

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

The work session of the Planning Commission was called to order by Vice 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, Gary McCririe, Bill Litogot, Jim Mortensen, and Jerry Joseph. Also present were Michael Archinal, Township Manager, and Melissa Talley from McNamee, Porter and Seeley. By the end of the work session, there were numerous people 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 Vice Chairman Pobuda at 7:05 p.m.

Moved by Figurski, supported by Joseph to approve the Agenda with the following changes: The enumerated items in Item #3 should be changed to:

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

And Item #4 should be changed to:

- "4) OPEN PUBLIC HEARING #4...REVIEW OF AN IMPACT ASSESSMENT AND CORRESPONDING TENTATIVE PRELIMINARY PLAT FOR A PROPOSED DEVELOPMENT CONSISTING OF 121 SINGLE FAMILY HOMES ON 219 ACRES LOCATED OFF HUGHES ROAD. SECTION 2, 3, & 10: CHEMUNG FOREST/BOSS ENGINEERING. (Remanded back from Township Board.)
 - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - B. RECOMMENDATION REGARDING TENTATIVE PRELIMINARY PLAT."

Also, because the Township Planner has not yet arrived (due to bad weather conditions), Agenda item #3, which seems to need the least amount of input from the Planner, will be heard first.

Motion unanimously carried.

Vice Chairman Pobuda announced that due to the length of the meeting, agenda items #6-9, as published in the newspaper, will be tabled and heard at a special meeting on January 25, 1999.

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

- 1) OPEN PUBLIC HEARING #1...REVIEW OF A SPECIAL USE APPLICATION, IMPACT ASSESSMENT AND CORRESPONDING SITE PLAN FOR A PROPOSED BUILDING LOCATED ON THE SOUTH SIDE OF GRAND RIVER AT EULER ROAD; SMEDE SON STEEL/DESINE ENG., INC. (Tabled from November 9, 1998 meeting.)
 - A. RECOMMENDATION REGARDING SPECIAL USE.
 - B. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - C. RECOMMENDATION REGARDING SITE PLAN.

Mr. Archinal reviewed the history of the application. The business had been devastated in a fire and lost its non-conforming status. The applicant came before the Planning Commission to rebuild the business, but needed several variances from the ZBA first. The applicant went before the ZBA and received several variances.

Mr. Wayne Perry of Desine Engineering, stated the existing sign will be removed. Variances for the 9' side yard and 12' rear yard setbacks were granted by the ZBA. The ingress/egress cuts are existing and were approved by the ZBA. The outdoor storage is approved by the Township Board with a recommendation from the Planning Commission. The 8' fence was granted, but must be of natural material, per the ZBA. He stated that they have made significant modifications to the storm water and a landscape plan was completed per the planner's request. A 30' utility easement is shown on the plans.

Commissioner Litogot asked about rooftop equipment.

The owner of Smede Son Steel stated there will only be a condenser unit on the roof that is 18" in height. It will not be visible.

The building materials and colors were presented to the satisfaction of the Commissioners. It will be beige block and split-faced block with a decorative metal edging, the same color as Kil's Tai Kwon Do.

Commissioner Mortensen asked about the east and south elevations. He felt they were pretty plain. Since he wasn't at the last meeting, he wondered was this ever discussed?

Mr. Perry answered that the east is hidden by Handi-Rental since the two buildings are so close. The south faces Best Storage. The Commissioners agreed that the elevations were acceptable.

Commissioner McCririe asked about the installation of the sidewalk.

Mr. Perry stated this issue is addressed on a note on the plans. The installation of the sidewalk and the 20' landscaped front yard greenbelt will be tied into the installation of the utilities, or at the Township's request. He couldn't see tearing up the sidewalk in a year for the utilities. And the 20' greenbelt is proposed over the existing septic field. It can't be constructed until the septic field is not needed when the utilities finally go in.

Ms. Melissa Talley from McNamee, Porter & Seeley, stated the applicant has addressed most of their comments. However, there was still some concern on the storm basin. It is not typical, and they may need a waiver from the Drain Commissioner. Mr. Perry acknowledged he understood.

