

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
September 9, 2013
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Dean Tengel, Barbara Figurski, James Mortensen, Eric Rauch, Chairman Doug Brown, Diana Lowe, and John McManus. Also present were Assistant Township Manager, Kelly VanMarter, Gary Markstrom of Tetra Tech and Brian Borden of LSL.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: **Motion** by Barbara Figurski to approve the agenda as proposed. The motion was supported by John McManus. **Motion carried unanimously.**

CALL TO THE PUBLIC: Chairman Brown made a call to the public at 6:33 p.m.

John Waldeck, 2899 Pardee Road addressed the Commission regarding the Latson Road interchange and the traffic impact at Coon Lake and Chilson Roads. Kelly VanMarter indicated that the Township does not have any plans, but that the Livingston County Road Commission has made reference to a potential roundabout at that location. He was referred there.

No one else wished to address the Planning Commission and the call to the public was closed at 6:36 p.m.

OPEN PUBLIC HEARING #1... Review of site plan, special use, and environmental impact assessment for proposed 16,120 square-foot gymnasium and classroom addition for Brighton Nazarene Church, located at 7669 Brighton Road in Section 25, petitioned by Brighton Nazarene Church.

Brent LaVanway of Boss Engineering and Gary Anscombe addressed the Commission. The petitioner proposes to plant 44 shrubs and 40 trees in addition to any trees that need to be replaced in the existing evergreen buffer. The remaining landscape revisions were reviewed. The east and west property lines were addressed. The islands have been relocated to allow for cars to accelerate in parking lot.

Mr. LaVanway reviewed his letter of July 2013. There were eight conditions placed upon the previous approval. The 16 trees were replaced and those that have died will be replaced. The three Austrian pines were planted. Two of those have died and will be replaced. The tree line on the east property line was to be

maintained. Those trees that have died will be replaced. Mr. Anscombe indicated that the maintenance company has caused some die-off with their snow removal methods. He has addressed this with the maintenance company. The skate park rules were to be placed on the liability form and that has been done. The lights were to be turned off by 11 p.m. They are on a timer that turns them off at 11 p.m. The park is closed for the full month of July and August this year, although it won't be closed every August. The two signs prohibiting outdoor skating have been installed. One was removed and is being replaced. No commercial activities have been permitted at the skate park. Security guards to patrol the skate park were required by the Commission. There were guards until the security cameras were installed. Now there is an on-staff person who lives immediately adjoining the skate park and who is also the manager of the skate park.

Brian Borden addressed the Commission. In terms of the zoning standards, there are three discretionary items: design of the building; parking; and improvements to existing conditions as to lighting.

Mr. LaVanway indicated the lighting is shoe box type fixtures with 100% cut off. It is a two foot base with an eighteen foot pole. It is proposed for two locations. This is sufficient per Brian Borden.

Chairman Brown inquired of the petitioner why so much parking is requested. Mr. Anscombe indicated there is an overlap between people coming and going from the various services each Sunday.

Mr. LaVanway reviewed the storm water management plan. The expanded use of asphalt should not cause an issue. The underground system will require maintenance and it is designed with access in mind for that.

Mr. Mortensen asked if there are setback issues caused by the playground. Ms. VanMarter indicated there are not.

Gary Markstrom reviewed the engineer's report. The drainage issues have been addressed. There are some construction plan issues that need to be addressed. The petitioner needs to get a permit for the additional fire hydrants. Chairman Brown asked how a water main is bent. Gary Markstrom explained that fittings are used for this.

The Fire Department letter of August 6, 2013 was addressed by Chairman Brown. The letter by Harry Eiss was addressed by Chairman Brown.

Mr. Mortensen voiced his concerns with the petition. He was not aware that drivers training was occurring in the lot. Andrew Kotch is the designated representation for AK Services, who subcontracts with the State of Michigan as it relates to the driver license testing and was present at the meeting. He indicated there were 160 trucks/busses, 60 motorcycles and 800 automobile tests

performed last year. Each test lasts about 15 minutes. Mr. David Tiemann addressed the Board and indicated that the noise levels are higher and it has become problematic. Mr. Kotch indicated that the noise is limited and is of short duration. Mr. Kotch will disconnect his reverse beeper on the buses/trucks to avoid some noise.

Kelly VanMarter reviewed the ordinance to determine if the driver license testing is a special use under the ordinance. AK Services has been providing this service at the church for 18 years. Mr. Tengel thinks that this business should not be in a church parking lot, which is a residential area. Ms. VanMarter indicated, and Mr. Borden concurred, that this use was never lawful under the ordinance and therefore is an illegal use. In order for it to be a legal non-conforming use, it would have had to have been a lawful use when it started at that site. Mr. Mortensen said he believes if it is not an approved use, then it cannot be assumed to be an unapproved use--it's a "limbo" item.

Mr. David Tiemann addressed the Planning Commission regarding the noises caused by AK Services. Marcia Kotch indicated that had they known before July that the sounds were causing a problem for the neighbors, they would have forbidden back-up beepers much earlier.

Planning Commission disposition of petition

- A. Recommendation of Special Use
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan (07-30-13).

Motion by James Mortensen to recommend to the Township Board approval of the special use permit, subject to:

1. The same conditions of the special use permit granted June 2, 2003 shall be complied with and expanded to include maintenance of all of the additional trees and bushes, as well;
2. The petitioner, with respect to the original conditions, shall provide a security guard to patrol the parking lot on the days the skate park is open between the hours of 9 p.m. and 12 a.m. The church employee living on the site will be permitted to perform the security guard duties provided he is appropriately licensed;
3. Procedures will be in place, available for Township inspection, regarding the maintenance of the underground detention system;
4. Trash pick up will not be permitted until after 8 a.m.;
5. The approval of the site plan and environmental impact assessment:
This recommendation is made because this commission has found that the general land use standards of ordinance 19.03 and article 3 are met.

Support by Diana Lowe. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment, subject to:

1. The parsonage should be listed as to the north, rather than the south in section C.

Support by John McManus. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the site plan dated 7/30/13, subject to:

1. A note will be added to the site plan briefly describing how the underground detention system will be maintained;
2. The requirements of the Township Engineer addressed in his 8/18/13 letter will be complied with, as well as the requirements of the Brighton Fire Department addressed in their letter of 8/6/13;
3. The building elevations are acceptable;
4. The materials will match the existing building;
5. Parking at 134% is approved;
6. Lighting will comply with the ordinance in terms of foot candles at the property line;
7. Language will be added to the site plan regarding the landscape plan as it relates to how the landscaping will be maintained to avoid future failures that have occurred in the past.

Support by Eric Rauch. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of request to table to the October 15, 2013 Planning Commission Meeting for a site plan, special use, and environmental impact assessment to construct a new 2,700 square foot Qdoba drive through restaurant located at the Meijer outlot at 3883 E. Grand River, Howell, petitioned by Kevin Egnatuk of Southwind Restaurants, LLC.

No one appeared to address the Planning Commission.

Planning Commission disposition of petition

- A. Disposition of Request to Table.

Motion by Barbara Figurski to table this issue. James Mortensen addressed the lack of a bypass lane for the drive-thru. This was addressed by LSL and the petitioner is working on inserting a bypass lane in future plans. Support by James Mortensen. **Motion carried unanimously.**

Administrative Business:

- Staff report
- Approval of August 26, 2013 Planning Commission special meeting minutes. **Motion** by Barbara Figurski to approve the minutes of August 26, 2013. Support by John McManus. **Motion carried unanimously.**
- Member discussion
- Adjournment. **Motion** by Barbara Figurski to adjourn the meeting at 8:24 p.m. Support by John McManus . **Motion carried unanimously.**