

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
May 22, 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 the transaction of business: Don Pobuda, Barbara Figurski, Jerrold Joseph, John Cahill, and Gary McCririe. Also present was Michael Archinal, Township Manager; Jeff Purdy from LSL Planning; and Melissa Talley from Tetra Tech. 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 Figurski, seconded by Litogot to approve the Agenda with the addition of *PUD Agreement* for Public Hearing # 1 and *Recommendation of Special Use* for Public Hearing #3. **The motion unanimously carried.**

The call to the public was made to discuss items not on the agenda.

With no comments, the call to the public was closed at 7:10 p.m.

Chairman Pobuda noted that the Board would not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Review of the following zoning text amendments: (Tabled from 4-24-00 and 5-8-00 meetings)

- Article: Revised Keyhole regulations

After a brief discussion, the decision was made to appoint a subcommittee consisting of Commissioners Figurski, Joseph, Burchfield, Litogot (Alternate) and Archinal, Rick Heikkinen, Township Attorney, Robert Murray, Township Supervisor, and Caryn Champine, Township Planner, to review the Keyhole Ordinance in its entirety.

OPEN PUBLIC HEARING # 2... Review of a site plan application for a 3,770 square foot Steak and Shake restaurant in Livingston Commons, Lot 1, petitioned by Steak & Shake, Inc. (PC 00-18) (Tabled from 5-8-00 meeting)

- **Planning Commission disposition of Steak & Shake petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding PUD amendment.
 - D. Recommendation regarding site plan.

Commissioner Pobuda asked for developer representation and raised concerns about outdoor storage and display at the new Wal-Mart Superstore location in Livingston Commons.

Mike Perkins of R-G Properties, Dayton, Ohio, came before the Commission representing Wal-Mart. R-G Properties is the developer of the Livingston Commons retail complex. Chairman Pobuda feels the Township is within its rights to sue for compliance. Township Staff is currently working with Wal-Mart to pursue any alternatives available. Mr. Archinal stated the Township is not likely to be receptive to any modifications or additions to the site plan until the project is cleaned up. Commissioner Litogot feels the Township was lied to during the site plan process. Mr. Archinal noted that a lawsuit is being filed against Wal-Mart, Inc.

Mr. Harry Meshberger, Mr. Steve D'Anna, and Mr. Jay Raymeier of URS, Indianapolis, Indiana, presented site plans (URS 5/01/00) for a 3,770 square foot Steak and Shake restaurant proposed for Lot 1, Livingston Commons.

Steak and Shake is a full service restaurant. A narrow building is proposed because of site constraints. Both east and west setback considerations are necessary.

Mr. D'Anna stated a 5' eastern setback is requested with additional landscaping. The driveway will be lined up with the Kentucky Fried Chicken and Wal-Mart on the southern side of the lot.

A Traffic Study (URS 4/26/00) shows that there is proper queuing at the northern entrance and for drive-through internal traffic to the site.

On-site detention is not necessary. Traffic circulation is adequate. Photographs were provided showing building elevations. Building materials, lighting and 50' setback are all special use issues.

Mr. D'Anna noted enhanced landscaping and brick are intended to mitigate setback changes in the PUD.

There was a general discussion with regard to setbacks. The Planning Commission was not inclined to consider amending the PUD for setbacks.

Moving the building to the north would cause increased pedestrian traffic problems because the entrance is in the front and people would have to park in the rear of the lot.

The Environmental Impact Assessment (4/26/00) was reviewed. Issues with dust control and a delivery schedule for the business must be included within the statement. There should be no hazardous storage.

The following architectural upgrades were reviewed:

- Two brick samples provided (red brick with white aggregate face)
- Sample was not consistent with the PUD requirement for natural earth tone materials
- Striped canopy is not acceptable
- Awnings not internally lit
- Site will comply with buildings coverage and impervious restrictions
- Photometric grid will be 1 footcandle at the property line
- Signage will comply with the ordinance and PUD
- Signage plan not provided
- Dumpster should match building

Ms. Melissa Talley, of Tetra Tech-MPS, is concerned with the following issues:

1. Directional sign package.
2. All construction plan issues should be corrected.
3. 10 REU's to be paid in the amount of \$35,000 (\$ 3,500 per REU) for sewer and \$ 30,000 (\$ 3,000 per REU) for water.

Ms. Talley is comfortable with the traffic study and stacking at the north driveway.

Commissioner McCririe noted that the special land use application submitted is not complete. Information with regard to setbacks, building materials and a sign package are part of the submittal. None are available from the Applicant.

The Applicant asked for a recommendation from the Planning Commission.

Moved by Commissioner McCririe, **seconded** by Commissioner Joseph, to recommend **denial** of the Special Use request to the Genoa Township Board of Trustees. The following reasons are cause for denial:

1. Unable to conform to setback requirements on the east side of the lot
2. 5' parking lot variance
3. 50' setback on the west side of the lot
4. Renderings do not meet PUD agreement (*Specifically Section 7.1*)
Petitioner has not provided materials consistent with other sites, has not offered single colored awning, sign package has not been provided

OPEN PUBLIC HEARING # 3... Review of site plan and special use application for Brighton Stone, 7196 West Grand River, for a 4,096-sq. ft. accessory structure, a 416 sq. ft showroom, and a 2000 sq. ft storage addition. PC 00-05 (Tabled from 3-13-00 & 3-27-00 meetings)

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

Mr. Tony Pucci introduced himself as the architect for the project along with the owner; Les Begin and the project engineer; Herb Munzel. Mr. Pucci gave a brief presentation of the site plan. The project will add a display area to the front of the existing building, a tower at the entrance to the storage yard and a 40' by 190' storage building. He explained how trucks would circulate on the property. Landscaping will comply with the Planner's comments. The stone cutting operation will not move. They have an agreement from Firestone to plant evergreens adjacent to the storage bins. The façade of the front building will be cultured stone. The remainder of the buildings will be beige stained concrete block. The front storage bins will be painted green and landscaped.

Commissioner Cahill asked about the possibility of adding a berm along the southern property line. Mr. Pucci stated that there is already a significant grade change off site.

Commissioner Litogot asked if the signage on the site would be changed. Mr. Pucci responded in the negative.

Mr. Begin stated that the building is intended to bring existing product inside.

The Planning Commission had a discussion weighing the current nonconforming use versus the nonconforming nature of the request with regard to setbacks.

Chairman Pobuda stated that the site plan must note those areas to be used for outdoor storage.

Mr. Begin proposed concrete pillars with wrought iron to help screen product at the area of his current fence. His satellite dish has been removed. Construction materials will match the existing building.

Ms. Talley reviewed her engineering review letter. Drywells on the property will have to be specified as private and the new building will be assessed one REU.

A call to the public was made at 9:31 PM with no response. Mr. Archinal noted that a notice was sent to all residents in the Herbst Estates subdivision.

Moved by Commissioner Figurski, **seconded** by Commissioner Litogot, to recommend **approval** of the Environmental Impact Assessment dated 2/24/00 with the following changes:

- 1) Paragraph "E" add, ... and dust control measures will be maintained during construction.
- 2) A note will be added stating that well and septic will be replaced with water and sewer when they are available.

The motion carried on a 5 to 1 vote (Joseph dissenting).

Moved by Commissioner McCrie, **seconded** by Commissioner Litogot, to **approve** the site plan dated 5/12/00, project number 9925, subject to the following:

- 1) Township Board approval of the environmental impact assessment as modified.
- 2) Engineer review and approval of all plans and specifications.
- 3) Building height will be noted on the site plan.
- 4) Concrete bins shall be painted dark green and maintained as such.
- 5) There will be no replacement of materials in the yard that are being placed inside the building. Only the area inside the truck turn-around shall be used for outdoor storage and shall be noted on the plans.
- 6) The proposed concrete pillar and iron fence shall be shown on the plan.
- 7) The material display area is limited to landscaping blocks and bricks and shall not exceed 36" in front of the existing building and shall not exceed 6' on the rest of the property.
- 8) Materials and colors as presented are acceptable.

- 9) Limestone cutting shall be limited to the area noted on the site and shall take place only during the hours of 8 AM to 6 PM M-F and 9 AM to 4 PM on Saturday.
- 10) Petitioner acknowledges and accepts REU fees of \$3,650 for water and \$4,800 for sewer for the new building.
- 11) If a water softener is used the applicant will utilize a potassium based regenerate. The recharge from the softener shall not be connected to the sanitary sewer.
- 12) A note regarding dust control measures will be added to the site plan.
- 13) The applicant must secure a landscaping easement from the adjacent property to screen the bins.
- 14) Drywells shall be under private ownership and not the responsibility of Genoa Township or the Livingston County Drain Commission.
- 15) Approval of variances from the Zoning Board of Appeals.

The motion carried on a 4-2 vote (Joseph, Figurski dissenting).

Moved by Commissioner Litogot, **seconded** by Commissioner McCrie, to recommend to the Zoning Board of Appeals **approval** of a 30' rear yard and a 10' side yard variance. **The motion carried on a 4-2 vote (Joseph, Figurski dissenting).**

Moved by Commissioner Figurski, **seconded** by Commissioner Litogot, to **approve** the minutes of the 5/8/00 meeting with the following change: Frank Jones should be changed to Fred Jones. **The motion carried unanimously.**

Member Discussion

Commissioner Joseph questioned the height of the cell tower at Nixon and Crooked Lake and the asphalt storage near the Oak Pointe clubhouse.

Caryn Champine introduced Kelly Schuler from LSL Planning.

The meeting was adjourned at 9:58 PM.

Submitted By: Michael Archinal; Township Manager
Signed By: Barbara Figurski; Secretary