

GENOA TOWNSHIP
PLANNING COMMISSION
OCTOBER 11, 1999
WORK SESSION
6:30 P.M.
MINUTES

GENOA TOWNSHIP
OCT 28 1999
RECEIVED

The work session of the Planning Commission was called to order by Commissioner Barbara Figurski at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Barbara Figurski, Jim Mortensen, Jerry Joseph, Gary McCririe and Bill Litogot. **Moved** by McCririe, supported by Litogot to have Barbara Figurski appointed Acting Chairman for the meeting. **Motion unanimously carried.** Also present was Michael Archinal, Township Manager; Jeff Purdy from The Strader Group; and Melissa Talley from McNamee, Porter, & Seeley. By the end of the work session, there were numerous persons in the audience.

Items scheduled for action during the regular session of the commission were discussed. No formal action was taken.

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
7:00 P.M.
MINUTES

The regular session of the Planning Commission was called to order by Acting Chairman Figurski at 7:00 p.m. **Moved** by Litogot, supported by Joseph to approve the Agenda as written. **Motion unanimously carried.**

A call to the public was made to discuss items not on the agenda with no response. (The Board will not begin any new business after 10:00 p.m.)

- 1) OPEN PUBLIC HEARING #1..REVIEW OF A REZONING APPLICATION TO REZONE 60 ACRES FROM RR (RURAL RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) AT THE END OF LAWSON DRIVE, NORTH OF GRAND RIVER AVENUE, SECTION 4, PETITIONED BY ADLER ENTERPRISES COMPANY/BOSS ENG., (Tabled from a previous meeting.)
 - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - B. RECOMMENDATION REGARDING REZONING REQUEST.
 - C. RECOMMENDATION REGARDING PUD AGREEMENT.
 - D. RECOMMENDATION REGARDING CONCEPTUAL PUD SITE PLAN.

A representative from Boss Engineering stated several changes were made to the plan since the last meeting with the Planning Commission. Copies of sheet #3 of revised drawings were distributed showing the future connection to the DelGuidice PUD. The number of units has been reduced from 248 to 220. The site is master planned for single family at 2-4 units per acre. Duplexes and apartments are proposed at 4 units per acre. Each pair of duplex units now have one, side-entry and one, front-entry garage. This will give the appearance of each duplex unit being a single, large residence. Setbacks are 20' from the garages to the sidewalk. Sidewalks are on both sides of the street. Road cross sections are 27' back-to-back. Lighting is proposed in the boulevard and apartment complex areas, with coach lights on the garages of the duplexes. While market studies predict that a majority of residents will be retirees and empty nesters, approximately 40 students will be added to the school system. A school bus stop will be at the clubhouse. He noted that this number of students is much less than what there would be in a single-family development.

The benefits of the RPUD is the preservation of 60% of the site and the significant buffer on the east and south property lines; walking trails and gazebos; stormwater management plan; and the improvement of Lawson Road.

At the request of the Commissioners, a parallel plan was developed. Based on 18,000 sq. ft. lots, 87 single-family homes could be developed. However, the single-family homes would use up much more of the entire parcel, with less preservation of the natural features.

Commissioner Joseph stated that while he agreed a PUD would provide benefits to the township, he had concerns with the density of the project. The question is, are the benefits to the township significant enough to allow the greater density? He felt only a 50% increase in density would be more reasonable.

Commissioner Mortensen stated the area is master planned at SR or UR and he felt this would be equivalent to "spot master planning". He was not in favor of jumping from a possible 87 units to 220 units. This was unacceptable.

Commissioner Figurski stated she, too, was concerned with the density; but felt the preservation of the features was very important. She also voiced her concerns with the lighting and the trees taken down on the Adler Hughes Road development.

Commissioner McCririe stated it has always been known that a residential development of some type in this area would come before the Planning Commission at some time. The significant preservation of open space is something the Commissioners should be paying close attention to. If this parcel is developed as a regular subdivision, the preservation will not be there. The township has better control over the preservation in a PUD. Although it is at the top end, this development does fall within the proposed density of 2-4 units/acre. First, the Commissioners must agree on whether or not a PUD is appropriate

for this parcel. Then the details of the density, setbacks, etc. could be looked at. All the details don't need to be worked out at this meeting.

Commissioner Mortensen reiterated his position that he is opposed to changing the master plan for one development. If a PUD is approved, the zoning is gone forever.

Commissioner McCririe stated there are small lots on Sunrise Park; industrial to the south; the Lorentzen PUD to the west, which is industrial; and the DelGuidice apartment complex and Lakewood Knoll to the west. The development provides good transitions to these areas.

Commissioner Joseph reiterated that while a PUD may be appropriate, he is a long way away from agreeing to 220 units.

Commissioner Litogot stated he is in favor of the PUD because of the preservation and other benefits, but he would like to see less density, too.

Mr. Purdy stated he needed more policy guidance from the Commissioners on the density and housing types.

A call to the public was made at 7:25 p.m.

Ms. Patty Warner, 1030 Sunrise Park, voiced her concern with the density. She wondered why the zoning had to change. Couldn't it stay as RR like it is now?

Ms. Elaine Grote, 612 Sunrise Park, stated there should be a significant buffer between the development and Sunrise Park. What is the buffer?

The representative from Boss Engineering stated the minimum buffer is 75' to the property line with a majority being 100' or greater.

Ms. Grote felt that would not be enough. She demanded a fence. Also, she stated she did not like the walkpath or gazebos around the wetlands. The wetlands are important to the lake and should not be disturbed. The walkpath will invite people from the development to the lake area.

Ms. Sherry Swabs, 6478 Sunrise Park, stated she agreed with Ms. Grote. The wetlands filter the impurities to the lake and should not be disturbed. Also, there are natural pathways back there that could be used. The gazebos and pathways should not be constructed. She agreed that a larger, better buffer was needed.

Mr. Jim Lafferty of Sunrise Park asked if the 75' buffer was from the property lines or the backs of the buildings?

It was answered the buffer is from the back of the buildings. There will be decks in the back yards which may protrude a little from the buildings.

Mr. Lafferty questioned why the developer chose apartments and condos. He felt it was because of economic reasons. He wondered who would buy a \$160,000 condo next to apartments.

The representative from Boss Engineering stated the product is determined through market research and demand. The apartments serve as a good transition and buffer to the adjacent commercial and industrial. From a land planning use, this is the best product.

A resident stated it was difficult to hear the Commissioners and the petitioner and asked that they speak up.

A resident asked if a stop light will be put there as there are already numerous Detroit Edison trucks using the road. (Answer: "No.")

Ms. Grote reiterated that the 75' buffer was not enough. People will be looking into each other's windows. She hoped the Commissioners would take into consideration the residents that are in the neighborhood already.

Another resident agreed and stated the 75' buffer would be even less with the decks. He felt it would be ridiculous.

A resident asked what types of trees would be in the greenbelt?

The Boss Engineering representative answered the majority would be the trees and buffer that is already there with more evergreens and deciduous trees added.

A resident stated the people who back up to the Detroit Edison property have "24-hour daylight" as it is. He voiced his concern with the lighting. He would expect significant new plantings there.

Mr. Dave Davies read aloud something that he had received in the mail regarding urban sprawl, the disappearance of rural communities, traffic congestion, etc. He stated he felt the township was overdeveloping this whole area. He doesn't want to see that happen. The Planning Commission and township need to take a serious look at this.

Ms. Barb Stork stated that in the legislature there is some movement to prevent over sprawling. She felt it would be a tragedy if the rezoning was approved and in six months there was a law to prevent this.

A resident asked if a beach access was planned? (Answer: "No.")

Ms. Pat Hooks of Sunrise Park stated she was opposed to the density and would like to see a 6' fence. She voiced her concern with new residents following the walkpaths and going through their back yards down to the lake.

Another resident stated he has already stopped residents from Lakewood Knoll from using the lake. This proposed development will cause the same problems, especially with teenagers.

