are one acre so there is not a great demand for the parks. They will create a wider access point to open the park up to other residents.

Chairman Pobuda asked if the petitioner was planning on installing a play area in the park. Commissioner Mortensen doesn't feel the petitioner should have to spend a lot of money on the park.

The Ciderberry Drive cul-de-sac is 1800 feet long, which exceeds the 1000-foot maximum allowed for a private road. This would need to be approved by the Planning Commission. Mike Boss stated there is no access to the north as it is bordered by an existing subdivision.

Commissioner Cahill asked the reason for the 1,000-foot maximum. Ms. Champine stated they do not want too many units being served from one point of access. It is for safety reasons.

They would prefer public roads for this project. Mike Boss stated the developer would prefer the control a private road system provides and it provides for a more exclusive development. All commissioners agreed with private roads.

The width of the road pavement does not meet the 30-foot minimum requirements and the width of the road easement does not meet the 6-foot minimum width requirement. The Planning Commission can reduce this. She stated the county looks for 30-foot roads and two-way traffic. Mark Coleman stated they are not going to put in water and sewer so he feels the 50-foot private road is appropriate.

Commissioner Brown asked if someone can use the road connection if it's private. Ms. Champine stated there would have to be a cross access agreement between the two developments.

All commissioners agreed on the 27-foot wide road.

Mark Coleman reviewed his letter of September 4, 2001. There is a discrepancy between the detail sheet and the road cross section regarding the curb height. The detail on Sheet 3 shows 2'6" while the road cross section shows a 2' curb. This needs to be clarified.

The call to the public was made at 9:45 p.m.

Ms. Luann Lloyd of 5317 Washakie Road is concerned with the construction traffic. Where will the trucks enter and exit? Washakie Road is already used by three other subdivisions and this subdivision will increase the residential traffic. She feels that this road should be paved.

Mr. Bill Goodwin of 5345 Washakie Road has the same concerns as Ms. Lloyd. He asked why the Township keeps approving developments on the south side of Brighton Broad with access to roads that the county does not maintain.

The petitioner stated the construction traffic will enter and exit from Cunningham Lake Road.

Moved by Litogot, seconded by Figurski, to recommend to the Township Board approval of the Impact Assessment dated August, 27, 2001 for a proposed 47 single-family units on 66.91 acres located on the north side of Cunningham Lake Road in Section 34 of Genoa Township, petitioned by The Terra Land Group L.L.C. with the following change:

1. Page 3, the second to last line should read "In an effort to aid the Brighton school system", not the Howell school system.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the preliminary site plan for a proposed 47 single-family units on 66.91 acres located on the north side of Cunningham Lake Road in Section 34 of Genoa Township, petitioned by The Terra Land Group L.L.C. with the following conditions:

1. The area known as Ciderberry Park will have a better definition as to its use by the time of final site plan, which may included a potential escrow of at least \$20,000 for the residents to construct the playground or construction by the petitioner.
2. The 27-foot private road width shown on the plan is acceptable.
3. The 50-foot easement will be shown on the plans and ultimately extended between Lots #38 and #39.
4. The method to delineate the detention pond for Ciderberry Park will be shown on final site plan.
5. The length of Ciderberry Drive is approved.
6. Final site plan will show how access to Ciderberry Park will be made between Lots #28 and #29.
7. Dust control measures will be shown on the construction plan.

The motion carried unanimously.

Moved by Figurski, seconded by Litogot, to approve the minutes of August 27, 2001 as presented. **The motion carried unanimously.**

The meeting adjourned at 10:03 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary