

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
SPECIAL MEETING  
APRIL 27, 2015  
6:30 P.M.  
MINUTES**

CALL TO ORDER: The meeting of the Genoa Township Planning Commission was called to order at 6:33 p.m. Present were Chair Doug Brown, James Mortensen, Barbara Figurski, Eric Rauch, Diana Lowe, John McManus, and Chris Grajek. Also present were Kelly VanMarter, Community Development Director / Assistant Township Manager; Brian Borden of LSL Planning; and Gary Markstrom of Tetra Tech Engineering. Approximately 80 people were in the audience.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Upon motion by Commissioner Mortensen and support of Chris Grajek, the agenda was approved with the addition of introductions. **Motion carried unanimously.** Planning Commission members, staff, and consultants were introduced by Chairman Brown

CALL TO THE PUBLIC: A call to the public was made at 6:37 p.m. with no response.

**OPEN PUBLIC HEARING #1... Review of a site plan, environmental impact assessment, and PUD amendment for a proposed redevelopment of an existing outparcel to create two (2) outlots and construct a 4,283 sq. ft. restaurant building, located at 3950 E. Grand River Avenue, Howell, Michigan 48443, parcel # 4711-05-400-047, petitioned by RG Properties, Inc.**

Mr. Jim Blair was present on behalf of the petitioner. With the project previously tabled, Mr. Blair stated they have worked to accommodate the fire department request for reconfiguration of traffic. A curb was eliminated and the drive thru lane was reduced. This should help keep people from heading in the wrong direction. A redundant parking stall was eliminated. A pedestrian crossing was modified to improve pedestrian access. Landscaping was evaluated along the right of way. Additional plantings are planned to bring landscaping into conformance. Concerns were present on rooftop equipment sight lines. Plans have been provided to show that this equipment is concealed and will not be seen. Traditional patio furniture is planned as before.

Chairman Doug Brown indicated that the traffic flow appears to be improved. Planner Brian Borden indicated the petitioner has done a good job. Red Olive inclusion is a plus. Front yard parking concerns were present. If additional parking is permitted, then we want to make sure that landscaping screening is sufficient to mitigate the impact of the parking. Greenbelts are a little shy on tree

plantings. A hedgerow will help to buffer. The petitioner has responded to address screening of mechanical equipment. Confusion at the intersection seems resolved.

Mr. Blair indicated that the two additional trees on the site plan brings the trees into compliance.

Engineer Gary Markstrom indicated that the petitioner has taken care of their items of concern. A traffic impact study does not appear to be relevant at this point. Water runoff will be looked at in future submittals for the next door vacant lot.

Mr. Blair indicated that the fire department letter has been complied with. The address will be clearly evident on the building. Chairman Brown and Jim Mortensen indicated that consistency of the outlot parking areas should be reviewed. Mr. Rauch indicated that directional signage might help folks understand traffic direction. It was agreed that signage would be seen after the fact and would not change driver behavior.

A call to the public was made at 6:56 p.m. with no response.

**Planning Commission recommendation of petition**

- A. Recommendation regarding PUD Agreement Amendment. (03-12-15)
- B. Recommendation of Environmental Impact Assessment. (03-27-15)
- C. Recommendation of Site Plan. (04-20-15)

**Motion** by Commissioner Mortensen to recommend approval of the PUD agreement of Livingston Commons, dated March 12, 2015, subject to the following:

1. Approval of the Township attorney as to the language in the PUD agreement.
2. The petitioner will provide the township in recordable form a document regarding the Red Olive site, indicating that no drive thru will be permitted and limiting access to Grand River will be right in, right out.

Motion was supported by Commissioner Figurski. **Motion carried unanimously.**

**Motion** by Commissioner Figurski to recommend to the Township Board approval of the environmental impact assessment dated March 27, 2015, subject to the following conditions:

1. In 18.07.02 the Shell gas station is now a BP gas station.
2. In 18.07.05 Bennigan's is currently not open for breakfast. The proposed development would be opened for breakfast.
3. Subject to approval of the PUD amendment and site plan by the Township Board.

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

**Motion** by Commissioner Mortensen to recommend approval of the site plan application, subject to the following conditions:

1. Approval by The township board of the PUD amendment and the environmental impact assessment,
2. Umbrella signs will not be permitted on the tables on the patio.
3. The building colors and materials for the Panera Bread restaurant are approved and the renderings will become Township property.
4. The building depicted on lot 4B is regarded as a conceptual plan and when the details are finalized, it will be subject to further review by the planning commission and the Township board.
5. The requirements of the Township engineer spelled out in his April 24, 2015 letter will be complied with.
6. The requirements of the fire department, spelled out in the April 22, 2015 letter will be complied with.

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

**OPEN PUBLIC HEARING #2... Review of a special use, sketch plan, and environmental impact assessment, for proposed outdoor storage, sales, and display, including mulch, landscape supplies, and brick pavers, located at 7949 W. Grand River, Brighton, Michigan, parcel # 4711-13-400-025. The request is petitioned by Nelligan's Outdoor Services.**

Mr. Don Nelligan and Ms. Lisa Nelligan were present on behalf of the petitioner Nelligan's Outdoor Services. The reason for the petition is that they wanted a building which could serve as a landscape display store to ease the process for customers. They sell mulch and pavers and need a location where people can come in and do their designs.

Planner Borden indicated that some existing conditions do not comply; however, the previous use was of greater impact. It is a tough site to work with and this use does improve the site. The site is lined with brick screen wall which limits the property. The ordinance has specific use requirements tied to outdoor mulch and display. There does not appear to be any huge issue. Covers of mulch are recommended to keep debris from blowing around as they are stored. Some of the front area does encroach on the setback. This area may or may not have been used for display. There does appear to be some flexibility here.

Commissioner Mortensen indicated that boats were stored in that area, including one pontoon and 3 or 4 boats in total. Borden indicated that technically this does not meet the requirement of the ordinance but the use existed before.

Mr. Nelligan would like to do a patio with a non-working fireplace and a seat wall to entice people to want to come in and see the product they offer. The display

area will be smaller than the previous boat display area. They want to give it some color and flair. Chairman Brown indicated that the displays inside the store are of high quality and that if the quality of the exterior matches the interior, it will be impressive.

Mr. Borden indicated that there is residential land use immediately east at Hacker. The gravel storage lot is allowable in the ordinance. There does not appear to be an adverse impact proposed. The height of the wall was confirmed as compliant. The turnaround space might be tight if the lot is at full load but it appears doable.

Mr. Nelligan indicated that a monument sign is planned. A large sign was placed today but it is too large a smaller one will replace it.

Mr. Borden indicated that he wasn't sure that they want large vehicles on Hacker Road. Chairman Brown indicated that they do not necessarily want the large trucks on Grand River either. Mr. Nelligan indicated that entering from Grand River goes more quickly and entrance is more difficult from Hacker Road.

Mr. Markstrom stated that since this was an existing use, the biggest comment is that some items appear on site plan as new but are carry overs from the previous site plan. This is more of an issue of preparation than of content of the plan. No drainage issues are known. There is no increase anticipated that would affect this. Ms. VanMarter indicated she is not aware of a history of drainage issues at this site.

Chairman Brown indicated that the fire department letter indicates that there are no objections to this use of the site. No environmental impacts are anticipated.

Commissioner Mortensen asked about the height of the materials. Mr. Nelligan is anticipating two piles of mulch, stretching it out so that it is not taller than the wall. Commissioner Mortensen indicated that there is a need to ensure that mulch does not blow into neighboring properties. Mr. Nelligan indicated that mulch that is piled is not prone to movement any more than mulch installed in home landscaping.

Commissioner Grajek asked about pallet height. Mr. Nelligan stated that the Pallets are 2' tall and would be stacked two high along the northwest property line.

A call to the public was made at 7:24 p.m. with no response.

**Planning Commission disposition of petition**

- A. Recommendation of Special Use
- B. Recommendation of Environmental Impact Assessment (04-09-15)
- C. Recommendation of Sketch Plan (04-09-15)

**Moved** by Commissioner Mortensen to recommend approval of the special use to permit Nelligan's Outdoor services to sell and stock landscaping supplies and related materials at 7949 Grand River, subject to the following:

1. This special use permit will be granted for one year and if the site remains in compliance, Township staff can approve it on an annual basis without a special use fee.
2. The display in front is permitted and will be maintained.
3. Mulch stored in the rear and other materials such as pavers will be kept below the height of the brick fence.
4. Steps will be taken by the petitioner to prevent blowing and other dispersing of the materials into neighboring properties.
5. Trucks delivering materials to the site will arrive at the Grand River entrance and depart on the Hacker Road entrance.
6. Signage will be within Township ordinance and will require Township approval.
7. This recommendation is made because it meets the requirements of section 19.03 of the ordinance and is consistent with prior use of the property and with adjacent properties.

Supported by Commissioner Grajek. **Motion carried unanimously.**

**Motion** by Commissioner Figurski to recommend to the Township Board adoption of the environmental impact assessment dated March 27, 2015, dependent on approval by the Township board of the special use permit.

Supported by Commissioner Grajek. **Motion carried unanimously.**

Motion by Commissioner Mortensen to recommend approval of the proposed sketch plan dated April 9, 2015 for outdoor storage, sales, and display, including mulch, landscape supplies, and brick pavers, located at 7949 W. Grand River, Brighton, Michigan, parcel # 4711-13-400-025, petitioned by Nelligan's Outdoor Services, subject to:

1. Approval of the Township board of the special use permit and environmental impact assessment.
2. Signage will be within the limits of the Township ordinance and will require the approval of Township staff.
3. Recommendations of the Township engineer, spelled out in his letter April 22, 2015 will be complied with and it is noted that the Brighton Area Fire Authority had no issues to raise in their letter.

Support by Commissioner Figurski. **Motion carried unanimously.**

Chairman Brown indicated that Commissioner Rauch asked to be recused from agenda item #3. Commissioner Rauch stated that he and his wife have interest in having their children attend the Livingston Christian School at the proposed

location and he requests to withdraw from decision making related to this project case because he does not feel he can objectively review the request.

**Moved** by Commissioner Lowe to excuse Commissioner Rauch from discussion of agenda Item #3. Supported by Commissioner Figurski. **Motion carried unanimously.** Commissioner Rauch removed himself from the Board table.

**OPEN PUBLIC HEARING #3... Review of a special use, sketch plan, and environmental impact assessment for a proposed K-12 Livingston Christian School to be located within the Brighton Church of the Nazarene, located at 7669 Brighton Road, Brighton, Michigan, parcel # 4711-25-400-058. The request is petitioned by Brighton Nazarene Church.**

Mr. Steve Morgan, a long-time member of the Brighton Nazarene Church, was present on behalf of the petitioner. Mr. Morgan stated that a special use permit was approved in 2013 and they are asking for an amendment to that special use to include a day school. Livingston Christian School began in 1986 and merged with another school several years later. The school was in Howell, then in Pinckney and has fluctuated in size. The school is currently Pre-K through grade 12. The impact assessment was amended to reflect the school arrival. The site plan offered is the site plan approved 18 months ago. There are no site plan changes. The church is currently in "the final stages of finishing up" the fifth building phase on that site. There are some conditions existing that must be completed in order to be in compliance with the previously approved special use.

Mr. Borden indicated that this is a request for a special land use approval. The Planning Commission is making a recommendation to the Township board and the determination made this evening is not of final authority. The request is for 150 students and 25 employees and there may be a subsequent review process which comes back to this commission as growth occurs. There is a 25% threshold. Anything above a 25% threshold of expansion and the petitioner might need to come back for additional permits.

Mr. Morgan indicated that the school wants to grow. The building will accommodate more use. Chairman Brown asked how many people can be safely in that building at one time and with 14 classrooms that would be 280 students. The classrooms are designed for approximately 20 students per classroom. It would be easy to expand to 250 students which the school has not reached up to this point. Mr. Morgan indicated that with 250 students and 35 staff, the site could accommodate 285.

Mr. Borden indicated that the petitioner was before the commission two years ago for an expansion of the facility. The petitioner is still in the process of implementing a number of the proposed items. They did not fully implement their landscape plan. Dead trees have been removed, specifically the east buffer zone. Replacement trees were to be added. They were also going to install landscape islands.

Mr. Morgan responded that the landscape is in process and they expect those items to be completed in the next 90 days.

Mr. Borden indicated that compatibility of uses is paramount regarding the neighbors to the east. He states that if we can get past a few very important issues we will find general compliance with the ordinance is met. The quantity and quality of buffering with the neighborhood to the east is in question. There is no berm or wall or fence present which is a requirement of a Buffer Zone B. We need to make sure that we have compatibility of land use which is the primary purpose of special land use criteria. To put a berm in, the existing trees would need to be removed. A wall or fence might provide additional screening, which would be preferred. We are not encouraging that trees be removed.

Additional concerns include existing peak days and hours. The school and church can operate independently but the concerns might be when there is overlap in events between the two entities. Also, public utilities and services need to be reviewed. This is an important standard under special land use criteria. There are no other external changes to the site. It is a request to utilize existing building space. The light fixtures might be worth review, ensuring that current standards are met.

Mr. Morgan indicated that light fixtures were approved in 2013. The equipment has not changed. Commissioner McManus indicated that the minutes stated that the commission was not going to require change to the lighting not that the lighting was up to date.

Signage was discussed and it was agreed that future sign permits would be sought. Mr. Borden stated that the change in size does offer the planning commission the right to request a traffic study.

Mr. Markstrom indicated that there are no physical changes to the site requested. Utility impacts are met with their 2013 site plan proposed. The biggest concern is the need for a traffic study for this site, given the number of trips to the site. Peak hour is either on the receiving public road or the generator on the property. This should not coincide with Brighton High School or Hornung on Bauer road. They do generate more than 100 directional trips which the ordinance states requires a traffic study. The Road Commission has provided traffic counts in the impact assessment, which appear to be from 2010 and these might be done every couple of years. The road commission indicated that the impact to Brighton Road will be minor during off peak times. There is a three lane road and three lanes in the driveway. Physical improvements may be difficult to make but the queuing and impact should be understood. They meet the threshold in ordinance for requiring a traffic study. They have data in their study and can update traffic counts. Site circulation should be analyzed as well as Brighton Road impacts and parking lot impacts. Traffic management plans may also be beneficial.

Chairman Brown asked about what road construction might occur on Brighton Road. Ms. VanMarter indicated that in 2017 the road is scheduled to be milled and replaced. There are no plans to widen the road. Regarding the fire department letter, the overhang, though not in current compliance, was approved in 2001. The remainder of the letter is in good shape.

Mr. Morgan indicated that the school changed the requirements for a sprinkling system in the building. The entire building is being "sprinkled." They will provide the requested turning radius.

Mr. Morgan stated that a traffic assessment, a traffic statement, and a traffic study are referred to in the ordinance: what does the Township want to see? A traffic study can be completed. Mr. Morgan indicated that Mike Goryl, the Livingston County traffic engineer, has indicated in a recent letter that a traffic study would not be required since Brighton Road has existing geometry needs in place.

Chairman Brown asked Mr. Borden what the Township wants to see. Mr. Borden indicated that an assessment is a lighter version of a traffic statement. Both are traffic studies. Chairman Brown indicated that the wording in the ordinance will be reviewed.

Mr. Markstrom says that a traffic study would show whether the roadway can be improved or whether the use should be at that location or whether the community can live with the conditions. Mr. Morgan indicated that the road can change category throughout the day depending on traffic counts. Commissioner Mortensen indicated that he is less concerned with the site than he is the impact on Brighton Road. Mr. Markstrom indicated that traffic flow out of the site can mitigate the queue on Brighton Road. Commissioner Mortensen asked what load on the site would require a traffic study.

Mr. Morgan indicated that the church is a traffic generator. The wording of the ordinance needs to be looked at very carefully. Perhaps an onsite traffic circulation study might be approved by the Township engineer. Mr. Morgan indicated that the letter from the Road Commission is clear. "We would consider this a relatively minor impact on Brighton Road." Commissioner Mortensen indicated that it is the Commission's responsibility to be comfortable with the traffic conditions. He is not as concerned with the Road Commission as he is with meeting Township ordinances. Chairman Brown indicated that Brighton Road is a major artery. Are there going to be busses? Mr. Morgan indicated there would be no busses.

Mr. Morgan indicated that there are three items in Mr. Borden's letter that appear to need a response. Mr. Morgan indicated that the school has maintained the current size for many years. The hope is to grow. The building can accommodate some growth. There are far more parking spots on the property than are needed. The parking lot is at 134%. Mr. Morgan indicated that the 2,000 capacity high school has been in existence for 25 years. The church was built in 1990, offering



many community activities. The subdivision was built in 2000. The church has planted many trees throughout the years. Many trees have done well.

Ms. VanMarter indicated that staff will do a search of minutes for a record of the trees the Worden Lake Woods subdivision developer agreed to plant.

Chairman Brown indicated a concern for the playground. Can the playground accommodate the needs of the school? Mr. Morgan indicated that it is a very large playground. The playground is on the west side of the church. The Worden Lake Woods subdivision is on the east. Chairman Brown asked about "utility area" on the property. Mr. Morgan indicated that there are underground septic tanks on site.

Commissioner Mortensen asked about driver training at the site. Will this accessory uses continue if the school arrives?

Mr. Morgan responded saying that the parking lot is a state licensed course for driver certifications. There are two certified courses in Livingston County, which operate Monday thru Friday, 8 to 5; the hours are a requirement of the state. Ninety-Five percent of the courses in the state of Michigan are at churches. Few large tracks of paved lots meet the requirements of an unobstructed 178' x 320' area. One requirement is that alcohol cannot be sold on the site. Also, ninety-five percent of the school buses in Livingston county are tested at this site, between 10-noon, Monday thru Friday. No motorcycle certifications have taken place since the Commission met in July of 2013. Back up beepers were also stopped.

Commissioner Mortensen asked if there were issues with the size of the septic system. Mr. Morgan indicated there was a substantial upgrade in the size of the septic area. There is a substantial holding capacity.

The question arose as to whether the use of the driver training was ever a legal use. The church has been using the parking lot for training for more than 20 years.

Chairman Brown noticed that the County Building Official was present and asked if he had anything to add.

Mr. Jim Rowell, director of the Livingston County Building Department, spoke. The septic system may need more capacity. The State of Michigan does a review of schools. There are not a lot of changes that the County sees. However, the state needs to be approached. The County does not have authority to issue a C of O for a school. The department has reservations about issuing a C of O for a church that is actively enrolling and promoting to be a school.

Mr. Morgan indicated that there is potentially a separate set of requirements from the State. Mr. Rowell indicated that some minor changes are needed.

Mr. Morgan responded to neighbor letters. The church has six adjacent neighbors. The neighbors who are sending the letters all reside across a public road. There appear to be seven points the neighbors are making. Neighbors wanted more screening at the northeast corner of the parking lot. They wanted to clean up the buffer zone which was done in 2014. There were issues with traffic, motorcycle certification, and driver's training certifications. The motorcycle certification has ceased. They expressed concerns about cars parked along Aljoann drive and the unobstructed parking lot.

Mr. Morgan continued saying that cars parked on the road are a police issue. No functions are allowed at the church after 10:00 p.m. A security guard was hired and has not had any issues. There have not been any police calls in the past two years from the Aljoann neighborhood. Skateboard tournaments were held before the subdivision was built. Approximately 600 kids go to the skate park per week. The skate park is highly organized and very safe. The church has not seen a problem. They have had security cameras. The football games are very loud across the street as are marching band practices. There have been three outdoor functions since July 2013 at the church, including a Trunk or Treat, which ended before dark. There was a large back to school celebration in the parking lot where back packs were given out. Overflow parking is permitted for the high school's homecoming. Community concerts take place. The location serves as an election precinct for Genoa Township. Mr. Morgan indicated that there are no paths worn between the trees and that 2,000 people let out of Brighton High School in the afternoon. The kids who participate in the skate park are required to sign an agreement which outlines expected behavior. Mr. Morgan asked audience members in attendance in support of the school to stand. Approximately 60 people stood.

Mr. Morgan indicated that he owned a surveying and engineering firm for many years and is a former Genoa Township Planning Commission member. The letters mentioned two things which are of great concern. There was a suggestion for a 10-foot-tall brick wall. The church has chosen not to use the public road. Other churches in the area have not been required to build a 10-foot wall. The church has reached out to children who flock to the church and they love to be there. The church has the largest Celebrate Recovery program in the state. Hundreds of kids are worked with each month and there is no charge for these offerings. There is "not a church in this County" that is more of a healing church or a caring church than Brighton Nazarene. Other churches send their people to The Naz for help. They are a 1,000 member congregation. Along with Celebrate Recovery and the skate park, the church helps provide funerals for people in the community. He suggests that the residents of Aljoann privatize their public road so they can install a gate and build their own fence.

A call to the public was made with the following response:

Ms. Catherine Riesterer of 2533 Spring Grove Drive, spoke as a representative for the Worden Lake Woods Homeowners Association. Ms. Riesterer stated that the residents do feel that the use of the church is not appropriate. The neighbors

have not felt the same type of compassion from the church which others may have experienced. Take note of what the experts have said. The things required in the 2013 site plan still are not done. This is a pattern. The church has grown and added this program and that program, a continual add-on. The church was told in 2013 by this Commission that they are doing an illegal use with driver training. The Commission decided it was not their role to enforce. The track record is not good. The data in the application is not clear. Their website indicates a student count of 167. They are actively seeking registrations. They are soliciting new students. An ad ran today on WHMI.

Ms. Riesterer continued asking what exactly are they going to be using? We don't have enough data for an accurate analysis. A school is not allowed in this zoning. High schools are only allowed in two zoning areas. There are too many uses existing on this one property. The consultants have said the zoning allows an accessory use. It may be allowed. This was not originally considered appropriate. Is this an accessory use? Which use takes up most of the space on the property? The school is doing a more intensive use than the church. Which use has the biggest impact on surrounding areas? This is not a school which is affiliated with the church. It is completely independent. They are not an adjunct or extension of the church. They are leasing the facilities. There is great care being taken to make sure they don't clash. They are telling parents that the lease agreement permits much access to the property. More information is needed for the commission to make a decision.

Mr. Borden stated that the Township has the discretion. The ordinance states "shall generally be." Commissioner McManus asked whether or not the school being a religious school has any bearing on what is permitted.

Ms. Sherry Osterman of Brighton Township stated that she doesn't know a lot about The Naz church but that she has used the parking lot many times when attending Brighton High School football games. Her biggest concern is traffic. The church next door is looking at opening a school. There is a potential school wanting to be a charter in the old Lindbom facility. All of these facilities are looking at using the same road. She is concerned about the impact of emissions on the local environment and traffic jam conditions.

Mr. Jay Johnston, a neighbor who lives off Aljoann in the Worden Lake Woods subdivision indicated that he has lived in the neighborhood for one year. He has attended Celebrate Recovery and knows it is a good program. He has a son who has participated in the skate park and loves it. Driving down Aljoann, his fiancé almost hit a child who was running through the trees and then on to the road. The school might cause a 25% increase in traffic flow. Cars are going in and coming out. There will be a lot of wear and tear on that road. The traffic signal is difficult. Staggering is a great plan. But there will never be a dead zone so that they can get out of their neighborhood.

Ms. Sue Ellen Ikens spoke. She owns two properties on State Street. She has four kids and the older one has enjoyed the skate park. Ms. Ikens stated that she

thinks it's important to recognize the timing of the traffic, from 7:25 a.m. until 4:00 p.m. when Hornung closes. First they were told the hours would be 8:00 a.m. to 3:00 p.m. Then they were told the time would be staggered. What exactly are the precise times? Maltby has 900 students. Hornung has 400 students. And the high school has 1200 students. Traffic gets diverted into residential streets when the Brighton Road traffic increases. All these extra schools aren't using busses. She saw a young woman hit a young boy when he was riding his bicycle. The boy was okay but people are not paying attention. They are texting. They are reading texts. They are on the phone. Ms. Ikens is afraid that someone is going to get hurt.

Mr. Harry Eiss, resident on Aljoann spoke. He indicated that he wrote two letters and sent a second letter because there was no response to the first letter. Car engines are revving and motorcycles wake him up. He lives in the neighborhood and sees it every day. He's been watching it for 12 years. Mr. Eiss stated that when they moved in they knew there was a church across the street but they didn't know they were going to expand. It's too much. There is too much activity going on right now. We have to turn right in order to turn left right now. The church offers endless lies. "They are full of contradictions. They say 'we don't have kids in the parking lot' but then talk about the large playground." Trees aren't going to work as a screen. The trees are almost attracting the kids rather than stopping the kids. Considering the kinds of money they are throwing around, a fence isn't going to cost much.

Ms. Andrea Spanstra of Aljoann spoke saying, "I've given up." She stated that things aren't being done. They aren't following through. I'm here for the safety of children. The traffic is horrid. I fear for my kids as they walk home. They took the busses away. Then a student got hit by a car and suddenly the bussing was back.

Mr. Mike Barrett of Aljoann stated his thanks to the board for their hard work. He appreciates the church. There is a lot of emotion in the room. We are talking about a school in a residential area and traffic. He asked who in the room lives near the church and supports the expansion. One hand was raised.

Mr. Andy Koch, state rep for AK services spoke. He stated that it is driver testing which takes place, not driver training. We don't do training. We are available Saturday morning from 8:00 a.m. until noon. This is a public service. Only three organizations in Livingston County do this. We look at churches because it is a safe environment. We didn't know we were violating the ordinance when it began 21 years ago.

Commissioner Mortensen asked Mr. Koch if it bothered him that there is a school being proposed where the testing takes place. Mr. Koch stated they are on the lot for 15 minutes per vehicle. We use a smaller area of the lot. We are the state authorized examiners which look at your school bus driver to determine if they are qualified to do that job. The state reviews the site once a year to ensure that it meets their requirements. There can be no alcohol sold or served on the

property used. Restrooms are available. Fax machines are helpful. If we had to build a parking lot to do this, we would have to charge \$300-400 per test to cover costs like insurance and more. For the most part we have removed the backup beepers and the motorcycles are no longer at this location.

Mr. Morgan read Commissioner Mortensen's statement from the 2013 minutes which reads, "Commissioner Mortensen believes if the driver license testing is not an approved use, then it cannot be assumed to be an unapproved use—it's a limbo item."

David Tiemann of Aljoann spoke. As the church has grown, our problems have grown. We just want a little bit of privacy. We were unaware that all the expansion would take place. The trees that were there were double wide. The trees were killed by snow that had salt in it after plowing. They owed it to us to replace those trees. I had three kids show up on bikes that came through the trees. You have very little time to hit your brakes. The church needs to do more to control these kids that are coming from their parking lot. We want a little privacy. We are entitled to privacy and safety. Give us something—a six foot fence, something to buffer us. We are taxpayers. We are having a very difficult time selling our house. People do not want to live near this activity. I belong to a great church but there's a lot of activity here, sometimes 24 hours a day.

The call to the public was closed at 10:04 p.m.

Mr. Mortensen sees two issues, landscaping and privacy which we can go back to. The big issue, the elephant in the room, is traffic. We need the petitioner to define "in and out" and the timing. How are they going to coordinate with all the things going on at Brighton Road? Is a traffic study a reasonable request? Mr. Markstrom indicated that he had enough information so that he recommended a traffic study.

Commissioner McManus indicated that there was a differentiation between the type of studies and we would do a more intense study.

Commissioner Mortensen asked whether the Commission has the authority to recommend approval of a high school. Commissioner McManus said if it's an accessory use, then we do have the authority. Mr. Borden stated that we need to answer whether or not this constitutes an accessory use. Chairman Brown and Commissioner Mortensen agreed that the Township attorney should be consulted.

Commissioner McManus asked the pastor how the school benefits the church. Pastor Ben Walls stated that we started the process because our core values were the same. We care about kids. The Christian school shares our values. We believe we will benefit them and they believe they will benefit us.

Commissioner Grajek indicated that there is no voice here from the school. With clear conscience can you say to the parents that they can get in and off our site

with relative ease. There are going to be parents going to the school, dropping the kids off, and then commuting to work. The parents are the ones who are going to be suffering the hardship of the traffic.

Mr. Morgan stated that he is not a traffic engineer but has worked with traffic concerns through the years more than most. He stated, "I have stood in that driveway at 8:00 in the morning and at 3:00 in the afternoon and the impact is minimal. It is a nightmare to get out of Aljoann drive. The left is difficult depending on whether the light is turned on or turned off. The letter from the head of the County at the Road Commission, Mr. Mike Goryl, has stated that he has computer modeling. He has already modeled the geometry of the exits and intersection. He has stated that the traffic impact is minor. I live on Brighton Rd. I understand Brighton Rd. Mr. Morgan says that 15 minutes makes a big difference. He did the modeling in 2010. In 2013 they had new traffic counts and plugged that data in. They re-configure the traffic counts every two years. Recently it was every three years.

#### **Planning Commission disposition of petition**

- A. Recommendation of Special Use
- B. Recommendation of Environmental Impact Assessment (03-16-15)
- C. Recommendation of Sketch Plan (05-14-14)

**Motion** by Commissioner Mortensen to table the request of the Nazarene Church to sub-lease to the Livingston Christian School to the May 11, 2015 planning commission meeting, so that the petitioner can complete the traffic study for review by the Township engineer and to obtain an opinion relative to the Township's "approval authority" for a high school as an accessory use. Supported by Commissioner Figurski. **Motion carried unanimously.**

#### **Administrative Business:**

- *Staff report. There are several items on the May 11 agenda.*
- *Approval of April 13, 2015 Planning Commission meeting minutes.*  
**Motion** by Commissioner Figurski to approve the minutes as corrected.  
*Support by Commissioner Lowe. **Motion carried unanimously.***
- *Member Discussion*
- *Adjournment. **Motion** by Commissioner Figurski to adjourn this meeting.*  
*Support by Commissioner McManus. **Motion carried unanimously.***  
**Meeting adjourned at 10:32 p.m.**