(Mr. Tom Florida entered the room at this time and announced that Mr. Purdy from The Strader Group called and would not make it to the meeting because of the inclement weather.)

The Strader Group letter, dated January 8, 1999 was discussed. Items #1-4 and 8-9 have been addressed. The Commissioners agreed that item #5 (landscaped area over the existing septic field) could be delayed per note #3 of the site plan. The barbed wire across the top of the 8' fence (item #6) was discussed. Mr. Archinal noted that this is allowed in the ordinance in a commercially or industrially zoned site. No pole lighting is proposed on the site (Item #7).

Commissioner Litogot asked about the circulation of trucks.

Mr. Perry showed on the plan how there is a 150' loading area. A truck would pull into the west entrance, into the loading area, and will then have to back up (as they currently do) to swing around to exit out the east curb cut. That is one of the main reasons that two curb cuts are needed. Otherwise, the site is not conducive to large trucks coming in and out. The turning radius has actually been improved with this site plan.

A call to the public was made at 7:40 p.m. with no response.

It was noted that in the Impact Assessment, letter "L" needed to include the days of operation. (M-F and one-half day on Saturday)

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of a special land use permit for outdoor storage with the following conditions:

1. The petitioner shall exercise normal dust control measures so to not create a nuisance to adjacent properties.
2. Any storage within the enclosed fence shall not exceed nor be visible above the top of the fence.

Motion unanimously carried.

Moved by Litogot, supported by Figurski to recommend to the Township Board approval of the Impact Assessment, revised date of 12/28/98, with item #L to include the days of operation for Monday through Friday, and Saturday 7:30 a.m.-12:00 noon.

Motion unanimously carried.

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the site plan for Smede-Son Steel with the following conditions:

1. Township Board approval of the special use permit as recommended by the Planning Commission.
2. Township Board approval of the Impact Assessment, revised date of 12/28/98 with the condition stipulated by the Planning Commission.
3. Township engineer review and approval of all plans and specifications with special attention to site drainage.
4. Livingston County Drain Commission approval of all site drainage.
5. The existing sign on the site shall be removed prior to an occupancy permit being granted for the new facility.
6. The petitioner shall cause a bond to be placed for the benefit of the township for the installation of the sidewalk and front yard landscaping satisfactory to the township staff and attorney.
7. The materials and colors as presented are acceptable and shall be available at the Township Board meeting and they shall become the property of the township.
8. All roof-top mechanical equipment shall be screened from view from all sides.
9. Petitioner shall provide a 30' utility easement to the benefit of the township in recordable form, satisfactory to the township attorney, across the Grand River frontage of the property as depicted on the plan.
10. The petitioner is aware that the site is currently located within the future water and sewer expansion area and will be subject to certain assessments for same.
11. Subject to review of the Brighton Fire Marshall.

Motion unanimously carried.

- 2) OPEN PUBLIC HEARING #2....REVIEW OF A SPECIAL USE APPLICA-

TION FOR NON-RIPARIAN LOT USED FOR RIPARIAN RIGHTS
LOCATED LOT 41, WEBSTER PARK SUBDIVISION. SECTION 30:
JONES 9 (No action taken at September 28, 1998 meeting.)

A. RECOMMENDATION REGARDING SPECIAL USE APPLICATION.

Mr. Archinal gave a brief history of the applicant. Township staff concluded that the ordinance did not apply in this case and a special use was not required. The matter was given to the ZBA for interpretation. The ZBA disagreed and concluded that the ordinance does apply and a special use is required. Now it is before the Planning Commission for a recommendation to the Township Board on either the granting or denial of a special use permit. He noted that a special use is not permitted by right. There are a number of standards that must be met. He advised reviewing The Strader Group letter, dated August 10, 1998, regarding conditions under Article 12. Item #1 in the "Summary" of the letter states the minimum lot width is not met.

Mr. Robert Jones, Howell, MI, the applicant, referenced his letter to Mr. Archinal, dated December 1, 1998. He stated he disagrees with Mr. Purdy's dimensions. There are 4 1/2 lots to this parcel and all should be included in the dimensions. They are all under one tax I.D. number.

Commissioner McCririe, in referencing the general special land use conditions in The Strader Group letter, stated the petitioner does not meet the "spirit" of the conditions. This application is not compatible with the goals and objectives and policies of the township's comprehensive plan. It is not the goal of the township to allow keyholing of established developments. Therefore, he believed Mr. Jones could not demonstrate that he meets the goals and objectives. He further stated that he could see where, if certain conditions were met, he would consider riparian rights. For example, if a brand new plat were developed where an association would own a parcel of property on a lake, and it was very clear as to the use of this parcel (by whom and for what purpose) its maintenance, etc., and there was an agreement in the plat.

Mr. Jones stated he disagreed with Commissioner McCririe's comments about not meeting the requirements.

Commissioner Litogot stated he totally disagreed with the interpretation by the township staff. He is a lake front owner. His definition of a non-riparian with rights is that it enables them "to get their feet wet." There are public docks, etc. to be used. This could set a very dangerous precedent.

Commissioner Figurski agreed with Commissioners McCririe and Litogot. She stated she has looked over the special land use and doesn't see how she could approve this because it goes against everything the township is trying to do (section 12.08).

Commissioners Mortensen and Joseph stated they don't want to see keyholing, and don't believe the petitioner has met the spirit of the ordinance or the Master Plan.

Commissioner Figurski also noted that an impact assessment and site plan have not been submitted.

Mr. Jones answered that there is a letter from Mr. Krinock that should address the impact.

Vice Chairman Pobuda stated that while the required information may be somewhere in all of the paperwork this application has generated, there is a format to be followed for an impact assessment. It is not in a compatible and thorough form.

Commissioner McCririe reiterated that he totally disagrees with the staff's interpretation. He is not ready to allow owners along a lake grant easements to off-lake owners.

Mr. Jones stated keyholing is not in itself illegal. The ordinance states criteria for keyholing. He wondered if the Commissioners were going to deny this because it doesn't meet the "spirit" of the ordinance, when it has met the criteria.

Commissioner McCririe stated Mr. Jones' lot was already in existence. He doesn't believe it complies with the goals, objectives, and policies of Genoa Township. That is subject to interpretation by this body. The ZBA felt that this petition belonged in front of this body for such an interpretation.

Regarding letter "b" on page 2 of The Strader Group letter, Commissioner McCririe stated granting an easement across a waterfront parcel for a non-riparian can significantly alter the existing or intended character of the general vicinity. By creating a special use, one cannot prevent negative impacts on the lake or the overcrowding of the lake. Commissioner Litogot noted that Mr. Jones does not have a marina permit for the dock either.

Mr. Jones reiterated that Mr. Purdy did not use the correct dimensions in calculating lot size and lot width (i.e., #2 on page 3 of the August 10, 1998 Strader Group letter). Mr. Archinal noted that he guessed Mr. Purdy operated from the drawing that was included with the application which showed lot #41 only.

Mr. Jones stated he found it unusual that for such a small impact, the Commissioners were overriding the recommendations of their planner, attorney, and manager. He found that unusual.

Vice Chairman Pobuda stated that this is not so unusual. He appreciated Mr. Jones' concerns, but in his dealings with various boards and commissions, this does happen.

A call to the public was made at 8:20 p.m.

Mr. Byron Rogers, 2127 Brighton Road and President of the Pardee Lake Property Owners Association, submitted to the Commissioners a "Summary of Issues of Concern Regarding Riparian Rights." He asked members of the audience who were members of the association to raise their hands. (There were about 25 members.) He briefly reviewed the points. He noted that Mr. Jones does not own any property on the lake, he only has a 20' easement, which is questionable at best. The easement was recorded, but not granted in court. He stated the association opposes the special use approval because of the dangerous precedent and for other reasons stated in his summary and previous correspondence. He noted that the opposition was nothing personal against the Jones'. If anybody else were to make application for the same, the association would show up with the same arguments, in the same fervent manner, and fight it all the way.

Mr. Leonard Littman, 2223 Webster Park Drive, stated he is the owner of the property in question for riparian access. He is also Vice President of the lake association. He noted that the property has been improved. Some trees have been removed, a chipped wood path is in place. He plans to make more improvements in time. As an owner, and as a member of the association, he opposes the Jones' "easement." He asked for a show of hands from the audience of those who are against the application. (The same number as before raised their hands, about 25 people.)

Ms. Dawn Hamer, 2237 Webster Park Drive and Secretary of the lake association, stated she has a 10' easement for a septic field on lot #41 that pre-existed the Jones' "easement." Ten feet of the Jones' easement is over her easement. She stated she is opposed to the easement, and believes it is invalid. She does not want keyholing on the lake and is opposed to the application.

With no other comments, the call to the public was closed at 8:30 p.m.

Mr. Jones stated that he finds some of the comments humorous and conflicting. He noted that Mr. Littman wants to improve the lakefront, removing trees, etc., yet this body and others are worried about hurting the shoreline. Also, how would putting a septic field near the lake help to protect it? This seemed "two-faced."

Commissioner McCririe noted that merely granting an easement does not make it valid. But if it is valid, he referenced the comments of Mr. Dale Cooper on page 1 of the ZBA Minutes of November 10, 1998. If there are two easements, we now have two persons asking to use the easement to the lake. This action now creates a "group." What if Mr. Littman sells his property and grants another easement? The intent of the ordinance and township policies is to not have multiple non-riparian users of a lake.

Moved by Litogot, supported by McCririe, to recommend to the Township Board the denial of a special land use for lot #41 pertaining to Article 12 as the petitioner has not demonstrated meeting conditions within Article 12 from page two of The Strader Group letter, dated August 10, 1998, letter items "a", "b", "d", or "e", and, further, that the

minutes of the ZBA of November 10, 1998, where Mr. Cooper asserts that a granting of a dual easement over property does constitute a group for the purposes of the ordinance.

Motion unanimously carried.

The meeting recessed at 8:40 p.m. and reconvened at 8:45 p.m.

3) PUBLIC HEARING #3...REVIEW OF A SPECIAL USE APPLICATION, IMPACT ASSESSMENT AND CORRESPONDING SITE PLAN FOR A PROPOSED CAR WASH, LOCATED AT 3200 EAST GRAND RIVER AVENUE; LANDER/BDG INC. (Tabled from December 14, 1998 meeting.)

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

Mr. Greg Plauzer of Building Design Group introduced Mr. Chris Lander, owner, and Mr. Lou Aumacher. Mr. Plauzer explained the site is surrounded by commercial and industrial. They are proposing a totally enclosed car wash system. Proper stacking is provided. And, in order to provide a greenbelt between the car wash site and the Dunkin Donuts site, they have narrowed the escape lane, reduced its curb, moved the building slightly east, and have included the greenbelt partially on the Dunkin Donuts property (which the applicant also owns with his father). They are proposing a total reclaiming system for the water. Thus there will be no impact on the sewer system except for the proposed restroom. There are catch basins which flow to a detention pond and then on south. There is shielded lighting, no trash enclosure, no mechanical equipment on the roof, and collection of the money is done inside. The building will be split-faced and scored concrete block with an asphalt shingled roof.

Mr. Lander stated that the biggest changes since the last meeting are the 10' greenbelt on the east, and that the property line now runs down the middle of the greenbelt on the west. The building is 140' long and 33' 4" in width. He noted that a service drive connection to the east (Opie's Cabinets) is not really possible. There is a 10 acre flood plain just to the east of Opie's. He stated that Mr. Purdy came out to the site and agreed a connection would most likely not be possible.

Mr. Archinal also noted that the owner to the east does not want traffic from the car wash coming onto his property.

The Commissioners discussed the proposed left-hand turn onto Grand River. Ms. Melissa Talley stated the township engineers are opposed to this because of site circulation and safety issues.

Commissioner McCririe stated they have to look at where a curb cut is in relation to other curb cuts. The Commissioners try to mitigate the number of potential conflicts. He thought this could be accomplished by trying to move some traffic on to Victory Drive. The other Commissioners voiced their agreement, except Commissioner Litogot, who stated he just didn't know yet.

Mr. Lander stated not having a left-turn onto Grand River could limit the number of customers he has.

The Commissioners disagreed. They noted that the applicant has known, as referenced in the McNamee, Porter & Seeley correspondence dated as far back as August, 1998, that a traffic study needed to be done to show why a left-hand turn is warranted and the impact it would have. They felt customers would learn to use Victory Drive in order to go left.

Mr. Archinal stated the setback for the greenspace between the two properties does not meet the requirements, and a variance will have to be received from the ZBA. He noted that he has met with Mr. Lander, reworking this site, and what has been provided is the best Mr. Lander can do without combining the two sites into one ownership.

Mr. Lander stated he did not want to combine the two parcels because of liability, insurance, etc.

The Commissioners agreed that asking for a variance from the ZBA was not a problem, except for Commissioner Figurski, who stated she would have to think more about it.

Commissioner McCririe stated the parcel is a non-conforming lot of record, and this proposal will not increase its non-conformity. In fact, it will be a better situation with the improved landscaping buffer. But he wondered about the small protruding island between the two parcels near the Grand River entrance. What is that? Could it be reconfigured?

Mr. Lander explained the island is there to provide for six required parking spaces.

Commissioner McCririe wondered if customers would be able to turn left out of the car wash to exit onto the adjacent site to Victory Drive very easily with the island there. Could employees park on the adjacent site through an easement or some agreement?

Mr. Lander answered there wouldn't be enough required parking on the adjacent site. Besides, people will park there regardless.

Ms. Talley noted that the curb width on the east side has been reduced. The width should be 24". This may require a variance. She would have to check this out.

Vice Chairman Pobuda asked about meeting DNR and other state requirements. Also, if the system should fail, is there any potential for overflow going out into the street or adjacent properties?

Mr. Lander answered the system is computerized. If a "sludge" tank fills up, it automatically shuts down. If the system should fail, all that would happen is he would be washing cars with dirty water. Nothing goes off site, except the dripping water the cars carry away when they exit. The DNR or EPA would have jurisdiction to shut them down.

Commissioner McCririe asked if more evergreen trees could be placed between the canopy trees and the sign at the Grand River entrance to better shield the door which faces Grand River. After discussion, Mr. Lander agreed to do this.

A call to the public was made at 9:30 p.m.

Mr. John Krohl, 6888 Pinckney Road, Pinckney MI stated he owns the site to the east of this proposal. He has concerns with traffic cutting across his property.

Commissioner McCririe noted that, as previously discussed, because of the flood plain, the cross-access easement would be eliminated.

With no other comments, the call to the public was closed at 9:32 p.m.

Moved by Mortensen, supported by McCririe to recommend to the Township Board the approval of the special use permit for a car wash to be located at 3200 East Grand River. **Motion unanimously carried.**

Moved by Mortensen, supported by Figurski to recommend to the Township Board the approval of the Impact Assessment, dated 10/20/98, with a change to be made on page 7, to eliminate the reference to the left-turn when exiting onto Grand River. **Motion unanimously carried.**

Moved by McCririe, supported by Litogot to recommend to the Township Board the approval of the site plan for Lander Automatic Car Wash with the following conditions:

1. Township Board approval of the special use permit as requested.
2. Township Board approval of the Impact Assessment as modified.
3. Township engineer review and approval of all plans and specifications.
4. Petitioner providing necessary detention access and parking easements in recordable form satisfactory to the township attorney.
5. Subject to a variance being granted by the Zoning Board of Appeals for the western landscaped buffer and possibly for curb width.
6. Petitioner acknowledges the connection fees as stipulated by the township engineer for sewer and water which shall be subject to further review and final determination by township engineering and staff.

7. All references to left-hand turns from the site onto Grand River shall be removed from the site plan.
8. Petitioner shall receive all DEQ and EPA permits and adhere to all their standards.
9. Petitioner shall obtain a permit from the MDOT for the driveway.
10. Cross easements to the property to the east shall be eliminated.
11. Two additional spruce trees of like kind and size as depicted on the plan shall be added to the area in the northeast corner of the site between the sign and the proposed trees subject to the review and approval of the township planner.
12. Subject to the review of the Howell Fire Marshall.
13. Building materials and colors as presented are satisfactory and shall be available for review by the Township Board and shall become the property of the township thereafter.

Motion unanimously carried.

Moved by McCririe, supported by Mortensen to request that the Zoning Board of Appeals consider favorably the variance for the west landscaped buffer as proposed by the petitioner, Lander Automatic Car Wash. **Motion unanimously carried.**

- 4) OPEN PUBLIC HEARING #4...REVIEW OF AN IMPACT ASSESSMENT AND CORRESPONDING TENTATIVE PRELIMINARY PLAT FOR A PROPOSED DEVELOPMENT CONSISTING OF 121 SINGLE FAMILY HOMES ON 219 ACRES LOCATED OFF HUGHES ROAD. SECTION 2, 3, & 10: CHEMUNG FOREST/BOSS ENGINEERING. (Remanded back from the Township Board.)
 - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
 - B. RECOMMENDATION REGARDING TENTATIVE PRELIMINARY PLAT.

Mr. Chris Lindstrom from Boss Engineering stated the project has been approved by the Township Board as a site condominium. Now they are asking for consideration as a plat. All of the lot dimensions, square footage, open space and roads will remain exactly the same as previously approved. A plat allows for public roads and lots are individually owned. There is less developer involvement than a site condominium. He stated the four issues in The Strader Group letter of 12/21/98 are acceptable (boundary dimensions, sidewalks, tree detail, and flowering dogwoods).

Commissioner Figurski voiced her frustration with the applicant's lack of updating the Impact Assessment. She stated this has been asked for on several occasions. Specifically, listing the new owner/developer, page two (Exhibit "D" is not included), page three, letter "F" (individual wells, not a community well), page four (Will the pump station be larger?). She also voiced her concern regarding page three, letter "E" and the "...natural wooded

buffer around the perimeter which will remain undisturbed...." She stated that many, many trees have been removed already, and she was concerned that this requirement was not being met. Also, she wondered if the workers and their equipment would be coming down Grand River and Hughes Road, or using Golf Club? The traffic and road conditions have been awful so far.

Commissioner McCririe suggested asking the planners and staff to go out and confirm that the areas in the landscape plan that are to be undisturbed, are not being disturbed. Something will have to be done about it if the plan is not being adhered to.

A call to the public was made at 9:55 p.m. with no response.

Moved by Litogot, supported by Joseph to recommend to the Township Board the approval of the Impact Assessment for Chemung Forest, dated 12/11/98, with the following conditions:

1. Cover page and page one: change ownership names.
2. Page two: Exhibit D is referenced, but not included.
3. Page three, letter "E": The language regarding the wooded buffer being undisturbed needs to be verified.
4. Page three, letter "F": The development will not be serviced by a community well, but rather individual wells.

Motion carried. (4 yes, 2 no - Figurski and Mortensen dissenting)

Moved by McCririe, supported by Litogot to recommend to the Township Board approval of the tentative preliminary plat for Chemung Forest with the following conditions:

1. Meeting the four conditions contained in The Strader Group letter of December 21, 1998.
2. Township Board approval of the Impact Assessment as modified.

Motion carried. (4 yes, 2 no - Figurski and Mortensen dissenting)

Vice Chairman Pobuda suggested that Mr. Lindstrom note by the dissenting votes that it appears his development is not bringing all of the materials and updates to their satisfaction. He strongly suggested these things be done before going before the Township Board.

5) OPEN PUBLIC HEARING #5...REVIEW OF COUNTRY CORNERS SHOPPING CENTER SITE PLAN PARKING LOT CALCULATIONS.

A. RECOMMENDATION REGARDING SITE PLAN.

Mr. Mark Latterman, attorney for the applicant, stated Mr. Mike Boggio (the architect) could not make the meeting because of the inclement weather. He would do his best to answer questions. He stated he believes his client meets the parking requirements.

Vice Chairman Pobuda stated it was his recollection that when the original mall was approved, it was understood that there would be no restaurant in this development.

Mr. Archinal suggested reviewing the minutes of the previous meetings. His understanding was that at the time of approval, a full-scale restaurant with a liquor license was not allowed because there wouldn't be enough parking. Now that actual tenants are in place, the parking calculations have changed. The calculations that Mr. Boggio has submitted, if correct, meet the ordinance.

Commissioner McCririe stated the developer accepted the stipulation that a restaurant was not going to be allowed. Receiving a proposal from Mr. Boggio without comments from other expertise troubles him. Also there is not a letter from the engineers. He voiced his concerns with the parking and how uses may change in the future.

Mr. Mallad, the restaurant franchise owner, stated there will be no other restaurant as that is stipulated in his lease.

Vice Chairman Pobuda stated when this mall was originally discussed and approved, there was discussion of a restaurant on the west side. Because of parking problems, the Commissioners felt the mall could not support a restaurant. Also, there were concerns with traffic.

Commissioner Joseph stated he wished the township planner was present to clarify some issues. He wanted input from him.

Commissioner Mortensen stated that if he were required to vote, he would vote "no". But, if it were tabled, he would want information on what was previously approved, what the parking assumptions were when approved, and what justifies the new calculations. He also wanted input from the engineers.

Commissioner McCririe stated there have been meetings with staff, and asked Mr. Archinal for his input on what has been discussed.

Mr. Archinal stated he was concerned with the reliance on the planner tonight. He felt this was something that the Commissioners could act on. He stated he is required to make these calls on a day-to-day basis. He felt it was pretty clear cut. While he shared the Commissioners' disappointment on the quality of the calculation notes, he felt they were correct. The calculations changed because of the day care and other "mechanical" changes.

Mr. Latterman stated the liquor license was permitted some time back. The Township Board has the right to approve liquor licenses, so another liquor license could not come in without Township Board approval. He wondered what basis there would be for not approving this?

Commissioner McCririe asked how he could know that these figures are correct? The township hires expertise to confirm things like this. He wanted their expertise. He also stated that it is very frustrating when stipulations and agreements are made, and site plan approval is granted, and then the rules are changed in the middle of the game.

Vice Chairman Pobuda stated that he is not pleased with what is before him. He specifically remembers that the mall was to have no restaurant because of traffic and parking concerns.

Commissioner Mortensen stated he wanted more information. He wanted the previous minutes, showing what was approved and a step by step reconciliation between the parking assumptions then and now.

Commissioner Litogot stated that right now he doesn't have a problem with a restaurant, but he is not prepared to vote. He wants more information.

Commissioner Joseph stated he would welcome more information, but if Mr. Archinal has reviewed the calculations and finds them correct, he doesn't have a problem.

Mr. Latterman stated he could understand the Commissioners' positions on wanting more information and input. He asked that this be tabled.

Moved by Litogot, supported by Joseph to table Country Corners Restaurant at the petitioner's request. **Motion unanimously carried.**

ADMINISTRATIVE BUSINESS

There was no Planner's Report.

Moved by McCririe, supported by Litogot to approve the minutes of the December 14, 1998 meeting with minor typo corrections on pages one and two. **Motion unanimously carried.**

Moved by Figurski, supported by Mortensen to table published agenda items #6, 7, 8, and 9 until the January 25, 1998 special meeting. **Motion unanimously carried.**

The meeting was adjourned at 10:29 p.m.

Respectfully submitted,

Dia M. Moulton
Recording Secretary