The Boss Engineering representative stated that based on their research and other developments like this, there should be only about 40 children in the development. It will be mostly retirees and empty nesters. There is a big difference in demographics. He also noted that if they are concerned with the number of additional children, there certainly would be more in a single-family development.

Mr. Charles Jones, who is building in Sunrise Park, stated there are lots of children in the Berwyck Apartments where he currently lives. He believed there would be more than 40 children.

Another resident stated he felt it was amazing that they think there will only be 40 additional children. He stated that he was tired of developers building what they want, taking their money and leaving, and then the residents are left paying the bill for additional schools and other infrastructure improvements. He, too, felt there would be more than 40 children.

With no other comments, the call to the public was closed at 7:48 p.m.

Commissioner McCririe noted that Section 4-7 of the zoning ordinance only requires a 40' rear yard setback for Lakeshore Resort Residential and a 50' setback for UR. The proposed development is 75', which is significantly larger than what is required in the zoning district of the parallel plan. Also, the Planning Commission has never required a fence around a subdivision to fence one group of people away from another group. It doesn't make for good neighbors. He also pointed out that the township frequently hears about the lack of affordable housing in the area. The proposed apartments would hit to the heart of that problem. If the land were developed at RR, the homes would be in the \$350,000 range.

Commissioner Figurski agreed that the PUD would allow the township to better control what was developed and under what circumstances; but she had a problem with the 20' front yard setbacks.

Commissioner McCririe noted that it looked like the petitioner was not going to get a favorable vote from the Commissioners at this time. He suggested the petitioner revisit the density numbers and in deference to the neighbors, they should look at pulling the houses further back from the lot lines. He noted to the Commissioners, however, that this would shorten the front yards.

Commissioner Mortensen asked if the wetlands were regulated? If the parallel plan meets the ordinance, would the Planning Commission be obligated to approve it?

Mr. Purdy stated the two large wetlands on the parcel are most likely regulated and would not be buildable; but, the lots could extend into the wetlands if there is sufficient upland area.

Commissioner Joseph reiterated his position that approximately 50% over what could be done in the alternate plan would be a good start as far as density goes. He noted that the developer reduces his cost by clustering them in one spot. There are certainly trade-offs.

The Adler representative stated she could not speak for Mr. Adler, but if they were to come back with a reduced density, they may have to reduce the amenities, as well (i.e., fronting some buildings on the connecting road, no walkpaths, no gazebos, no pool or clubhouse, etc.).

Commissioner Joseph stated he would not be in favor of losing all the amenities.

Commissioner McCririe noted that 55 buildable acres with a minimum number of units would be approximately 110 and a maximum of approximately 220 according to the Master Plan at 2-4 units/acre. He wondered if 130 units would be reasonable?

Commissioner Joseph stated he felt approximately 130 units would be reasonable.

Moved by McCririe, supported by Litogot to table the rezoning application of Adler Enterprises at the request of the petitioner. **Motion unanimously carried.**

The meeting was recessed at 8:00 p.m. and reconvened at 8:07 p.m.

- 2) OPEN PUBLIC HEARING #2...REVIEW OF A PROPOSED ZONING AMENDMENT TO REZONE PROPERTY IN SECTION 16 FROM CE (COUNTRY ESTATES) TO RR (RURAL RESIDENTIAL) AS DIRECTED BY GENOA TOWNSHIP PLANNING COMMISSION AT THE SEPTEMBER 13, 1999 MEETING.
 - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - B. RECOMMENDATION REGARDING REZONING REQUEST.

Mr. Archinal gave the background of this rezoning. A resident (Mrs. Linda Keeling) came before the Planning Commission asking to rezone her property from CE to RR. The Planning Commission's recommendation at that time was to look at a larger area so as to not "spot" zone. The future land use map shows the township has contemplated this area

to be RR. The area has a number of lots that are non-conforming now and the rezoning would bring them into conformance.

A call to the public was made at 8:12 p.m.

Ms. Julie Honkala, 2900 Fishbeck Road, stated she was opposed to the rezoning. This area would not have been even considered except for Mrs. Keeling's request. She noted that Mrs. Keeling plans to sell only part of the land and keep some in order to move back someday. If it were a real economic hardship case, why not sell all five acres and invest in two acres somewhere else in the township? The township is looking to rezone 60 acres for two people who are only on 10 acres. What about the rest of the people who don't want to see the extra houses? Also, she stated she wouldn't necessarily be able to split her lot because the back does not perk properly.

Mr. Dave Davies, 2700 Spring Hill Drive, requested that a letter be sent to all homeowners within 1/2 mile of the proposed rezoning in the future. He said he did not receive a notice but learned about it in the newspaper.

Mr. Archinal reviewed the State laws on notification of property owners (not necessarily renters) within 300' of the proposed rezoning. He asked Mr. Davies to come to the township offices when they are open and he would be able to check on who was notified by mail. He also noted that notification is **not** required for land splits, only special use and rezoning.

Commissioner McCririe noted that from the looks of the map, Mr. Davies didn't appear to be within 300' of the area.

Mr. Davies asked what criteria was used to include and exclude properties for the rezoning. He moved here to be in CE not RR.

Ms. Kim Mayes, 2745 Spring Hill, stated that she was only notified of the first Planning Commission meeting when this was discussed. Apparently, just one person in the area wants the rezoning. How can the preservation of natural features be done if you are cutting up the land to put in more houses?

Commissioner McCririe noted that the public hearing for rezoning is for just this purpose: getting input from the neighboring residents. However, the Master Plan shows this area as RR and the question before this body is whether now is the appropriate time to look at implementing the Master Plan. Some time ago, the township looked at the entire township, through the Master Plan review process, and reviewed the zoning. The Master Plan is a plan of what we envision the township to look like in the future. The various township boards looked at this area to determine what size lots should be there. This area was designated as RR. The question is whether it is appropriate to change it to RR now, or later, sometime in the future. He noted that all the Master Plan review meetings were open to the public and published in the newspaper. Copies of the Master Plan are

available for perusal at the township offices. The township does not look at things from a tax generating standpoint. There are many lots in this area that are less than five acres in size that are non-conforming.

Mr. Ed Jarvis, 4859 Crooked Lake Rd., stated he is in favor of the rezoning. He noted that rezoning could help eliminate some of the possibility of further development because developers don't usually look at developing smaller, two-acre parcels. It isn't worth it economically. Developers would be more inclined to look at developing several, larger 5-10 acre parcels. Also, the way the homes are placed on the lots now, not every two-acre parcel would potentially be developed with more houses. The rezoning is consistent with the Master Plan. He stated everybody knows it won't be the same forever.

Ms. Cheryl Reed, 6542 Fleming, stated she is in favor of the rezoning, too. She felt this was a perfect area to split for more affordable housing.

Mr. Brett Yoder, 2926 Fishbeck, stated he was opposed to the rezoning. He likes the area the way it is. With rezoning, there would be more splits and more houses.

Mr. Dave Trycinski, 4661 Crooked Lake, stated he was opposed to the rezoning.

Mr. Steve Frame, 2793 Spring Hill, stated he is currently on only one acre and doesn't want to see growth in that area.

With no other comments, the call to the public was closed at 8:25 p.m.

Commissioner McCririe noted that 19 property owners were notified about the rezoning. An informal count shows two (2) letters of opposition received and 4-5 people at this meeting voicing their opposition. Two (2) people have spoken in favor. He believed that the remainder of the property owners would not be opposed if they did not take the time to write a letter or come to the meeting.

Mr. Purdy stated the rezoning only affects the south 1/2 of Section 16 where there are several non-conforming parcels less than five acres. We would not be rezoning to the north; these would remain CE. The rezoning could present the possibility of splits on a couple lots if the soils perk.

Commissioner Joseph noted that the planning consultant has researched this, and public hearings were held in regards to this area for the Master Plan. Lots of thought and time has gone into this zoning classification. He wondered if there was any reason not to rezone it at this time?

Commissioner Mortensen stated he was in favor of the rezoning. It is in the Master Plan.

Moved by Litogot, supported by McCririe to recommend to the Township Board the approval of the master planned rezoning from CE to RR for the southern 1/2 of the

southeast quarter of Section 16, excepting parcel #11-16-300-004 (the DeLuca property), citing conditions required in the zoning ordinance, Section 22.04 numbers 1 through 6, have been met. **Motion unanimously carried.**

Mr. Archinal informed the audience that this matter would be forwarded to the County for their recommendation, and finally to the Township Board for final action.

3) OPEN PUBLIC HEARING #3...REVIEW OF A SPECIAL USE FOR A PROPOSED 6,084 SQUARE FOOT PAINT SHOP, LOCATED AT GRAND OAKS WEST INDUSTRIAL PARK, SOUTH OF GRAND RIVER, EAST OF CHILSON, PETITIONED BY KING/LINDHOUT. (Tabled from previous meeting.)

- A. RECOMMENDATION REGARDING SPECIAL USE APPLICATION.
- B. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
- C. RECOMMENDATION REGARDING SITE PLAN.

Mr. Bob King from Lindhout Associates briefly reviewed the project. It will be a one-story, brick and block building. The back (paint shop) will be split-face block. The front (office) will be brick veneer. They have chosen the brown brick color. A shingled, pitched roof is proposed and the overhead doors will be painted to match the block. He presented building materials and colors.

Commissioner Litogot asked how they will screen the parked vehicles in back?

Mr. King answered 11 evergreen trees, staggered about 10' apart, and further west they will be maintaining the existing brush and vegetation, and construct a 4' high berm with more evergreens and deciduous trees. He noted that this was a pretty far distance from the building, too.

Commissioner Litogot wanted clarification on the vehicles in back. Is this the only area where vehicles will be stored overnight?

Mr. King answered "Yes."

Commissioner McCririe asked what the nature of the vehicles will be that are stored. Also, on the west, the 40' section in the drainage area will be undisturbed?

Mr. Karl Kiefer, owner, answered the back will be a staging area to allow time for insurance companies to inspect the vehicles that will be repaired. They will not be dismantled or "parted" out. And, yes, the section by the drainage area will be undisturbed.

Mr. Purdy reviewed The Strader Group letter of 10/7/99. He stated the petitioner had addressed most of the issues. Items 1-4 in the letter could be added as conditions to any motion.

Ms. Melissa Talley reviewed the McNamee, Porter & Seeley of October 4, 1999. Remaining issues in the detention area will be under the Livingston County Drain Commission jurisdiction. She referenced her 8/18/99 letter regarding connection fees.

Mr. King distributed photographs of his other shops and their stacks.

A call to the public was made at 8:48 p.m.

Mr. Ed Akin, 4400 Golf Club, stated he owns property on Grand Oaks and knows the petitioner and he is a quality guy and does a good job. He would be happy to have him as a neighbor.

With no other comments, the call to the public was closed at 8:49 p.m.

Commissioner Litogot asked about any signage.

Mr. King said there will be a building-mounted sign and they will meet the ordinance. The lighting is shoe-box and downward.

Commissioner Figurski wanted to include dust control language in the Impact Assessment. Also, letter H states hazardous materials will not exceed 55 gallons. That should be changed to **25** gallons. And it should state there will be no outdoor storage of **hazardous materials**.

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the special use for the outdoor storage and staging of vehicles citing the requirements contained in Article 12 of the zoning ordinance have been met, with the following conditions:

1. Petitioner shall leave the rear 40' of the site undisturbed.
2. Any automobiles stored outdoors shall be there for repair purposes only and at no time shall be on site for the purpose of dismantling or parting out.

Motion unanimously carried.

Moved by Litogot, supported by Mortensen to recommend to the Township Board the approval of the Impact Assessment, dated revised 9/1/99, with the following corrections:

1. Letter H - "There will be no long term storage or handling of hazardous materials. There will be no outdoor storage of **hazardous materials**. Paint storage will not exceed 25 gallons (typically 5 gallons), nor will any waste or other hazardous materials ever exceed **25** gallons (typically 5 gallons)....."
2. The attachment referenced in letter J needs to be attached (Declaration of

- Restrictions).
3. Dust control language will be included.

Motion unanimously carried.

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the site plan, dated revised 9/27/99, with the following conditions:

1. Township Board approval of the Impact Assessment as modified by motion this evening.
2. Township Board approval of the special use permit as recommended by motion this evening.
3. Township engineer review and approval of all plans and specifications.
4. Building materials and colors, as presented, are acceptable and shall be present at the time of presentation to the Township Board, and become the property of the township, including the Polaroid photograph of the back of an existing building depicting how the stack will look on the proposed building.
5. Site plan will be modified to reflect that the rear 40' of the site will be undisturbed.
6. Petitioner acknowledges and accepts the REU calculations for sewer and water as follows: \$12,400 for sewer and \$12,000 for water, subject to final audit and approval by the township engineer and staff.
7. Driveway spacing as depicted is acceptable.
8. Petitioner shall not have a ground-mounted sign.
9. Light fixtures shall be permanently fixed at a 90 degree angle to the ground.
10. Any water softener on the site shall not discharge into the sewer system but shall only use potassium in lieu of salt.

Motion unanimously carried.

- 4) OPEN PUBLIC HEARING #4...REVIEW OF A SITE PLAN APPLICATION, ENVIRONMENTAL IMPACT ASSESSMENT, SPECIAL USE APPLICATION AND SITE PLAN FOR A PROPOSED 3,200 SQ. FT. KENTUCKY FRIED CHICKEN RESTAURANT AT 3768 EAST GRAND RIVER, 0.9 ACRES, SECTION 05, PETITIONED BY LAWRENCE RYBO/ASHOR ASSOCIATES. (Tabled from previous meeting.)
 - A. RECOMMENDATION REGARDING SPECIAL USE.
 - B. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - C. RECOMMENDATION REGARDING SITE PLAN.

Mr. Ed Ashor, architect, stated that since the last meeting they have redesigned the site to make it variance free. The size of the building has been reduced, reducing the seating and

parking requirements. The landscaping has been redesigned and meets the ordinance. The site will be accessed on a drive along the east, where room for stacking is provided. Autos will go north around the building and then south to the drive-through, circle the building and exit at the point of access. Deliveries are in the early morning and should not interfere. The drainage is taken care of with the detention area on the Wal-Mart property.

Mr. Ashor presented the building materials and colors, as well as a colored elevation drawing. The building will be light tan brick with beige drivet and red awnings, which shall not be translucent.

Mr. Purdy noted that the Planning Commission has been requiring 8' sidewalks because of the high-intensity of the area.

Commissioner McCririe asked if the large portrait of Colonel Sanders is the only sign on the building?

It was answered that this logo (image of the Colonel) is the newest design and image of KFC. It will be the only sign on the building.

Commissioner Figurski asked about the light poles. Are they 28' or 25'?

Mr. Ashor stated the light poles are 28' high from grade level. The original plans noted that they were 25' high, but did not consider the 3' concrete foundation they were sitting on.

Acting Chairman Figurski made a call to the public at 9:10 p.m.

Mr. Bo Gunlock, RG Properties, was pleased to see KFC coming to the area, but asked if they would consider the metal headlight fixtures to be consistent with that area.

Mr. Ashor stated they will be happy to do that.

With no other comments, the call to the public was closed at 9:11 p.m.

It was noted that the special use for this project has already been recommended to the Township Board.

Mr. Purdy reviewed The Strader Group letter of 10/7/99. Mr. Ashor stated they will comply with all of the items in the letter, noting that the proposed entrance sign will be a low-profile sign ("Enter" and "Exit") and they will submit the details.

The Commissioners discussed the trees on the site. Mr. Purdy advised setting up a tree protection fence. Equipment should be limited in this area.

Commissioner Joseph stated he felt it important to encourage the developer to be aware of tree impact during construction.

Mr. Luke Ostrowski, owner of the property, noted for the record that one of the large trees in that area is already dead, leaving only two trees.

Ms. Talley reviewed the McNamee, Porter & Seeley letter of 9/30/99. The connection fees are \$31,000 for sanitary sewer and \$30,000 for water. Mr. Ashor agreed to all items in the letter.

Moved by Litogot, supported by Mortensen to recommend to the Township Board approval of the Impact Assessment, dated 6/24/99, with the following changes/additions:

1. The seating capacity should be changed from 55 people to **50** people.
2. Hours of operation are 11:00 a.m. to 10:00 p.m., seven days a week.
3. Page 1, letter E, the square footage of the building should be changed.
4. Add dust control language.

Motion unanimously carried.

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the site plan for KFC, dated 9/24/99, with the following conditions:

1. Township Board approval of the special use permit as recommended.
2. Township Board approval of the Impact Assessment as modified by motion this evening.
3. Township engineer review and approval of all plans and specifications with emphasis on their letter of 9/30/99, requiring the citation of model numbers.
4. Petitioner shall add the lot coverage percentages to the plans.
5. Building materials and colors as presented are acceptable and shall be present at the time of submission to the Township Board and become the property of the township.
6. There shall be no back lighting of the canopies or the cupola.
7. There shall be no neon lighting on the site.
8. The petitioner shall provide a detail for the entrance sign prior to submission to the Township Board.
9. The sidewalk running along the frontage shall be 8' wide and cement.
10. All ramps shall be inclined approaches.
11. Petitioner shall undertake the necessary tree preservation measures to assure the survival of the two remaining significant trees on the site.
12. The REU calculations are \$31,000 for sewer and \$30,000 for water subject to final review and audit by the township engineer and staff.

13. Any water softener used on the site shall not discharge into the sanitary sewer system and shall utilize only potassium.

Motion unanimously carried.

The meeting was recessed at 9:30 p.m. and reconvened at 9:34 p.m.

- 5) OPEN PUBLIC HEARING #5...REVIEW OF A SITE PLAN APPLICATION, SPECIAL USE APPLICATION, SITE PLAN AND ENVIRONMENTAL IMPACT ASSESSMENT FOR A PROPOSED LOWE'S HOME IMPROVEMENT RETAIL STORE AT SOUTHERN PORTION OF PHASE I AT LIVINGSTON COMMONS AT THE SOUTHWEST CORNER OF LATSON AND GRAND RIVER AVENUE, PETITIONED BY RG PROPERTIES.
 - A. RECOMMENDATION REGARDING SPECIAL USE APPLICATION.
 - B. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - C. RECOMMENDATION REGARDING FINAL PUD SITE PLAN.

Mr. Mike Perkins, Director of Construction for RG Properties, introduced Bo Gunlock (RG Properties), John LeFevre (Fishbeck, Thompson, Carr & Huber), and Joe Hilton and Dave Mayer from Lowe's Home Improvement.

Mr. Perkins reviewed the project. They are proposing a Lowe's Home Improvement (128,997 sq. ft.) and Office Max (23,500 sq. ft.) south of the recently approved Wal-Mart site in the Livingston Commons development. They have revised the footprint since the original PUD. The home improvement center is larger and the office retailer space is smaller. However, the infrastructure, water and sewer will remain basically the same. They are not changing the construction details from the original approval (i.e., curb, gutter, lighting, etc.). The fire department is satisfied with the circulation. Trucks will enter at the western most access off Grand River, drive past Wal-Mart to the back of the Lowe's store and into the truck well. If, and when, the interchange is constructed, there will be an entrance drive that will tie into Grand Oaks Drive which will lead to an I-96 access.

He reviewed the landscape plan. He noted they will adjust the shrubbery in front of the parking on Latson Road. They agreed to placing two additional trees in front of the buildings in the landscape islands.

Mr. Perkins presented the Wal-Mart elevation drawings to show that similar materials and textures will be used on the Lowe's building. The material is a "quick brick" material which is built in a single-width wall. It is being used on the Wal-Mart. There is a substantial vestibule element and there is a glass feature to view the garden center.

The garden center will be quick brick with intermediate piers and a tubular steel fence. The lumber storage area will be in the back of the building. They are proposing a black vinyl fence with wind screen. He presented these building materials and colors.

Mr. David Mayer reiterated that the Lowe's building is complementary to the Wal-Mart building in building materials. He briefly reviewed the building elevations.

The Commissioners and the petitioner discussed the proposed trees near the parking on the Latson Road side of the development. There were questions on whether or not the trees would still be there once the interchange goes through and Latson Road is shifted. Commissioner McCririe noted that he envisioned something a little more natural looking. Could they be more staggered?

Mr. Perkins said they could look at this area again and stagger some of the trees. Mr. Gunlock noted that a "theoretical" line has been drawn for the future road right-of-way for Latson Road. It is not really known where the line will be.

Commissioner McCririe stated that he was not inclined to ask the petitioner to scale back the building for these trees on an "if/come" basis with the shift of Latson Road. It is not known where the road will be. Once the road comes in, they might be a little closer to the road than what would normally be approved, but he did not have a problem with that. It is just too much of an unknown at this point.

Mr. Perkins noted that within the PUD the Planning Commission allowed themselves the ability to grant going 10' closer to the right-of-way just north of this area.

Mr. Gunlock suggested banking the 16 spaces if the Commissioners have real concerns with this area. The Commissioners agreed that this would be an acceptable solution.

Mr. Purdy reviewed The Strader Group letter of 10/7/99. Some of the items have been addressed on revised plans, and the petitioner agreed to the remaining items.

Ms. Talley reviewed the McNamee, Porter & Seeley letter of 10/5/99. Most of the items have been addressed. She is still waiting for water usage history.

A call to the public was made at 10:20 p.m. with no response.

Moved by McCririe, supported by Joseph to recommend to the Township Board the approval of the special use application, for size of the building and outdoor storage, for RG Properties for a 128,997 sq. ft. home improvement retail building with a 23,500 sq. ft. office supply retail building with the following conditions:

1. Subject to the terms of the recorded PUD.
2. The lumber storage on the rear of the building shall not exceed the height of the fence.

3. Citing provisions contained in Article 12 of the zoning ordinance have been met.

Motion unanimously carried.

Moved by Litogot, supported by Joseph to recommend to the Township Board approval of the Impact Assessment in generic form, dated 10/98, adding language for dust control measures during construction. **Motion unanimously carried.**

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the final PUD site plan for a Lowe's and Office Max from RG Properties, dated revised 9/11/99, with the following conditions:

1. Township Board approval of the special use permit as recommended by motion this evening.
2. Township Board approval of the Impact Assessment as recommended by motion this evening.
3. Township engineer review and approval of all plans and specifications.
4. There shall be no truck or delivery traffic utilizing any of the Latson Road entrances proposed to date.
5. Building materials and colors as presented are acceptable and shall be present at the time of submission to the Township Board and become the property of the township.
6. Attached to the plan will be the photographs depicting the wind screen materials.
7. Landscaping on the east side of the site shall be staggered so as to take on a more natural look and shall be depicted on the plan prior to submission to the Township Board.
8. Petitioner shall document the lot coverage percentage on the final site plan.
9. Petitioner shall modify the site plan as to bank the 16 parking spaces on the east property line and agrees that they shall be installed at a time deemed necessary by the township manager.
10. Petitioner shall add one canopy tree on the landscaped islands adjacent to and on the east side of the building.
11. Any water softener used on the premises shall not discharge into the sanitary sewer system and shall only use potassium-based products.
12. The developer acknowledges the formula used by the township for sewer and water REU's and such charges shall be determined by the township engineer and staff at a later date.

Motion unanimously carried.

ADMINISTRATIVE BUSINESS

There was no Planner's Report.

Moved by Litogot, supported by Mortensen to approve the minutes of the September 27, 1999 meeting with a minor change on page 12. **Motion unanimously carried.**

Moved by Mortensen, supported by Joseph to approve the minutes of the September 21, 1999 meeting with minor changes to pages 1 and 4. **Motion unanimously carried.**

The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Dia M. Moulton
Recording Secretary