

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
November 27, 2000  
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, John Cahill, James Mortensen, Bill Litogot, and Ken Burchfield. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlance & Associates, Inc.; and Melissa Talley 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 7:10 p.m.

The Pledge of Allegiance was recited.

**Moved** by Litogot, seconded by Burchfield to approve the Agenda with the following changes:

1. Open Public Hearing #1 is tabled.
2. Open Public Hearing #2 is tabled.
3. Open Public Hearing #3 becomes Open Public Hearing #1.
4. Open Public Hearing #4 becomes Open Public Hearing #2.
5. On Open Public Hearing #1, A shall be changed to "Recommendation regarding final site plan".

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 7:12 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 a site plan amendment for a 38 unit site condominium project located on the south side of Grand River, west of Gray Road, Section 34, petitioned by Brookside Development, Chemung Highlands. (PC 00-37)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding site plan amendment.

Mr. Daniel Schrauben and another representative from Equinox as well as the two property owners were present to represent the petitioner.

Mr. Schrauben stated the plan is the same as what was present to the Planning Commission last time. The Township Board has approved this plan. There are some planner's comments as well as engineering concerns that are going to be addressed.

Chairman Pobuda asked the petitioner what his plans are in addressing these comments. Mr. Schrauben stated a number of the engineer's concerns have been addressed and the other ones will be addressed at the construction phase of the project. He also stated they have filed for Road Commission approval but have not received approval. They have addressed all of the other issues.

Chairman Pobuda asked the petitioner to go through all of the items addressed in the Tetra Tech letter of September 19, 2000. Melissa Talley stated she agrees that the petitioner has met the issues and the few outstanding issues are construction issues. Ms. Talley did bring up the issue of Item #14 which states "A copy of the drainage easement for the construction and maintenance of detention basin A should be provided for our review". Mr. Purdy suggests that part be split off from the neighboring property and then become part of the condominium property and not be gained by an easement. There was a discussion regarding this. Commissioner Mortensen stated the applicant should own the property where the retention basis is going to be located. Mr. Purdy agreed. Mr. Schrauben stated they are in the process of securing an easement for the condominium association to access and maintain the basin. Commissioner Burchfield does not feel comfortable with this. Mr. Schrauben stated they feel this is going to benefit them as well as the neighbors. Mr. Purdy stated it would not be his preference to approve a site plan with a detention basin is on residential property. It would require a Township Board variance approval. Commissioner asked if the County has to approve this type of easement. Mr. Archinal stated that sometimes the County does their own independent testing and sometimes they rely on the Township Engineer's study. Commissioner Burchfield asked the petitioner if all of the calculations are inclusive of the properties not before us tonight? Ms. Talley stated yes and they will be reviewed again in the construction phase. Commissioner Mortensen stated that assuming approval of this tonight, the motion should be very specific regarding access and maintenance and that it should be subject to the Township Attorney. Commissioner Cahill is not satisfied with approving this plan. The petitioner does not own the property and the easement has not been approved. The petitioner stated they are hoping to get approval contingent upon the approval of the easement. Chairman Pobuda notified the petitioner that even if the Planning Commission approve it, the petitioner can not go before the Township Board for approval without the easement. It was suggested that

an amendment be made to Page 6, Item #6A of the Mast Deed stated the maintenance of the drainage basin will be of the private association. Mr. Purdy stated the Master Deed does not cover the responsibility for the detention basin. Chairman Pobuda stated the easement will cover this issue. Commissioner Cahill asked the petitioner why they just don't purchase the property. Mr. Schrauben stated people do not like to give up their property; they would prefer to grant an easement. Commissioner Mortensen stated there needs to be language in the easement that the property owners can not develop on that easement or fill that land in. Commissioner Burchfield asked what would happen if the vacant property was to be developed. Mr. Schrauben stated he has taken into account the possibility that this property will be developed when doing the calculations for the basin. Commissioner Cahill asked what would happen if the demand changes. Ms. Talley stated Mr. Schrauben has allowed for 70%, which is a generous allotment. Mr. Purdy stated that in addition to the easement for the basin, they need approval of Section 405.2 (F) of the subdivision ordinance by the Township Board.

Mr. Purdy reviewed his letter of November 16, 2000.

1. The architectural plans and floor plan drawing of the units must be present to the Planning Commission. The petitioner stated these are in the Master Deed. Mr. Purdy stated the Planning Commission can require that these be presented to the Planning Commission. Commissioner Mortensen feels it is difficult to ask for these items under these circumstances because there may be more than one builder in this development. Chairman Pobuda feels the detail on Page 16 of the Master Plan is sufficient. Commissioner Litogot stated that in the past, builders have presented samples of materials to the Planning Commission because the subdivision will contain the same type of houses even if there are different builders. He would like to see samples of materials. Mr. Purdy stated the description in the Master Deed is very general. Commissioner Burchfield understands the petitioner's situation but it is a required item for a PUD approval. Mr. Purdy stated the reason they require samples is to insure a high-quality project. Chairman Commissioner stated the petitioner needs to bring these materials back to the Planning Commission.
2. Cub cut ramps are required at all crosswalk locations. The petitioner will comply.
3. Street tree types must be labeled and should be located between the curb and the sidewalk provided it does not conflict with the utilities. The petitioner stated the utilities may cause a problem with placing the trees between the curb and the sidewalk. There was a brief discussion regarding this issue. All commissioners agreed with Mr. Purdy's request. The petitioner will comply.
4. The ground cover along the entrance boulevard must be sod or other living material. The petitioner will comply.
5. Landscaped islands are recommended at the eyebrow turns. After a brief discussion it was decided that there will be no islands required.
6. With regard to the Master Deed, Pages 21 through 24 should be incorporated into the Master Deed instead of how they are presented. Also, the Open

Space Areas section should be deleted. The petitioner stated this will be discussed administratively and brought back before the Planning Commission.

Chairman Pobuda reviewed the Howell Fire Department letter of November 13, 2000. There was a brief discussion and it was decided the condominium association will enforce the no on-street parking.

Commissioner Burchfield stated he would like to see the PUD Agreement and Master Deed include the designation of the park, both in terms of surveyed legal description and building restrictions. The petitioner will comply with this request.

Commissioner Cahill stated the upland lot areas have no limitations on what can be built there shown on the plans. Mr. Purdy stated the setbacks will restrict where the house can be set on those lots.

The call to the public was made at 8:22 p.m. with no response.

**Moved** by Burchfield, seconded by Litogot, to table Open Public Hearing #1 Review of a site plan amendment for a 38 unit site condominium project located on the south side of Grand River, west of Gray Road, Section 34, petitioned by Brookside Development, Chemung Highlands. (PC 00-37) subject to the petitioner providing the following to the Planning Commission:

1. Architectural plans and floor plans of the units must be presented.
2. An easement for the off-site detention pond must be presented.
3. A provision in the Master Deed for no parking on the street and enforcement of same must be provided.

**The motion carried unanimously.**

Chairman Pobuda called for a discussion from the Planning Commissioners. Commissioner Cahill feels it should be stated in the Master Deed that it is the responsibility of the association to enforce the no parking issue. Commissioner Burchfield asked the petitioner if they would be opposed to posted No Parking signs. The petitioner feels signs would cause aesthetic problems. Chairman Pobuda stated the no parking issue needs to be more definitive in the Master Deed.

**OPEN PUBLIC HEARING # 2...**Review of an application for a seven-unit site condominium business park located on the north side of Grand River Ave. between Euler Road and Hacker, section 13, petitioned by Genoa One LLC, Inc. (PC 00-43)

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

Mr. Archinal expressed his appreciation to this applicant for moving their presentation ahead to tonight's meeting in order to accommodate the Planning Commission and their very full December schedule.

Mr. Brian Stoy of Declor and Mr. Bruce Wallace of Atwell Hicks were present to represent this petitioner. They gave a brief background of this project.

Mr. Purdy reviewed his letter of November 21, 2000.

1. Unit #4 does not meet the recommended standard for regular shaped lots. There was a brief discussion regarding the irregular shape of this lot. It was decided that the shape of Unit #4 was acceptable.
2. Direct access to Grand River must be prohibited for Unit #1. The petitioner will comply.

Melissa Tally reviewed her letter of November 15, 2000.

1. The petitioner needs to provide calculations for the sizing of the retention basin and provide as constructed drawings which verify that the basin has been constructed inside the easement shown. The petitioner stated this has been done and it is on the revised plans.
2. The petitioner needs to provide proposed contours so the Township Engineer can verify the proposed grading does not adversely affect adjoining properties. The petitioner will comply.

The call to the public was made at 8:45 with no response.

**Moved** by Mortensen, seconded by Cahill, to recommend to the Township Board approval of the revised Impact Assessment dated November 20, 2000 for a seven-unit site condominium business park located on the north side of Grand River Ave. between Euler Road and Hacker, section 13, petitioned by Genoa One LLC, Inc. (PC 00-43).

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the preliminary and final Site Plan for a seven-unit site condominium business park located on the north side of Grand River Ave. between Euler Road and Hacker, section 13, petitioned by Genoa One LLC, Inc. (PC 00-43) with the following conditions:

1. The petitioner shall provide, for review by the Planner and Township Engineering and demonstrate on the site plan that it has been provided, an access easement between Units #3 and #4, which shall be of sufficient width and have a sufficient surface constructed for emergency vehicles as well as a maintenance agreement between the owners of Units #3 and #4 for access to this easement.
2. A provision shall be included in the Site Plan stating Unit #4 does not have access to Grand River.
3. The Site Plan shall provide a legal description of the site.
4. The petitioner shall provide to the Township Engineer calculations for the sizing of the retention basin and verify the basin has been constructed inside the easement.

5. The petitioner shall provide proposed contours to the Township Engineer to verify that the proposed grading does not adversely affect adjacent properties.
6. The Township Attorney shall review the Master Deed for this condominium project.
7. At the time of final site plan for each unit, the petitioner shall provide samples of building materials and drawing elevations.

**The motion carried unanimously.**

**Moved** by Litogot, seconded by Burchfield to approve the minutes of November 13, 2000. **The motion carried unanimously.**

### **Member Discussion**

Mr. Archinal stated there is going to be changes to the way meeting packets are distributed. Packets will either be delivered to commissioners or there will be a drop box made available where the commissioners can pick up their packets during non-business hours.

Commissioner Burchfield asked if it was an error on the Planning Commission's part to approve the last petitioner's proposal before seeing how they were going to subdivide the lots. Mr. Purdy stated they sort of "got around" the road length issue by creating the cul de sac.

Commissioner Cahill stated Home Depot is not supposed to have outdoor storage and they have quite a bit. Mr. Archinal stated the Township will enforce this issue with Home Depot based on Commissioner Cahill's complaint.

Chairman Pobuda asked, when we get a petitioner with a lot of items that have to be addressed, should this be resolved ahead of time administratively. Mr. Archinal stated the petitioner was trying to resolve these issues administratively, but, again, he asked them to come to tonight's meeting because of the full December agendas. Chairman Pobuda feels we need to cut down on these types of issues being discussed at the Planning Commission Meeting.

The meeting adjourned at 9:12 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary