

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
NOVEMBER 13, 2018
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, Jim Mortensen, Chris Grajek, Marianne McCreary, Eric Rauch, Jeff Dhaenens, and Jill Rickard. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Gary Markstrom of Tetra Teach, Brian Borden of Safebuilt Studio, and an audience of 25.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner McCreary, seconded by Commissioner 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.

PRESENTATION BY LIVINGSTON COUNTY PLANNING DEPARTMENT

Scott Barb stated that the 2018 Livingston County Master Plan was adopted at the October Planning Commission Meeting. It is available for use by residents and Planning Commissions in Livingston County. This was a three-year process. He provided the Commissioners with a summary of the Master Plan. It provides Best Management Practices for trends around the state and the country. The entire Master Plan is available online and contains many links that are meant to be interactive. Although the plan has been adopted, they welcome feedback.

OPEN PUBLIC HEARING # 1... Review of a special use, site plan and environmental impact assessment for a proposed pet day care center (Dog Town and Kitty City Day Care) within an existing commercial building. The property in question is located at 3557 E. Grand River Avenue Howell. The request is petitioned by Paula Vanderkarr.

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

Ms. Paula Vanderkarr provided a review of the business she is proposing. She will provide day care, training, and hopes to one day provide grooming services.

Mr. Borden reviewed his letter of November 7, 2018. He stated the applicant has revised the site plan to address the Township's concerns regarding the parking lot and landscaping. He noted that the sound study has been submitted.

The general conditions of the special land use standards of Section 19.03 have been met. There are some outstanding items regarding the use conditions of Section 7.02.02(w).

- Because the fencing being proposed is vinyl, the sound study consultant should address if additional insulation is needed or if the material should be changed to masonry. Ms. Mandy Kachur, of Soundscape Engineering, provided information on how she determined that the proposed vinyl fencing will be more than sufficient to block the sound from dogs barking outside and that the requirements of the ordinance have been met. She added that the existing vegetation will help with reducing the sound of the dogs to the residential properties to the north. Commissioner Mortensen questioned if installing an 8-foot fence would reduce the sound even further. Ms. Kachur stated that adding two more feet to the fence, would make a "just noticeable" difference.

There was a discussion regarding the fencing material. Ms. Kachur was not able to test with the proposed fencing material; however, because it is thicker than what she used, and has a tongue and groove system, this is more favorable than her testing.

- This one use will require all of the existing parking on this site so if there is a new tenant or occupant of the building in the front, the parking lot would need to be expanded.
- He suggested there be repairs made to the parking lot pavement. The property owner was present and he stated he will be repaving the parking lot.
- The cross access easement to the west is shown as an emergency access only. Ms. VanMarter stated it should be a shared access. Staff will work with the two property owners and the City attorney to facilitate this.
- The sizes of the proposed greenbelt and parking lot trees shall be provided.
- The floodlights must be removed as part of this project.
- The existing, non-conforming pole sign should be removed and replaced with a ground sign. Because the applicant is not the property owner, she would not be responsible for replacing the sign.

Mr. Markstrom reviewed his letter of November 7, 2018.

- The existing parking lot pavement is in poor condition. The petitioner should include replacing the existing parking lot within the scope of the project. Parking lot improvements should be shown on the site plan.

- Curb and drainage structures should be included around the parking lot perimeter to control storm-water and vehicle access to the site.
- In reference to his letter from August 16, 2018, surface water runoff from the play area will not be permitted, as this represents an illicit discharge to the natural storm water drainage system. The applicant has provided information on the K9 grass they are proposing and it was detailed; however, the petitioner should include documentation on how they plan to manage surface water runoff including documentation on the underlying soil and its suitability for infiltration. If soil will not be suitable for downward infiltration, additional containment may be required to prevent illicit discharge.

The requirements of the Brighton Area Fire Authority have been met.

The call to the public was made at 7:56 pm.

Mike Aubert, lives in The Landings at Rolling Ridge. He is also a Board Member of the association. He believes that the residents will hear this business, and that is not his concern, but he is concerned that it is going to be irritating and annoying.

Ms. Sharon Schmitz stated there is so much rural area in Genoa Township and asked why this has to be near a residential area.

Ms. Kimberly Kucisk is a member of the Board of The Landings at Rolling Ridge. She is a realtor and stated that this will drop their property values. She would like the Board of the association to be able to bring in their own sound expert. The Planning Commission advised Ms. Kucisk that the applicant's consultant's report is on the website and can be reviewed.

Ms. Carol Bedard stated that their community sits in a basin and the water already runs off to their property. She is concerned with the bacteria from the dog waste entering into the ground.

The call to the public was closed at 8:18 pm

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Special Use Permit for a business known as Dog Town and Kitty City to operate a daycare for pets, subject to the following:

- The owner will acknowledge, in writing, the loss of parking, which may prohibit commercial use of the building to the south of the site.
- This recommendation is made because the Planning Commission finds that it meets the requirements of Section 19.03 of the Township Ordinance for properties zoned General Commercial.
- A study provided by a licensed sound engineer indicates that the maximum noise levels will be below ordinance levels from both the inside and outside of the building
- The Planning Commissioner finds that the use is compliant with conditions of Section 17.02.02 of the Township Ordinance.

