

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
NOVEMBER 13, 2017  
6:30 P.M.  
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:31 p.m. Present were Chairman Doug Brown, Jim Mortensen, Eric Rauch, Chris Grajek, and Jill Rickard. Absent were Barb Figurski and John McManus. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Gary Markstrom from Tetra Tech, Brian Borden of LSL Planning, and an audience of 24.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Chairman Brown asked to have a work session prior to the start of Old Business.

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

CALL TO THE PUBLIC: The call to the public was made at 6:31 pm with no response.

WORK SESSION: Chairman Brown stated that there are two members who are absent this evening and one of the Commissioners will need to be excused from Open Public Hearing #2. That will leave only four members to vote. The applicant has the option to have their item tabled.

With regard to Hearing #5, he will need some additional information from the Planner and staff during the discussion. He also has some suggestions to the language.

**OLD BUSINESS:**

**OPEN PUBLIC HEARING #1...** (Tabled 9-11-17) Review of a request to amend conditions of 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 Recommendation of Petition:

A. Recommendation of amendment to special land use and site plan conditions.

Pastor Ben Walls stated that they were asked to meet with the neighbors. They have done that and contracted Landscape Designs to determine which trees should be

moved. They all walked the tree line and the homeowners determined which trees should be taken out. The church paid to have them removed. They also paid to have Landscape Designs plant new trees, which were also approved by the neighbors.

Commissioner Grajek questioned who will maintain the trees. Pastor Walls stated this has not been resolved.

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

The amendment of the number of trees to be removed and replanted must be approved by the Township. He noted that the trees that were planted are 1.5"-2" caliper whereas the ordinance standard is 2.5" caliper.

A condition of a previous approval by the Township Board was that the church would maintain the tree line. If this is going to be changed, it must be approved by the Township Board.

The church is also requesting to eliminate the need for the security guard and this will need to be approved by the Township Board as it was also a condition of a previous approval.

Mr. Jim Burgess stated that they were not provided the size of the trees by their landscape architect and they were not aware there was a minimum caliper required. The landscape store told them that the 2" caliper containerized trees were better for the location.

Commissioner Grajek asked if there is someone on site at the skate park during its operating hours. Pastor Walls said they have a skate park manager and volunteers who are always there when the park is open.

Chairman Brown stated that an e-mail was received from Colleen Bussey of 4897 Aljoann. Ms. Bussey asked if the landscaping is finished because she did not get a chance to review the blueprints. She is not in favor of the deciduous trees that will lose their leaves, would like the Township to require the church to maintain the landscape and that records have been kept of the church's many agreements that have been rescinded on.

Mr. Rob Stogdill of 4793 Aljoann submitted a letter stating his approval of the new tree line; however, he, as well as other homeowners, do not want to be responsible for maintaining the trees. A condition of the Township's previous approval was that the church shall maintain the tree line. Another condition was that the sixteen trees that have died or been removed as well as the addition of three pine trees be planted along the east property line. The church has not maintained the tree line and many trees have died.

Pastor Wells stated that the church as spent a lot of money on the tree line. They have spent almost \$50,000. He disagrees that they have not maintained the tree line. They did have a delay in replacing the dead trees due to funding. The trees did not die because of the snow plowing or the salting of the parking lot; they died because they were diseased.

Chairman Brown asked if there any of these trees are on church property. Mr. Burgess stated there are no trees in this tree line on their property. Chairman Brown stated that he was not on the Planning Commission in 2003; however, he has learned that the homeowners signed a deed restriction stating they would maintain the tree line. Then other requests were made by the church and they were required to maintain the tree line. He feels that the homeowners should maintain the trees since they originally agreed to do it.

Commissioner Mortensen stated that the landscaping was put in to shield the view of the church from the residential area as well as to limit the children from the skate park running through the neighborhood. Pastor Walls stated the fence was put up to stop the kids from running through the trees. Commissioner Mortensen stated that the fence shields the neighbors from the church and the fence solves the safety issues. He believes it is unreasonable to ask the church to maintain them since they are not on their property.

Chairman Brown stated that at last month's Planning Commission meeting, there were residents who had concerns about the west side of the property. He visited the site today and saw that the church can be seen from their property. Pastor Walls stated that they did plant 12 evergreen trees when they built the sanctuary. They are not mature and will continue to grow.

Commissioner Rauch stated that when the privacy fence was put up, it created a visual condition that the tree line is on the residential property.

Commissioner Grajek thanked Chairman Brown for mentioning the deed restriction. This shows that the homeowners are responsible for the tree line and the church has done a lot of work in that area in good faith.

Commissioner Rickard stated that as it relates to the caliper of the trees, she believes they should be allowed to stay. Grajek agrees.

The call to the public was made at 7:15 pm.

Mr. Larry Webb of 7951 Brighton Road stated he is one of the three residents on that road on the west side of the church. There are no evergreen trees shielding his home

from the site. Pastor Walls stated he is willing to work with the neighbors. He was not aware of their concerns until last month's Planning Commission meeting.

The call to the public was closed at 7:16 pm.

**Moved** by Mortensen, seconded by Rauch, to recommend to the Township Board approval of amendments to the special land use and site plan conditions for the Brighton Church of the Nazarene as follows:

- The site plan design of Landscape Design and Associates dated October 2, 2017 showing is recommended.
- The requirement that the Church of the Nazarene maintain the tree line along the ROW should be removed with the assumption of the maintenance responsibilities be transferred to the homeowner's association of Worden Lake Subdivision. This is consistent with the covenant in the master deed of the subdivision on Worden Lake.
- It is recommended that a paid security individual on site of the Church of the Nazarene be discontinued.

These recommendations are made for the following reasons:

- The construction a few years ago of the 6-foot high, 700-foot long fence along Aljoann shields the view of the church and its activities from the neighborhood.
- There has been no reported incidents requiring continuation of a security guard and during operation of the skate park, there is a director and volunteers available.
- This amendment does not include the northeast portion of the site where there are plantings on the church property, which will continue to be maintained by the Church of the Nazarene.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...** (Tabled 10-10-17) Review of a special use application, environmental impact assessment and site plan for a proposed K-12 Livingston Christian Schools to be located within the Brighton Church of the Nazarene at 7669 Brighton Road, Brighton. The request is petitioned by Livingston Christian Schools.

Planning Commission Recommendation of Petition:

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment
- C. Recommendation of Site Plan.

Commissioner Rauch asked to be excused from the discussion and motion as his children attend Livingston Christian Schools.

**Moved by** Mortensen, seconded Grajek, to excuse Commissioner Rauch. **The motion carried unanimously.**

Brett LaVanway of Boss Engineering, Steven Russo of Fleis & VandenBrink Engineering, Inc., and Rob Wiegand of Livingston Christian Schools were present.

Mr. LaVanway believes they have addressed all of the items requested at the previous Planning Commission meeting.

Mr. Borden reviewed his letter dated November 6, 2017.

- The general special land use standards have been met.
- The only deficiency with the specific use conditions is the east side parking lot setback.
- The site plan still shows an increase in building coverage; however, the building is not being expanded. This should be corrected.
- The Township can require looped or double-striped parking spaces for the modified parking area.
- When future signage is proposed, the applicant must obtain approval and a permit from the Township.
- They would like the applicant to describe where and how the students above the 3rd grade will be provided access to outdoor during the school day.
- They are suggesting that a method for the school to regularly report enrollment numbers to the Township be developed.

Mr. Wiegand stated that the play area is 7,300 square feet and the State of Michigan has approved this area for 250 kids. The school also believes this is sufficient for their students. They will also be utilizing the gymnasium for recess.

Ms. VanMarter asked to have a statement, such as "All of the children will use the playground or the gymnasium area during recess" added to the Impact Assessment.

Mr. Wiegand stated they have updated the lease agreement with the Church. Ms. VanMarter stated a letter was received from Pastor Walls stating that the church and the school have agreed to the proposed site plan. Commissioner Grajek asked if all of the site improvements have been agreed upon by the church and the school and has it been decided who will bear the cost. Mr. Wiegand stated this still needs to be discussed between the school and the church. They do not have bids yet. The commissioners would like to have an agreement between the church and the school submitted to the Township for review.

Mr. Markstrom stated that the applicant has completed the updated traffic study as requested. There was not a significant change from the study that was done in May of 2015.

Commissioner Mortensen questioned the Level of Service F on the traffic study. Mr. Russo stated there is a Level of Service F for the cars turning left out of the site onto

Brighton Road. This would cause a back-up on the site and not on the surrounding public streets.

Chairman Brown asked what the level of service will be on Aljoann. Mr. Russo stated he does not believe the level of service would be an F, as it is on the church site, but he cannot be sure without running the numbers.

Ms. VanMarter noted that there will be tap fees required to be paid to the City of Brighton. In 2015, the cost was \$81,000. She is not aware what it will be now and recommended the applicant check with the City of Brighton.

The call to the public was made at 8:01 pm.

Chairman Brown stated that a letter was received from Jay Johnson who is concerned with the traffic. He is suggesting using the church next door for a drop off and then the children could walk on the sidewalk to the church. He suggested a shuttle service be used during inclement weather.

The call to the public was closed at 8:04 pm.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the special use application to permit Livingston Christian Schools to operate a school on the site of the Church of the Nazarene with the following conditions:

- The terms of the special use agreement insofar as responsibilities between the Church of the Nazarene and the Livingston Christian Schools will be spelled out in a way that is satisfactory to the Township attorney prior to the issuance of a special land use permit. The agreement can be a copy of the lease agreement between the Livingston Christian Schools and the Church of the Nazarene.
- A copy of the Livingston Christian Schools' annual report to the State of Michigan certifying the school enrollment shall be provided to the Township.

This recommendation for the special use application is made because the Planning Commission finds it is consistent with the requirements of Section 19.03 of the Township Zoning Ordinance, and furthermore, is consistent with the general character in the area, which consists of a number of churches and schools.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the impact assessment with a revision date of October 25, 2017 to permit Livingston Christian Schools to operate a school on the site of the Church of the Nazarene with the following note added:

- "The playground will be confined to the outdoor area identified on the site plan reviewed tonight by the Planning Commission as well as the gymnasium".

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the site plan dated October 25, 2017 to permit Livingston Christian Schools to operate a school on the site of the Church of the Nazarene with the following conditions:

- Correction on the site plan to indicate that the building coverage is 8.19 percent and not 6.99 percent.
- Parking spaces in the modified parking area will be double striped / looped
- Any future signage will need to be approved by the Township.
- The requests of the Engineer in his letter dated November 6, 2017 shall be met.
- The requests of the Brighton Area Fire Authority in their letter dated November 7, 2017 shall be met.
- The applicant shall play the required tap fees to the City of Brighton.

**The motion carried unanimously.**

### **NEW BUSINESS:**

**OPEN PUBLIC HEARING #3...** Review of a special use application, environmental impact assessment, and site plan for proposed outdoor storage and parking lot improvements located at 5818 Sterling Drive, Howell. The request is petitioned by Dennis Cregar.

#### Planning Commission Recommendation of Petition:

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan

Mr. Brent LaVanway and Mr. Dennis Cregar were present. Mr. LaVanway stated that they would like to add fencing to screen their outdoor storage. They will be making improvements to the parking lot, which will include additional parking spaces. These spaces are used for employees as well as training and staff meetings that are occasionally held at this location. Additional improvements to the site will be signage and a dumpster enclosure. They will also be requesting to connect to public water and sewer.

Mr. Borden reviewed his letter dated November 1, 2017.

- The special land use standards of Article 19 are met.
- The Planning Commission will need to approve a six-foot privacy fence in lieu of Buffer Zone B for the accessory outdoor storage area.
- The Planning Commission has the authority to require the applicant to install the banked parking spaces if they feel they are necessary.
- He suggests adding a note to the impact assessment stating the applicant acknowledges he may be required to install the banked parking spaces if required by the Township.

Mr. Markstrom stated the applicant met all of his previous concerns.

The applicant has met all of the requirements of the Brighton Area Fire Authority.

The call the public was made at 8:27 pm with no response.

**Moved** by Commissioner Rauch, seconded by Commissioner Rickard to recommend to the Township Board approval of the special use application for proposed outdoor storage and parking lot improvements for Town Center, Inc. as it meets the requirements of Article 19 of the Township Ordinance. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the environmental impact assessment with a revision date of October 23, 2017 for proposed outdoor storage and parking lot improvements for Town Center, Inc. with the following not added:

- "The 19 banked parking spaces are approved if the applicant finds they are not needed, but understands that the Township can require them to be installed at their discretion".

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Grajek, to recommend to the Township Board approval of the site plan dated October 25, 2017 for proposed outdoor storage and parking lot improvements for Town Center, Inc. with the following conditions:

- The requirements of the engineer's letter dated November 2, 2017 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated November 7, 2017 shall be met.
- The Planning Commission finds the 19 parking spaces being requested as banked parking is acceptable.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Review of site plan application, environmental impact assessment and site plan for a proposed multi-use athletic field with storage building and concessions building with parking lot expansion at 3750 Cleary Drive. The request is within the Cleary University Planned Unit Development and is petitioned by Cleary University.

Planning Commission Recommendation of Petition:

- A Recommendation of Environmental Impact Assessment.
- B. Recommendation of Site Plan

Brent LaVanway of Boss Engineering, Alan Price of University Housing Solutions, and Dave Howard, Facilities Director, were present.



Mr. LaVanway stated they are proposing to install a multi-use athletic field at Cleary University. It will also include a concession stand, an outdoor storage building, and bleachers. It will be used for baseball, soccer, lacrosse, and softball. He showed the site plan.

The proposal is slightly different from the approved PUD; however, in order to consolidate resources, Cleary University wanted to put the fields all together.

Mr. Price reviewed the architectural details of the site plan. He showed the proposed building materials.

Commissioner Rickard questioned if the easement from MHOG has been received. Mr. LaVanway has spoken to MHOG and they are agreeable to granting the easement; however, it has not been completed at this time.

Mr. Borden reviewed his letter of November 8, 2017

- The building elevations, colors, and materials are subject to approval by the Planning Commission.
- There is one light on the photometric grid that is slightly (10.3) above the 10-foot candle maximum. Mr. LaVanway will make this change by altering the height of that light pole.
- They suggest that the lights be turned off within a specified time after an event concludes. The applicant is in agreement that they will have them turned off one hour after any event.
- The applicant must obtain authorization from MHOG for an easement over a portion of the water tower property.

Mr. Markstrom reviewed his letter of November 2, 2017.

- The regional detention basin calculations must be updated to include the 4+ acres from the athletic fields.
- The applicant should provide an access drive to the outlet structure for maintenance purposes. This can be gravel.

The Brighton Area Fire Authority letter dated November 7, 2017 states that some of their requirements have been met and others are still outstanding.

The call to the public was made at 8:49 pm with no response.

**Moved** by Commissioner Grajek, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the environmental impact assessment dated October 4, 2017 for a multi-use field with storage building and concessions building with parking lot expansion for Cleary University with the following requirement:

- The lights on the fields will be turned off one hour after the conclusion of any event.

**The motion carried unanimously.**

**Moved** by Commissioner Grajek, seconded by Commissioner Rauch, to recommend to the Township Board approval of the site plan dated October 25, 2017 for a multi-use

field with storage building and concessions building with parking lot expansion for Cleary University with the following requirements:

- An easement from MHOG shall be obtained prior to the issuance of the land use permit.
- The applicant shall comply with the requirements of the Engineer's letter dated November 2, 2017.
- The applicant shall comply with the requirements of the Brighton Area Fire Authority's letter dated November 7, 2017.
- The building materials reviewed this evening are acceptable to the Planning Commission and will become the property of the Township.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #5...** Consideration of Zoning Ordinance Text amendments to Article 7 of the Zoning Ordinance, entitled "Commercial and Service Districts", Table 7.02 and Section 7.02.02 is proposed to be amended to revise multiple conditions and to add standards related to "Dog Daycare Centers" and "Veterinary Clinics". This request is petitioned by Genoa Charter Township.

Planning Commission Recommendation of Petition:

A. Recommendation of Zoning Ordinance Text Amendment

Ms. VanMarter stated these proposed amendments are results of current and proposed future business owners asking for changes. The Township believes they are timely and appropriate so they have prepared the proposed ordinance changes.

The largest change would be to allow pets to stay overnight in a business in a commercial district.

Commissioner Rickard questioned how the pet waste will be handled. She is concerned about dogs barking and it being a disturbance to the neighboring businesses. Ms. VanMarter stated these businesses will require a special use permit so there are a lot of requirements, and they address the handling of pet waste and certain building materials to be used to mitigate the barking sound from leaving the building.

Commissioner Rauch questioned the "gaming establishments". Ms. VanMarter stated these types of uses are not gambling. The Planning Commission suggested having a definition placed in the ordinance. Ms. VanMarter agrees.

The call to the public was made at 9:12 pm.

Ms. Paula VanderKarr, who is interested in opening a pet day care facility in the Township, was present. She stated the waste is handled by a biodegradable bag with cedar chips. It helps with the smell and repels the bugs. Commissioner Rickard is concerned with the pet urine that could possibly be washed into the storm sewer. Ms. VanderKarr stated there is a certain system that is being required by the proposed ordinance that will filter the urine before it goes into the ground. Ms. VanMarter

reviewed these conditions as outlined in Paragraph (w)(10). Commissioner Rickard noted there are some issues with the system that is being proposed. Surface water cannot be emptied into the sanitary sewer system.

Dr. Michelle Bradford stated she is interested in opening a veterinary clinic in the Township.

Gary Laundroche, who represents Master Kihl, who owns the building where Dr. Bradford would like to open her veterinary clinic asked for clarification of the process for the ordinance amendments, then the approval for her to move into their building.

The call to the public was closed at 9:24 pm.

There was a discussion regarding outdoor areas for the animals, the disposal of waste, etc. Commissioner Mortensen feels this needs more review and discussion by the Planning Commission. There may be additional requirements. Chairman Brown agrees. Ms. VanMarter will make amendments to her proposed changes based on the discussion this evening and return to the Planning Commission for additional review.

**Moved** by Grajek, seconded by Rickard, to table Agenda Item #5 until the December 11, 2017 Planning Commission meeting. **The motion carried unanimously.**

### **Administrative Business:**

- **Staff Report**

Ms. VanMarter had nothing to report.

- Approval of the October 10, 2017 Planning Commission meeting minutes

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to approve the minutes of the October 10, 2017 Planning Commission Meeting as presented. **The motion carried unanimously.**

- Member Discussion

There were no items to discuss this evening.

- Adjournment

**Moved** by Commissioner Grajek, seconded by Commissioner Rickard, to adjourn the meeting at 9:38 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary