

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
September 11, 2017
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 Chairman Doug Brown, Eric Rauch, John McManus, Chris Grajek, James Mortensen and Jill Rickard. Absent was Barbara Figurski. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden from LSL Planning and an audience of 10.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited. There was also a moment of silence in remembrance of the terrorist attacks of September 11, 2001.

APPROVAL OF AGENDA:

Moved by McManus, seconded by Mortensen, to approve the agenda as presented.

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

OPEN PUBLIC HEARING #1... Review of a request to amend conditions of a previously-approved Special Land Use and Site Plan for the Brighton Church of the Nazarene located at 7669 Brighton Road, Brighton. The request is petitioned by Brighton Church of the Nazarene.

Planning Commission disposition of petition:

A. Recommendation of amendment to Special Lane Use and Site Plan Conditions

Pastor Ben Wallace, Jim Burgos, and Josh Latson were present.

Pastor Wallace stated they are asking for a revised plan for the trees. They are aware that the trees put in by the contractor have died. As part of their previous approval, they were required to maintain the trees. An arborist came out and determined that they were planted too close together and are fighting for nutrients. There is also a disease in the soil affecting the blue spruces. The trees need to be thinned out and a 15-foot perimeter needs to be around each one. They would like to take out the dead trees and put in new ones, within the parameters of the 15 feet. Because of the security issues, it was suggested by the Planning Commission to put up a fence. They have done this to prevent kids from the skate park cutting through the trees and into the adjacent neighborhood.

They would like to amend the landscape design plan requirements. They will be removing 16 trees and planting 5 new trees and ask that the neighbors on the residential street adjacent to their church maintain the trees on their properties.

Additionally, since the fence has been put up, there have not been any incidences reported of kids cutting through the trees and climbing the fence. Therefore, they would also like to remove the requirement of having a security guard on site when the skate park is open.

Commissioner Mortensen noted that some of the area in question does not belong to the church or the association. It is Right-of-Way along a Livingston County road. He believes the church should only be responsible for the trees on their property and the homeowner's association should be responsible for any trees that are located in the ROW.

There was a brief discussion regarding the maintenance of all of the trees in this area. It was a condition of a previous approval that the church would maintain all of the trees in this tree line. Mr. Burgos stated they have spent \$50,000 to maintain it. At this point, they would like to remove any trees that are dead, even if they are not on their property, and restore the area to level so that the homeowners have something manageable to maintain going forward.

Mr. Borden reviewed his letter of September 6, 2017.

Because this is not a minor amendment to a previously-approved plan, it must be approved by the Township Board. The Planning Commission will only be making a recommendation this evening.

- He requested a report of the condition of the trees that are said to be dead or dying as well as what is being proposed to be planted. The applicant submitted this report to Mr. Borden and the Planning Commission this evening.
- The applicant should also provide a more detailed amended landscape plan, such as when a formal site plan is submitted. He would like the Planning Commission and residents to know exactly what to expect.
- He believes that the applicant has provided the rationale as to why they should no longer be required to maintain the trees that are not on their property as well as why a security guard is no longer needed. The decision to agree to amend these conditions of the previous approval would ultimately be decided by the Planning Commission and the Township Board.

Commissioner McManus agrees with Mr. Borden. If he was a resident on the adjacent street, he would like to have a detail of what is being taken out, what is being put in, and what he would be required to maintain.

Commissioner Rauch stated that the Livingston County Road Commission should have input as to the removing and planting of trees.

Chairman Brown suggested the church and the residents meet to come to an agreement as to what will be done along the tree line. Commissioner Mortensen agrees; and the meeting should include a landscape architect. He believes this is an issue between the church and the homeowners.

Commissioner Rickard asked staff if these trees were planted by the developer as part of the site plan approval. Ms. VanMarter has researched this and there were no requirements placed on the developer by the Township to plant these trees.

Commissioner Rickard would like to see a landscape plan as suggested by Mr. Borden.

The Call to the Public was made at 7:21 pm.

Mr. Jay Johnston of 4931 Aljoann stated that one of the homeowners' concerns is that as part of previous approvals for expansions for the church, they were required to maintain the trees and they did not do this. They did not care for the trees when they were dying. He stated that a previous arborist suggested that 46 trees be removed and a mixture of deciduous and pine trees should be planted. He and other homeowners feel that there are an additional 11 trees that will need to be removed in the next few years.

The fence has been an improvement. He does not agree that removing 16 trees and planting 5 new trees will be sufficient.

Chairman Brown asked Mr. Johnston if he would be agreeable to meeting with representatives of the church to come to an agreement on a landscape plan that can be presented to the Planning Commission and Township Board. Mr. Johnston stated he has spoken to them; however, he is willing to meet again.

Commissioner Rickard understands that these trees are not all on the church's property; however, at this time, per the condition of the previous approvals, they are required to maintain the entire tree line.

Ms. Sandy Stogdill of 4793 Aljoann stated that different landscapers have had different opinions regarding these trees so they may have a different opinion than what was put in Leppek's report and presented to the Township.

Rob Stogdill of 4793 Aljoann does not feel that a security guard is needed at this time; however, he would like to keep it open for discussion if incidents do occur.

The call to the public was closed at 7:32 pm.

Commissioner Grajek stated that not all of the conditions put on the previous approvals regarding these trees have been met. He thinks this is an opportunity to make this right.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to table the request from the Church of the Nazarene to amend the Special Land Use and Site Plan Conditions.

The motion carried unanimously.

Administrative Business:

- **Staff Report**

Ms. VanMarter stated there will be an October Planning Commission meeting.

- **Approval of the June 12, 2017 Planning Commission meeting minutes**

Moved by Commissioner McManus, seconded by Commissioner Rauch, to approve the minutes of the June 12, 2017 Planning Commission Meeting with the minor changes noted. **The motion carried unanimously.**

- **Member Discussion**

There was a brief discussion regarding why the driving school is still allowed in the Church of the Nazarene parking lot. Ms. VanMarter and the Planning Commissioners agree that it is not an appropriate use in a residential zoning area.

- **Adjournment**

Moved by Commissioner McManus, seconded by Commissioner Mortensen, to adjourn the meeting at 7:47 pm. **The motion carried unanimously.**