

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
MARCH 9TH, 2009
6:30 P.M.**

AGENDA

CALL TO ORDER: At 6:30 p.m., the Genoa Township Planning Commission meeting was called to order. Present constituting a quorum were Chairman Doug Brown, Barbara Figurski, Diana Lowe, James Mortensen and Dean Tengel. Also present were Jeff Purdy of LSL, Tesha Humphriss, Township Engineer, and Kelly VanMarter, Planning Director.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Upon motion of Barbara Figurski and support by James Mortensen, the agenda was approved as submitted. **Motion carried unanimously.**

WORK SESSION: No work session was required.

CALL TO THE PUBLIC: (**Note: The Board reserves the right to not begin new business after 10:00 p.m.**)

OPEN PUBLIC HEARING # 1... Request for approval of an amendment to the Livingston Commons PUD, PUD Plan and environmental impact assessment for property located at the SW corner of Grand River and Latson Road. Sec. 5, petitioned by RG Properties.

Bo Gunlock, 8163 Old Yankee Road, Dayton, Ohio addressed the Planning Commission. He indicates that the plans submitted at that time were in conjunction with what changes were anticipated with Latson Road. He gives a brief history of the prior PUD.

Mike Craine of the Road Commission contacted petitioner regarding redesigning the intersection at Grand River and Latson Road. Petitioner would give up approximately 40% of their land. Twenty-three acres of land would remain after the interchange is constructed. They are attempting to increase the revenue of the remaining land in exchange for contributing the land that the Road Commission is requesting.

Petitioner provides a plan for "phase two" of the Livingston Commons development. He explains the changes and how those changes effect Lowe's, as well. All access to the proposed parcels would be via Grand Oaks Drive.

Petitioner is requesting increased densities for the land, itself. Essentially, Latson Road is being realigned. Petitioner is seeking modification of permitted uses and for an increase in density. Petitioner will ask MDOT to take storm water runoff. Petitioner is requesting two gas stations. A variance in separations between gas stations would be requested, as well.

Dean Tengel feels that it would be wise to keep gas stations closer to the highway access, rather than spread out.

Petitioner is also requesting that a car wash be permitted with one of the gas stations. Petitioner is requesting a bank be permitted with more than three drive-thru lanes. Also, he requests that hospitals and/or medical facilities be permitted. Office use is permitted and projected. Drive-thru restaurants are also requested. This would require a waiver of the five hundred foot separation.

Petitioner agrees that truck stops will not be permitted.

Petitioner addresses modification to density requirements. They ask that minimum parcel size be one acre, however there is one parcel that is .6 acres that would be owned by petitioner. Petitioner requests various changes in setbacks, based on zone one and zone two of phase two.

James Mortensen discusses setbacks from right-of-way line with petitioner. Latson Road is proposed to be five lanes and Grand Oaks is proposed for three lanes. Jeff Purdy indicates that there should be enough greenbelt between building and road to provide for landscaping.

Signage was also discussed. A drawing of proposed signage was presented to the Planning Commission. It is proposed that they be placed alongside the freeway ramp, along phase two of the development.

Petitioner discusses traffic with the Planning Commission. He feels a traffic study should only include acceleration/deceleration lanes on Grand Oaks. He indicates MDOT has studied this area for years. Additionally, it was already paid for by the petitioner and Latson Road was built with this in mind. Therefore, a study would be redundant. James Mortensen asks Tesha Humphriss if MDOT would have already done a study and she indicates they have. She has a copy of it and indicates that MDOT did not analyze the intersection of Grand Oaks and Latson. Also, MDOT did not include development on this parcel in its study. Petitioner indicates that the ordinance would require a traffic study, but he is requesting that he not be required to do so. Jeff Purdy indicates he believes a traffic study is necessary. James Mortensen indicates there are three other

quadrants and how that could be studied is an unknown factor right now. Dean Tengal asks what changes a traffic study could create. Jeff Purdy indicates it addresses more than the number of lanes. The Planning Commission could also look at de-intensifying the uses as a tool to generate less traffic. James Mortensen indicates that he believes the Latson Road interchange and its four quadrants need to be looked at more thoroughly and traffic patterns need to be looked at. Tesha Humphriss indicates that MDOT is going to follow their road development plans, whether the petitioner puts in two buildings or more.

Petitioner requests a modification to the expiration of the PUD conceptual plan to expire two years from the opening of the interchange. The Road Commission is requesting deeds for the right-of-way by the end of May.

Tesha Humphriss discusses her concerns as outlined in her letter of March 4, 2009. James Mortensen believes a statement should be added to the PUD indicating that approval is subject to MDOT providing stormwater drainage. Petitioner has agreed to loop the water main. Kelly VanMarter wants the updated REU schedule to apply. Tesha Humphriss indicates that the location of the internal driveway should be added to a future site plan.

Jeff Purdy suggests lot A should share access with Lowe's driveway to Grand Oaks and lots B & C shall have a shared driveway that is directly aligned with the driveway to Lowe's and lot A. Proposed changes to this would require approval of the Township Engineer.

Jeff Purdy reviews his letter of March 3, 2009 with the Planning Commission. He believes setbacks, building heights, etc., should be waived due to the more intense usage proposed. He thinks higher quality buildings would require a height waiver. He does not support the greenbelt reductions, however. He also suggests a 25% landscape area be maintained. He recommends an updated traffic study either under the PUD concept or by individual sites.

James Mortensen asks petitioner if he objects to the landscaping request. Petitioner is requesting that in zone one, the greenbelt be reduced from 20 feet to 10 feet. He states that he would support language being added to state that the goal is twenty, but ten may be permitted in zone one in the area along Latson, north of Grand Oaks.

Dean Tengal would like to see as many shared drives as possible due to the reduction in lot width. He would also like to see sidewalks be installed on one side of Latson Road.

Petitioner and Chairman Brown discuss changes that need to be made to the environmental impact assessment. The language regarding the storage of hazardous materials is specifically addressed. Chairman Brown does not like the use of the word "significant".

Petitioner and the Planning Commission discuss various proposed changes to the PUD. It is agreed that 90% impervious surface will be acceptable in the area north of Grand Oaks and the balance will be permitted to have 85% impervious surface.

James Mortensen discusses uses outlined on table 7.02. He expresses concerns with there being no limit on special uses permitted "by right". James Mortensen suggests there be one pharmacy permitted w/ drive-in window by right; one dry cleaner drive-thru by right; one restaurant with open front window (i.e., Dairy Queen) by right; one five-lane drive thru bank by right; one stand-alone drive-up teller machine by right; one accessory drive-thru, and no truck stop.

Tesha Humphriss indicates that no traffic signal studies have been done and this should be addressed. Petitioner indicates that a study would have to be paid by the Road Commission and the petitioner would not pay for a light because it's not a private road, but rather a public road. Petitioner indicates he will get involved in design of deceleration and acceleration lanes at Grand Oaks and Latson Roads. If petitioner requests a signal at Grand Oaks and Latson, they will pay for the traffic study (but only if they request it, but they don't foresee doing so).

Planning Commission disposition of petition

- A. Recommendation of PUD amendment. (dated 3-5-09)**
- B. Recommendation of PUD Plan. (dated 2-18-09)**
- C. Recommendation of Environmental Impact Assessment. (dated 2-18-09)**

Motion by James Mortensen to recommend to the Township Board that they approve the amendment to Livingston Commons PUD, Phase two, subject to the following:

1. The requirements of the Township Engineer as outlined in her letter of 3/4/09 will be complied with, with the following modifications to that letter:
 - a. Item 6 in the engineer's letter will be revised to indicate that no traffic study will be required by the developer unless required by another governmental agency such as MDOT or the County Road Commission. However, the requirements for traffic studies for acceleration and deceleration lanes for properties developing along Grand Oaks will still be required of the developer;
 - b. Item 7 will be expanded to include the requirement that lot A shall share access to Grand Oaks Drive with Lowe's and lots B & C shall share access, aligned with the lot A and Lowe's access to Grand Oaks. Any proposed changes from those depicted on the preliminary site plan shall require the approval of the Township

- Engineer. The right for a curb cut along Grand Oaks will be permitted by right and will be shared between Lowe's and lot A;
2. Section 1.3 - will add the words developer funded for the acceleration and deceleration lanes in the last sentence;
 3. Section 1.4 - the last sentence, the word "will" will substitute the word "should";
 4. Section 2.1 – the last four lines after "exhibit C" will be deleted;
 5. Section 2.4 – entire paragraph will be deleted and the words "intentionally left blank" will be inserted;
 6. Section 2.8 – in the minimum lot area, a footnote will be added to the words "one acre" which shall read that "lot A-1 can be .6 acres";
 7. In Zone 1, the parking lot will be revised to read twenty feet instead of ten feet and a footnote will be added saying that this requirement may be reduced to ten feet for the lots north of Grand Oaks Drive;
 8. In Zone 1, a footnote will be added to say 90% impervious surface is permitted in the area north of Grand Oaks and the remainder will be 85%;
 9. In Zone 2, the rear yard setback will be changed to 20 feet from 25 feet;
 10. Article 3, Section 3.2, paragraph C. - eliminate the words "if the main access point is signalized";
 11. Article 3, Section 3.2, paragraph E – strike the last words of the paragraph, "per sub-paragraph A above" and substitute those words for "as determined by a traffic impact study referenced in 3.2.A. above";
 12. Article 3, Section 3.2, paragraph G – add the words to the end of the sentence that "the sidewalk will be required along lot B on Latson Road if a sidewalk is built along the interchange by" This will be paid by the person developing the lot;
 13. Article 3, Section 3.2, paragraph K – Add to the beginning: "In Phase 1, the northern access point to Latson Road between lots four and five" shall have...;
 14. Section 6.2 – "in phase one" should be added after third word in sentence and the last sentence will be modified to indicate 8' concrete sidewalks will be paid for by the lot owners;
 15. Section 6.4, paragraph F – The words "through a lot owners association" will be deleted and the words "by either the developer, or a lot owner, or association" will be inserted;
 16. Section 8.2 – The words "commercial, industrial and residential" will be removed from sentence.
 17. Exhibit C of the PUD agreement will be revised as follow:
 - a. Pharmacy drive-thru's, dry cleaner drive-thru's, accessory drive-thru's, open front window restaurants, five-lane banks and stand alone ATM's shall be allowed as a permitted use once by right. Any additional ATM's shall require a special use permit;
 - b. The schedule will be revised to add that truck stops are not permitted by either right or special use;
 18. There will not be a 500 foot separation required between gas service stations and drive-thru restaurants;

19. This approval is granted for a period of two years from completion of interchange by MDOT;
20. This recommendation is contingent upon the approval of the Township Board of the conceptual PUD plan and Impact Assessment;
21. The Township attorney will review this agreement prior to execution.

Second by Barbara Figurski. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the preliminary site plan reviewed this evening, subject to the following:

1. Approval by the Township Board of the environmental impact assessment and PUD amendment;
2. Revision of this preliminary site plan to be consistent with the modifications made this evening to the PUD agreement.

Second by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment dated 2/18/09 with:

1. Section 8.2 from the PUD Agreement should be inserted in the environmental impact assessment under Item D;
2. Dust control measures should be included;
3. Third paragraph in C-1 – delete the last 5 words;
4. Under section G, the last sentence should reflect the Brighton Fire Dept., not Genoa;
5. Revise to state that “no storage of hazardous materials are planned, other than in full compliance with federal, state and local laws”

Support by James Mortensen. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of January 12, 2009 Planning Commission meeting minutes. **Motion** by Barbara Figurski to approve the minutes of January 12, 2009 as amended. Support by Diana Lowe. **Motion carried unanimously.***
- *Member Discussion*

Adjournment at 10:50 p.m.