The motion carried. (Rauch - yes; Dhaenens - yes; Brown - yes; Rickard - yes; Grajek - yes; McCreary - no)

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated July 30, 2018, Revised October 23, 2018, for Dog Town and Kitty City, subject to the following:

- The sound engineer's findings will be included as an attachment to the Environmental Impact Assessment.
- The owner will acknowledge, in writing, the loss of parking, which may prohibit commercial use of the building to the south of the site and it will become part of the Environmental Impact Assessment.

The motion carried. (Rauch - yes; Dhaenens - yes; Brown - yes; Rickard; Grajek - yes; McCreary - no)

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens to recommend to the Township Board approval of the Site Plan dated September 9, 2018 for a business known as Dog Town and Kitty City to operate a daycare for pets, subject to the following:

- The proposed vinyl screen fence is acceptable and the sample provided this evening will become Township property.
- Approvals must be obtained from outside agencies, copies of which will be provided to Township staff, before land use permit is granted.
- The pavement should be repaired as part of this project.
- Parking spaces shall be double striped per ordinance requirements.
- The restriction of emergency vehicles shall be removed from the site plan and the property owner should work with Township staff to ensure there is a cross access easement with the property to the west.
- Tree sizes should be noted on the plans.
- The existing flood lights must be removed as part of this project.
- The existing pole sign should be removed and replaced with a sign consistent with the Township ordinance.
- The requirements of the Township Engineer specified in his letter dated November 7, 2018 shall be met, excluding Item #2.

The motion carried. (Rauch - yes; Dhaenens - yes; Brown - yes; Rickard; Grajek - yes; McCreary - no)

OPEN PUBLIC HEARING # 2... Review of a special use, site plan and environmental impact assessment requesting final site condominium recommendation for a proposed 25-unit site condominium with a special land use to allow for grading within the 25 foot natural features setback. The property in question is located on approximately 61 acres involving parcels 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

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

Mike Bearman of Livingston Engineering and Steve Gronow, the owner, were present.

Mr. Bearman provided a review of the proposed project. He reviewed the changes they have made regarding the Special Land Use. They have received a permit from the MDEQ to for the detention outlet, approval from the Livingston County Health Department for the septic fields and wells, and site distance approval from the Livingston County Drain Commissioner for the entrance location on Chilson Road. They received the consultants' letters and will address their minor concerns.

Mr. Borden reviewed his letter dated November 7, 2018.

- The condominium documents are subject to review and comment by the Township Attorney although they have provided several suggested edits.
- Remaining outside agency approvals (Livingston County Drain Commissioner, County Road Commission, and County Health Department) must be obtained (with documentation of approval to be submitted to the Township).
- The Exhibit B drawings should rename the "wetland setback" to "undisturbed natural features setback" and Lot 25 shall be added to the applicable lots.
- We recommend that the applicant complete the General Note on the General Layout Site Plan sheet (3), which says "homes on lots 7, 12, and 13 will utilize a smaller house footprint to prevent grading" to indicate that this is to prevent grading impacts on the required 25' natural features setback.
- The private road/shared drives are subject to review and approval by the Township.
- If the development is proposed as a gated community, details must be provided for review. Additionally, access codes will be required for all emergency service providers and we suggest the Township require an indemnification agreement.
- The encroachments into the 25-foot natural feature setback for the road, shared drive, detention outlet, dry hydrant, and grading for Unit 7 require special land use approval.
- Given a relatively limited area of disturbance in comparison to the area protected/preserved and approval of a wetland permit by MDEQ, we are generally of the opinion that the special land use standards are met.
- The applicant must address any comments provided by the Township Engineer and/or Brighton Area Fire Authority.

Mr. Markstrom stated that all of his concerns have been met.

Most of the Brighton Area Fire Authority's concerns have been met.

- They are requiring documentation and schematics (type, depth, location, pipe sizes, diameters, etc.) be provided for the dry hydrant. Mr. Bearman stated this information has been provided on the Special Land Use sheet.

- The names, addresses, phone numbers, and emails of the owner or owner's agent, contractor, or architect, and on-site project supervisor shall be provided.

The call to the public was made at 9:21 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Special Use Permit dated October 22, 2018 for Chestnut Springs to allow for grading within the 25 foot natural features setback for the road, shared drive, detention outlet, dry hydrant, and grading for Unit 7. The commission finds it meets the requirements of Section 19.02 of the Township Ordinance, the disturbance is limited in area, and the petitioner has a wetland approval from the MDEQ. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Environmental Impact Assessment for Chestnut Springs dated October 25, 2018. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Final Condominium Site Plan for Chestnut Springs dated October 22, 2018 subject the following conditions:

- The condominium documents are subject to review and comment by the Township Attorney, including the edits suggested to the condominium documents.
- Remaining outside agency approvals (Livingston County Drain Commissioner, County Road Commission, and County Health Department) must be obtained (with documentation of approval to be submitted to the Township).
- The Exhibit B drawings should rename the "wetland setback" to "undisturbed natural features setback" and Lot 25 shall be added to the applicable lots.
- We recommend that the applicant complete the General Note on the General Layout Site Plan sheet (3), which says "homes on lots 7, 12, and 13 will utilize a smaller house footprint to prevent grading" to indicate that this is to prevent grading impacts on the required 25' natural features setback.
- Reference to a gated community will be removed.
- The encroachments into the 25-foot natural feature setback for the road, shared drive, detention outlet, dry hydrant, and grading for Unit 7 require special land use approval.
- Given a relatively limited area of disturbance in comparison to the area protected/preserved and approval of a wetland permit by MDEQ, we are generally of the opinion that the special land use standards are met.
- Section 3.17 will be corrected to change "Michigan County" to "Livingston County"
- Section 9.1 of the Master Deed shall be amended to reflect "25" units, not "24"
- The applicant must address any comments provided by the Township Engineer November 7, 2018 and BAFA dated 11/08/18 will be met.
- Construction plan review will be required for the private road prior to the issuance of the Land Use permit.

The motion carried unanimously.

OPEN PUBLIC HEARING #3... Review of site plan and environmental impact assessment for a proposed addition and parking lot expansion to the existing Community Bible Church located at 7372 W. Grand River Avenue Brighton. The request is petitioned by Community Bible Church.

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

Mr. Brent LaVanway of Boss Engineering, Mr. James Wickman, the Deacon for Community Bible Church, and Mr. Wayne Bickel, the architect were present.

Mr. LaVanway provided a review of the project. They are proposing to expand the parking lot and add an 18,000 square foot expansion to the building.

Mr. Bickel provided colored renderings of the proposed addition. He reviewed the building materials and colors.

Mr. Borden reviewed his letter of November 6, 2018.

- The amount of metal paneling proposed on the building exceeds the limit established by Ordinance; however, the Planning Commission has discretion to waive this requirement. Mr. Bickel provided samples of the metal paneling, brick, stone, and wood.
Commissioner Rauch feels that the architect did a great job of incorporating the different materials and colors with this building. It complements the other buildings in this area along Grand River.
- The easement language for the sidewalk should be subject to review and approval by the Township.
- The amount of parking proposed is 132% of the minimum requirement. This requires Planning Commission approval based on supporting evidence from the applicant. Deacon Wickman advised the Planning Commission they require the amount of parking proposed.
- The Commission may waive/modify the buffer zone requirements along the south and east lot lines due to existing conditions (presence of a wetland and presence of existing trees, respectively).
- There is a minor inconsistency between the landscape plan and table that must be corrected.

Mr. Markstrom stated his concerns with the water service will be addressed with the applicant during a construction plan review meeting. He is satisfied with the traffic management plan proposed by the applicant.

The Brighton Area Fire Authority has one outstanding item that needs to be discussed further with the applicant.

The call to the public was made at 9:58 pm.

Mr. Terry Simpson, who is the owner of the property next door, is in favor of this project.

The call to the public was closed at 10:00 pm.

Moved by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Environmental Impact Assessment dated October 3, 2018 for the addition and parking lot expansion to the existing Community Bible Church. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Rauch, to approve the Site Plan dated October 2, 2018 for Community Bible Church, subject to the following:

- The easement language for the sidewalk should be submitted to Township staff for review and approval.
- The requirements in the Township engineer's letter dated November 7, 2018 shall be met, with special reference being made to the traffic mitigation plan submitted.
- The requirements of the Brighton Area Fire Authority's letter dated November 8, 2018 shall be met.
- The minor inconsistency between the landscape plan and table will be corrected.
- The renderings and building materials reviewed this evening area acceptable to the Planning Commission and will become Township property. Although the metal paneling exceeds the ordinance maximum, the Planning Commission finds the building is attractive, these are high quality materials, and is keeping with and will enhance the Grand River corridor in the immediate vicinity. The metal is placed in an area of potential future expansion of the building.
- The shared access easement for Harte drive shall be provided prior to issuance of land use permit.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

- Staff Report

Ms. VanMarter had nothing to report.

Approval of the October 9, 2018 Planning Commission meeting minutes

There were typographical errors noted by Commissioner McCreary.

Moved by Commissioner McCreary, seconded by Commissioner Rauch, to approve the minutes of the October 9, 2018 Planning Commission Meeting with the changes noted.

The motion carried unanimously.

- Member Discussion

Chairman Brown suggested that when a Commissioner is going to vote "no" on a motion, they should advise the applicant and the other Commissioners prior to the vote.

- Adjournment

Moved by Commissioner Rickard, seconded by Commissioner Mortensen, to adjourn the meeting at 10:18 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary