

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
February 12, 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, John Cahill, and Ken Burchfield. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlance & Associates, Inc.; and Mark Brown 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.

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

1. Table Public Hearing #1 due to the fact that Commissioner Burchfield will have to abstain because he is the attorney for Adler and therefore, there would not be a quorum of commissioners.

The motion carried unanimously.

Mr. Archinal stated that Public Hearing #1 will be on the next Genoa Township Planning Commission Agenda for the meeting on February 26, 2001, which will be held at 7:00 p.m. at Genoa Township Hall.

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 # 2... Review of special use application, environmental impact assessment, and site plan for expansion of existing Gas Regulator Station located on the southwest corner of Golf Club and Latson Roads, 1.81 acres, Section 4, petitioned by Consumers Energy. (PC 01-01)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.
 - D. Consider recommendation to ZBA regarding variance request.

Bill Pike, manager for Consumers Energy, Rich Davis, engineer, and Gary Johans, facility manager, were all present to represent this proposal.

Mr. Pike explained that due to the increase in the population in Genoa Township and the surrounding area, they need to make this existing meter and regulator station larger to handle the larger volumes of natural gas that is needed. They have changed their original proposal of three buildings to one building. The building is 1,300 square feet, 26x50, and site 700 feet from Gold Club Road. The building will be a concrete block with a bronze slanted seam metal roof as opposed to a shingled roof. The metal roof provides better fire protection than the shingled roof. They will comply with Mr. Purdy's suggestion for a vinyl fence with the color being decided by the Planning Commission. They would like to have this facility up and operating by the next heating season. They will only have one vehicle visit the site per week. The lights are not on 24 hours a day. Mr. Pike referred to Mr. Purdy's indication that Consumers Energy would need to go to the ZBA for a variance due to the acreage being less than two. He noted that the total acreage owned by Consumers Energy on this site is six acres; however, the facility only sits on 1.8 acres of this. He feels that since they own a total of six acres, there should not be a need for a variance from the ZBA.

Mr. Davis showed samples of the brick and roofing materials.

Commissioner Figurski stated that the information submitted was very good.

Commissioner Cahill appreciates the colored drawings provided. He is concerned about the appearance of the fence because it is in a residential area. He also asked about the safety of the building being so close to homes. Mr. Pike stated the option of a fence is determined by the community. Some communities do not want a fence while others do. Consumers Energy will do whatever the community requests. Chairman Pobuda would prefer a fence for safety and security reasons.

Commissioner Cahill asked why Consumers Energy chose this location. Mr. Pike stated they currently own this land. It is an existing facility that can be upgraded as opposed to purchasing another piece of property. This, actually, is the perfect site for this facility.

Commissioner Cahill asked why plantings are being proposed inside the fence. Mr. Davis stated that the planner suggested that the plantings be inside the fence. This way they do not have to trespass on private property to maintain the plants.

Commissioner Cahill asked what would Consumers Energy do if they did not already own this property. Mr. Pike stated they would have to purchase a new piece of property. This is a prime location. It is still surrounded by woods and can not be seen from either road.

Commissioner Burchfield asked what the flare burner is. Mr. Davis stated sometimes they will need to vent the gas that is in the piping before they can take the pipe apart to work on it. This would be used to burn off the existing gas in the pipe. This burner is about 5 feet high and would burn for about 15 to 20 minutes.

Commissioner Burchfield asked if they would be comfortable with filing a pollution prevention plan. The petitioner stated they would do that if it was requested by the Township.

Commissioner Burchfield ask if there will only be two new lights. Mr. Davis stated there is no light there currently. There would like to install two yard light in case the facility needed to be worked on at night. These lights will only be used on an as-needed basis. Commissioner Burchfield asked about wall-mounted lighting. Mr. Davis stated if the Township prefers, they can lower the height of the light poles.

Mr. Purdy reviewed his letter of February 7, 2001.

He stated the Planning Commission may require a Pollution Incident Prevention Plan to provide a detailed description of the hazardous materials and the methods in which they are contained. This should also include emergency telephone numbers.

Mr. Purdy recommends a chain link fence that is vinyl coated and green or dark green in color. Commissioner Burchfield with the fencing and the recommendation from Mr. Purdy concerning the color and type of fencing. Commissioner Figurski agrees. Commissioner Cahill does not like the fence if it does not address a safety concern. Chairman Pobuda would prefer the fence. He feels it acts as a deterrent.

Mr. Purdy recommends the roof be asphalt shingled. Mr. Davis stated they would prefer not to use combustible materials for the roof. Mr. Purdy would prefer a dark color. Commissioners Figurski and Burchfield would prefer a steel roof. Commissioner Cahill would prefer the shingled roof.

Commissioner Burchfield asked for Mr. Purdy's opinion regarding lighting. Mr. Purdy would like the lighting brought down lower. The feels the pole lighting would be better so it can be projected downward. Mr. Pike stated all of their maintenance trucks are equipped with flood lights if needed. Mr. Davis suggested 20 foot light pole. Commissioners Burchfield and Figurski are comfortable with this. Commissioner Cahill

would prefer lights coming up from the ground. After a brief discussion, it was decided that the Township will require 20-foot light posts.

Commissioner Cahill asked if there was anything that could be done to the building or its surroundings to make it look more residential. Mr. Pike stated that they have to have steel blowout doors. There is a sticker that is on the door, that can be moved. He feels that if they keep the area landscaped and maintained well, it will blend in with the community well. Mr. Davis noted they prefer not to use windows for safety reasons. Commissioner Cahill suggested adding landscaping closer to the building, perhaps between the two doors. Mr. Davis stated they could add more shrubbery closer to the building. He pointed out that they are screening the entire site so they did not feel it necessary to place landscaping next to the building. Mr. Pike stated more landscaping will be possible. Mr. Purdy suggested a total of 18 shrubs be planted closer to the building.

The call to the public was made at 7:53 p.m.

Eileen Rizzo stated her concerns. She asked about groundwater and sound pollution, will the property value around the site be affected, and what types of buildings are going to be built around this type of site, will it be more industrial and/or commercial? Mr. Pike addressed Ms. Rizzo's concerns. There will be no concern for groundwater pollution. There will be no as or fuel oil on this site. It will be all natural gas, which is lighter than air and rises. There are not pollutants of any nature. It is a very clean facility. Also, there will be no change in property value, either positively or negatively, for surrounding property. Mr. Davis addressed Ms. Rizzo's concern about sound pollution. He stated all of the equipment will be placed inside the concrete block building. The equipment is very quiet that even the workers are not required to wear ear protection when they are inside the building. Mr. Purdy addressed Ms. Rizzo's concern about industrial-type development. This particular area and all property surrounding this site is master planned for single-family residential, so no industrial development would be permitted.

The call to the public was closed at 8:00 p.m.

Moved by Burchfield, seconded by Figurski, to recommend to the Township Board approval of the special land use application for expansion of existing Gas Regulator Station located on the southwest corner of Golf Club and Latson Roads, 1.81 acres, Section 4, petitioned by Consumers Energy (PC 01-01) with the following conditions:

1. Consumers Energy shall file with the Township Clerk and Fire Department a Pollution Incidence Prevention Plan detailing all materials used on site and methods established by petitioner to contain and prevent harm.
2. Petition shall surround, as shown on proposed site plan, the perimeter of the site with a six-foot chain link fence with all exposed material being vinyl coated and green in color
3. Approval of Impact Assessment by the Township Board.
4. Approval of the Site Plan by the Township Board.

The motion carried unanimously.

Moved by Figurski, seconded by Burchfield, to recommend to the Township Board approval of the Impact Assessment dated October 25, 2000 for expansion of existing Gas Regulator Station located on the southwest corner of Golf Club and Latson Roads, 1.81 acres, Section 4, petitioned by Consumers Energy (PC 01-01) with the following conditions:

1. Page 1 – “New proposed facilities” shall be changed to “Changes to facility”.
2. Page 3 – Dust control measures shall be included and shown on the site plan

The motion carried unanimously.

Moved by Burchfield, seconded by Figurski, to recommend to the Township Board approval of the site plan dated January 3, 2001 for expansion of existing Gas Regulator Station located on the southwest corner of Golf Club and Latson Roads, 1.81 acres, Section 4, petitioned by Consumers Energy (PC 01-01) with the following conditions:

1. Township Board approval of the Special Use as recommended by motion this evening.
2. Township Board approval of the Impact Assessment as recommended by motion this evening.
3. The building shall consist of brick facing and a bronze colored steel roof as samples presented this evening and samples shall become the property of the Township.
4. Lighting stations shall be reduced from 25 feet to 20 feet.
5. All lighting shall be internally activated on site.
6. All lighting fixtures are to be downward directed with a light intensity of 0.5 foot candle on the property line.
7. Township Engineer review and approval of all plans.
8. Petitioner shall revised the current landscaping plan to add 18 additional evergreen shrubs to be planted in near proximity to the building and shall be approved by the Township Planner.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3... Review of rezoning application, environmental impact assessment, and site plan to rezone property located on Grand River and Golf Club Drive in the northwestern Section 6 T2N, R5E, parcel ID#4711-06-100-043, 3.69 acres net of right of way. The request is to rezone property for OSD (Office Service) to GCD (General Commercial), petitioned by Leo D. Gonzalez. (PC 01-03)

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

Alan Green, counsel, and Leo Gonzalez, property purchaser, were present to represent the petitioner.

Mr. Green stated that the current zoning for this property is not consistent with what is in that area. There is commercial across the street, a strip mall on the other side of Gold

Club Road, and everything east on Grand River into the town of Howell is all commercial. He feels it is more compatible to have this land zoned commercial. He stated that in 1981 this site was rezoned from commercial to office and it has been on the market for more than 20 years and has not sold. He feels the zoning is the cause for the owner being unable to sell this land.

Commission Figurski asked about the wetlands to the north. Mr. Green stated that the wetlands have been flagged.

Commission Cahill asked why the zoning has to be commercial and not neighborhood service. Mr. Green stated that commercial is consistent with adjacent properties and also, the drive thru that will be in the CVS pharmacy that is being proposed for this site is not permitted in neighborhood service zoning.

Mr. Purdy gave a brief review of the differences between neighborhood service and commercial zoning. Larger facilities are allowed with commercial zoning, only drive-thru banks are permitted, no restaurants/stores with drive-thru lanes are permitted, and more intense uses are permitted in general commercial, such as service stations, automobile repair shops, car washes, auto dealerships, etc. Mr. Purdy feels neighborhood service is a better zoning for this property. Commissioner Cahill would be more comfortable with neighborhood service.

Mr. Purdy reviewed his letter of January 15, 2001.

1. The site is master planned for office use. To rezone this to general commercial would be inconsistent with the master plan. Also, the existing land use pattern in the area allows the office uses to serve as a transition between the mixture of uses along Grand River and residential uses to the north and west.
2. There has not been sufficient documentation submitted to show that a reasonable return on investment can not be realized under the current zoning. Chairman Pobuda questioned this as well. Mr. Green stated that he and the landowner both feel the fact that the property has not sold is because of the zoning. They have prepared a land use that is compatible with existing surrounding land uses.

Mark Brown reviewed their letter of January 15, 2001. Their concerns are for site plan approval, but Chairman Pobuda asked Mr. Brown to review them for the petitioner.

1. The petitioner will need to get MDOT approval regarding the curb cuts.
2. The way the proposed truck movement is laid out may cause problems. This may have to be revisited.
3. The proposed parking could pose a problem. This may also have to be revisited.
4. Water and sewer are available at this site, although the REU's have not yet been determined.

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

Mr. Green stated that he feels this is a “problem” piece of property because it is surrounded by many different uses and there are deed restrictions on the property. Mr. Archinal stated that deed restrictions would not be under duress. He added that he would be happy to sit down with the petitioner at a staff level and discuss their options with regarding to neighborhood service.

The petitioner requested to have their request tabled this evening so they can discuss their options further with Mr. Archinal and also with CVS.

Moved by Burchfield, seconded by Figurski, to table Open Public Hearing #3, a rezoning application, environmental impact assessment, and site plan to rezone property located on Grand River and Golf Club Drive in the northwestern Section 6 T2N, R5E, parcel ID#4711-06-100-043, 3.69 acres net of right of way. The request is to rezone property for OSD (Office Service) to GCD (General Commercial), petitioned by Leo D. Gonzalez (PC 01-03). **The motion carried unanimously.**

OPEN PUBLIC HEARING # 4...Review of a special use application, environmental impact assessment, and site plan for Garden Center expansion located on the north side of Grand River Ave. between Hughes and Kellogg, Section 11, petitioned by Bordine Investment Co. (PC 01-02)

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

Corey Bordine of Bordine Nursery; Sam and Mark, landscape architects; and Joe, who is the manager of the Brighton Store, were present to represent the petitioner. Mr. Corey Bordine also introduced his father, Bruce Bordine.

Corey Bordine gave a brief overview of their proposal. They purchased Telly’s Gardens on January 1, 2001. They are here to reaffirm the Impact Assessment and Site Plan that was approved as Phase II for Telly’s Gardens. Mr. Bordine passed out an information booklet regarding the family-based company including pictures of existing Bordine Nursery locations. They are proud that they are a good neighbor and provide a nice place for people to work.

Mark Jon Hansen, from Donald C. Westphal Associates Landscape Architects gave an overview of their proposed changes. They are asking for a special land use because they want to add floor space to the existing facility. They are adding two more greenhouses on the back side and five additional cravill structures. They are also adding additional parking, a 50 x 50 loading dock, and a screened dumpster.

Mr. Bordine stated this second phase was already approved for Telly’s four years ago. If they had not sold the property, this would be constructed anyway.

Commissioner Cahill likes the nursery coming into the community, but he feels this goes way beyond the scope of neighborhood service zoning. He would like to see what the surrounding neighbors' concerns are. Mr. Bordine stated they will be opening a store in Grand Blanc so they will not be drawing people from that area. He feels the people that will be visiting Telly's will be from the Genoa Township area.

Commissioner Figurski asked about the lighting. Mr. Hansen stated the same lighting that is currently used is going to be used in the new parking lot. It will all be shielded lighting and screen to the east and west along Grand River so as not to affect the adjoining properties.

Commissioner Burchfield feels this proposal is general commercial and it needs to be in a general commercial zone to meet the requirements of the Township. 60,000 square feet is the limit for neighborhood service and this is beyond the square footage for a special land use. The expansion is a total change in the way this site is being used. Also, they are doubling the parking area. He will not recommend granting the special land use. He does not want to discourage Bordine's from coming into the community, but he feels the use is too intense.

There was a discussion regarding the craville structures. They will be open during the prime selling season except in times of inclement weather. Are these really outdoor service areas or are they considered inside space? Mr. Archinal stated they have retractable roofs and would be open most of the time during the season. Mr. Purdy stated greenhouses would be considered an accessory structure so they do not count towards the total square footage. Mr. Archinal stated he would be very concerned about rezoning 21 acres to general commercial because it would be ease for someone to come in and build a "big box" facility on this site. Commissioner Burchfield feels this use is as intense as a general commercial use. He feels it is a big exception to the zoning and doesn't feel it is fair to the surrounding neighbors. Mr. Bordine stated he does not feel it is the same intensity as a "big box" use. When this was originally approved, the Planning Commission new what Telly's intentions were going to be in the future and they are not asking for much difference. Commission Cahill agrees with Mr. Archinal in keeping this land zone neighborhood service and awarding the special land use as opposed to rezoning it to general commercial.

Commissioner Cahill went on to say that he is concerned about the neighbors. Are they aware of what the "expansion" is going to entail? Also, he feels it might be in the best interest of the Township, petitioner, and residents to table this proposal this evening and send out a letter to the neighbors with a more detailed explanation of what the expansion entails and give them an opportunity to attend the public hearing.

Chairman Pobuda feels that they are proposing what is similar to what Telly's was proposing. Commissioner Burchfield feels it does not come close to a "proposed garden center expansion".

Mr. Bordine does not feel comfortable with another letter going to neighbors. They followed the protocol and sent the letter and if any of the neighbors wanted to attend this public hearing, they could have. Mr. Archinal stated they would send out another letter with the total square footage of the expansion and the hearing can be put on the agenda in two weeks, February 26, 2001. Commissioner Cahill would like to give the neighbors more details as to the details of the expansion, then he would feel more comfortable approving this project. Commissioner Figurski agrees. Commissioner Burchfield is in favor of making sure the neighbors are aware of what is being proposed.

Mr. Hansen pointed out that these structures will be open for the selling season. Mr. Purdy views these structures as accessory structures. All commissioners agree.

The call to the public was made at 9:26 p.m. with no response.

Mr. Bordine stated their intent is to beautify and improve this property. Chairman Pobuda agrees that this will be a beautiful site, but he needs to clarify the zoning conditions.

Mr. Bordine asked if there is anything else they can do for their presentation two weeks from now. Commissioner Cahill doesn't feel the petitioner has to do anything. He does want the public to know about the magnitude of this proposal.

Mr. Purdy reviewed his letter of February 7, 2001.

1. The planning commission can waive the Buffer Zone A requirement for the northern edge of the site. All commissioners agreed to waive this requirement due to the fact that the majority of the outdoor storage is planting materials and the adjoining lot is not buildable.
2. The parking calculations need to be on the site plan. The petitioner will comply.
3. Details must be provided for the waste receptacle. The petitioner stated the waste receptacle will be below grade and will not be visible. Mr. Purdy stated as long as it is not visible, no enclosure is needed.
4. The hedge row should extend along the entire frontage of the site to include the parking lot. The petitioner will comply.
5. The lighting shall be consistent with what is currently utilized on this site.

Mark Brown reviewed his letter of February 2, 2001.

1. The current plan shows a sewer tap located at the southwest corner of the site. Sewer is not currently available along the frontage of this property. Mr. Bordine stated they put a sewer connection on the plan to allow for future connection when it becomes available.

Commissioner Cahill feels the parking lot should be broken up with landscaping. Mr. Hansen stated there will be a hedgerow along the entire parking lot and the parking lot will be broken up with canopy trees, which will also lighten the affect of the building. Also, the planning material that will be for sale will soften the affect of the building.

Commissioner Figurski questioned #8 of the site plan, which states "...new driveway..." Mr. Hansen stated they moved spaces in the parking lot for access points. There will not be a new driveway from Grand River.

Commissioner Burchfield stated he would like the petitioner to explain the delivery times for the "soil pickup area". Mr. Bordine stated it will be the same as the current use.

Commissioner Burchfield asked what material is under the craville. Mr. Bordine stated the surface is asphalt. He also asked how many additional parking spaces will be installed. Mr. Hansen stated 250 additional parking spaces.

The call to the public was made at 9:46 with no response.

Moved by Figurski, seconded by Cahill, to table Public Hearing #4 for a special use application, environmental impact assessment, and site plan for Garden Center expansion located on the north side of Grand River Ave. between Hughes and Kellogg, Section 11, petitioned by Bordine Investment Company (PC 01-02) until the next Planning Commission meeting of February 26, 2001 per the petitioner's request and the Township will send a revised letter to the residents. **The motion carried unanimously.**

Moved by Figurski, seconded by Cahill, to approve the minutes of January 22, 2001 with the following changes:

1. Page 5, C shall have the following change
"C. Article #8, Section 8.202 C will have the following change:
 1. Banks are permitted by special land use"
2. Page 4, #2 shall be changed to ".....be permanently pointed at a 90-degree, downward-facing angle".

The motion carried unanimously.

Member Discussion

Commissioner Figurski noted that 1st National Bank on Door Road and Grand River has put up lights. Mr. Archinal will check on this.

Commissioner Burchfield asked if the Township has a policy with respect to conflicts of interest and/or disclosures regarding abstaining. Mr. Archinal is not aware of any formal policy, but if a member wishes to abstain, there has to be a motion reflecting this.

The meeting adjourned at 9:52 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary