

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
September 25, 2023**

MINUTES

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Diana Lowe, Marianne McCreary, Eric Rauch, Tim Chouinard, and Greg Rassel. Absent was Glynis McBain. Also present was Planning Director Amy Ruthig, Brian Borden of Safebuilt and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

Chairman Grajek welcomed Greg Rassel to the Planning Commission. He was previously the chairman of the Zoning Board of Appeals.

APPROVAL OF AGENDA:

Moved by Commissioner Rauch, seconded by Commissioner Lowe, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

Mr. Rauch stated he has a conflict of interest for Open Public Hearing #1. The applicant leases office space at a property where he is part owner. He will benefit if the applicant remains in their current office and does not relocate. All Commissioners agree this is a conflict of interest.

CALL TO THE PUBLIC:

The call to the public was made at 6:33 pm with no response.

Commissioner Rauch exited the meeting room.

OPEN PUBLIC HEARING #1...Consideration of special land use application, environmental impact assessment and site plan to convert the use and expand an existing building for an office use and event facility with outdoor entertainment. The property is located at 5311 Brighton Road, north side of Brighton Road, between Clifford Road and Oak Pointe Drive. The request is petitioned by David Richardson, Lindhout Associates.

- A. Recommendation of Special Use.
- B. Recommendation of Environmental Impact Assessment (8-24-23)
- C. Recommendation of Site Plan (8-28-23)

Mr. Andrew Perri, his business partner, Sherry Young, Todd Arnold, the construction manager, and Brent LaVanway of Boss Engineering were present.

Mr. Arnold stated they will be repaving the parking lot, upgrading the outdoor lighting to meet the township's requirements, the patio will be redeveloped, they will be removing the commercial equipment from the kitchen, upgrading the office area, redesigning the entrance, updating the roof and exterior of the building, and upgrading the landscaping.

Mr. Borden reviewed his letter dated September 19, 2023.

He stated the Special Land Use is needed due to the outdoor recreational uses being proposed. Additionally, township staff notified him that there have been noise issues with this site with past owners; however, the applicant has advised in the Impact Assessment and their response letter how they will be monitoring the noise to ensure they are not negatively impacting the surrounding properties.

Use Conditions (Section 7.02.02(q))

In general, these conditions have been met; however, he has two comments:

- a. He is requesting the applicant update the Environmental Impact Assessment to clarify that most of the outdoor commercial recreational uses listed are not proposed.
- b. The applicant has applied for and received a variance from the ZBA for dimensional variances from the 100-foot setback requirement.

Site Plan Review

- a. Building materials and design are subject to review and approval by the Planning Commission.
- b. The Township may require pathway construction along Brighton Road or accept a performance guarantee for future construction. He noted there are no other sidewalks along the roadway in this area.
- c. The applicant is deficient on the number of parking spaces. The Commission may allow the total amount of parking provided, based on different peak hours between the uses (Section 14.02.04).
- d. A portion of an existing drive aisle is deficient in width for two-way travel. The Commission could require that the parking lot be reconfigured for compliance or allow this to remain as it is an existing nonconforming condition. The applicant is requesting to allow the existing drive aisle to remain.
- e. The Commission may accept the lighting information provided, or require submittal of a full lighting plan in accordance with Section 12.03.
- f. The revised submittal does not include a landscape plan.
- g. The applicant must obtain authorization from the property owner for the parking lot islands and trees depicted on the plan as the parking lot is an easement from the adjacent property.

- h. The applicant has indicated that one additional greenbelt tree will be provided and that required canopy trees will be 2.5" caliper; however, these details are not depicted on the plan.
- i. The Commission may require improvement to the waste receptacle and enclosure or allow it to remain as an existing nonconforming condition.

Ms. Byrne stated they have addressed all of her previous comments and due to the small size of the patio and the elimination of the commercial kitchen, the proposed use will be less intense than the previous restaurant bar facility and this would result in a lower use of the existing parking lot and utilities.

The Brighton Area Fire Marshal's letter dated September 14, 2023 advised that most of his concerns have been met. Mr. LaVanway noted that they will address the outstanding items.

Commissioner Rassel asked if there was an estimate for occupancy. Mr. Perri stated that at maximum capacity for the office use, there would be nine employees. The maximum occupancy is 150 for both private events and those open to the public.

Mr. Perri stated they have spoken to the general manager of the golf course, and he was encouraged with the improvements to the parking lot. He did not obtain permission to repave the parking lot or install the landscape islands. Chairman Grajek advised Mr. Perri that the township will need their approval.

The applicant will address the comment from Mr. Borden regarding the allowable uses and amending the Environmental Impact Assessment. Mr. LavanWay stated they do not want to put in a sidewalk that leads to nowhere. The Planning Commission will be recommending a performance guarantee be provided.

The applicant stated the entrance and exit drives will each be 20 feet wide and there will be signage added.

The Commission will be requiring a photometric plan be provided for the lighting.

Commissioner McCreary questioned if golfers will be driving up to the patio bar requesting to purchase a drink. Mr. Perri stated this will not be a full scale restaurant. If these requests are being made, they will be denied.

Commissioner McCreary is concerned about the noise negatively affecting the surrounding neighbors. The hours of operation for the patio state 7 am to 10 pm, and 7 am is too early so she would like that changed. Ms. Ruthig stated the ordinance states 80 decibels are allowed from 7 am to 10 pm and 50 decibels is the maximum from 10 pm to 7 am.

Mr. Perri stated that some of their events will have food trucks. Ms. Ruthig stated that the township does not allow food trucks. There is currently no ordinance for them. Ms. Young

clarified the type of food trucks they would have. They are called “movable feasts” where the caterer would prepare the food in the truck, then bring it into the building and serve it from there. They will not be serving or selling food out of the truck. This allows for high-quality food to be served. Mr. Perri stated some events may have the type of food trucks where food is served or sold from the food truck. Ms. Ruthig stated a 28-day special event permit would be needed.

The call to the public was made at 7:29 pm.

Ms. Kristi Hill of 5139 Milroy is requesting that the special land use be denied as it pertains to the outdoor entertainment portion. This is in the middle of a residential area. She did not move to the country to have parties with music four nights a week. There were many issues with the previous establishment.

Ms. Evelyn Dionise of 5038 Ashton Court was the most affected over the last 18 years by the previous owners. The behavior that occurred at this location was disgraceful. She has been able to live peacefully for the six years since that business has closed. She complained to the township many times and no action was taken.

The call to the public was closed at 7:34 pm.

Commissioner McCreary asked where the restrooms will be for the outside entertainment. Mr. Perri stated they will be bringing in quality portable facilities.

Commissioner Lowe asked how the applicant will address the noise issue. Mr. Perri stated he and his wife live in Oak Point and are aware of the entertainment at the previous facility. They will not be having that type of music that attracts that age group. They will have one or two people with a guitar, a three-piece string band, etc. They want to attract people who are 50 or older. Commissioner Lowe stated she would not want this in her backyard.

Chairman Grajek feels there are items missing from the proposal, such as the details of what will be allowed, the lighting plan, the entertainment, etc. He suggested that the discussions this evening be incorporated and resubmitted to the township. He advised the applicant to keep open communication with the neighbors and listen to their concerns.

Commissioner McCreary agrees that there is not enough information to move forward this evening. The applicant should provide an operations manual that outlines the days and times of the events, how they will be managed, etc.

Moved by Commissioner Lowe, seconded by Commissioner Rassel, to table Open Public Hearing #1. **The motion carried unanimously.**

Commissioner Rauch returned to the meeting room at 8:05 pm.

OPEN PUBLIC HEARING #2... Consideration of a site plan amendment for façade and parking lot revisions and additional exterior vacuums to a previously approved site plan for a car wash and oil change located at 4550 Grand River Avenue on the southwest corner of Grand River Ave. and Lawson Drive. The request is petitioned by Zaid Abro.

A. Disposition of amended site plan.

Mr. Zaid Abro stated he wishes to add four additional vacuums along the side of the building. He was told by the township that the colors he chose to paint his building do not meet the requirements of the township. He showed a colored rendering of the building.

Mr. Borden reviewed his letter dated September 19, 2023.

1. The Commission should consider any comments provided by the Township's engineering consultant with respect to the increase in impervious surface.
2. Aside from the new impervious surface area around the vacuum stations, he suggests the Commission require that the site be brought into compliance with the approved landscape plan from 2002.
3. The PUD Agreement requires natural earth tone construction materials and states that building design must be consistent with or complement architecture throughout the PUD. The applicant has painted the building, and in his opinion, neither the color scheme nor the metal roofing comply with the requirements of the PUD Agreement.
4. He suggested the Commission require the applicant to correct light fixtures for compliance with current Ordinance standards, specifically downward directed, cut-off, etc.

Ms. Byrne's letter dated September 15 stated that the applicant has addressed all of her previous concerns.

The Brighton Area Fire Authority Fire Marshal's email dated August 2 stated there are no items to be addressed.

Mr. Abro stated he was not aware that he needed permission to paint the building. He will change the color of the building but would like to keep the blue around the roof. Commissioner Rauch is agreeable to the colors but would not approve of the current color blue on the building. This is an opportunity to improve the old building, site, and landscaping. The metal roof is also acceptable.

Mr. Abro stated many people were not aware this building was a car wash when it was the previous color. This color helps it stand out.

Commissioner McCreary stated the colors do brighten up the building, but she does not approve of the blue.

The call to the public was made at 8:29 with no response.

It was noted that the oil change building site shall be cleaned up as well. Ms. Ruthig has spoken to the applicant about that.

Moved by Commissioner Rauch, seconded by Commissioner Rassel, to approve the amendment for façade and parking lot revisions and additional exterior vacuums to a previously approved site plan for a car wash and oil change located at 4550 Grand River Avenue with the following conditions:

- The existing landscaping shall be brought up to comply with the site plan standards approved in 2022.
- The site lighting shall meet township ordinance, including height, footcandles and tilt of the light source.
- This commission finds the light gray and darker gray paints already on the building are acceptable, but the blue trim must be painted the dark gray color. The metal roof is acceptable and shall be black in color.

The motion carried unanimously.

OPEN PUBLIC HEARING #3...Consideration of a site plan amendment for façade revisions to the previously approved Westbury Phase 2 apartments located north of the intersection of Whitehorse Drive and Arundell Drive. The request is petitioned by Elevate Property Partners, LLC.

A. Disposition of amended site plan.

Ms. Ruthig stated the developer requested to modify the elevations and finishes. The brick and the cupolas that were in Phase 1 are no longer available. Elevations were shown comparing the two facades.

The call to the public was made at 7:35 pm with no response.

Moved by Commissioner Rauch, seconded by Commissioner Lowe, to approve the facade revisions for Westbury Phase 2 apartments located north of the intersection of Whitehorse Drive and Arundell Drive and allow the petitioner to make the changes to the brick color and cupola per the elevation drawings supplied. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated the regular meeting of the Planning Commission will take place on Tuesday, October 10, due to the Indigenous People Holiday. A special meeting will take place on Thursday, October 19 at Parker Middle School.

Approval of the August 14, 2023 Planning Commission meeting minutes

One change was noted.

Genoa Township Planning Commission

September 25, 2023

Approved Minutes

Moved by Commissioner McCreary, seconded by Commissioner Lowe, to approve the minutes of the August 14, 2023 Planning Commission Meeting as corrected. **The motion carried unanimously.**

Member Discussion

Commissioner Chouard requested to have an ordinance for food trucks developed. Ms. Ruthig stated she and Brian will write the ordinance and bring it to the Planning Commission for review.

There was a discussion regarding moving the Call to the Public to the end of the meeting so applicants who have paid to be on the agenda and those who wish to speak on those items can do so without having to wait a long time for public comment. Commissioner Rassel stated the two minute time limit should be enforced and people are not allowed to give their time to others. Commissioner Lowe stated that it is not very often that there are a lot of people who speak at the call to the public.

Ms. Ruthig stated the township by-laws say that the call to the public shall be made at the beginning of the meeting.

Adjournment

Moved by Commissioner Rauch, seconded by Commissioner Lowe, to adjourn the meeting at 8:47 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary