

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
MARCH 11, 2019
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, Chris Grajek, Jeff Dhaenens, Jill Rickard, Marianne McCreary, and Jim Mortensen. Absent was Eric Rauch. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of Safebuilt Studio, and Gary Markstrom of Tetra Tech. There were twenty seven audience members present.

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.

OPEN PUBLIC HEARING # 1... Review of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 19 unit site condominium. The property in question is located on approximately 30.8 acres at 4242 Bauer Road (Parcel #4711-26-200-002) on the west side of Bauer Road, between White Pines Drive and Challis Road. The request is petitioned by John Moretti.

- A. Recommendation Environmental Impact Assessment (1-25-19)
- B. Recommendation of Preliminary Site Condominium Plan (2-20-19)

Mr. John Moretti, Jr., representing his father, John Moretti, and Mr. Philip Rasor, the engineer, were present.

Mr. Rasor showed the proposed site plan, which will include 19 dwellings. They have revised the access drives and provided a fire suppression system that now meets the requirements of the Brighton Area Fire Authority.

If they receive preliminary site plan approval, they will work with the Livingston County Drain Commissioner so they can use Mudd Lake for storm-water runoff and the

Livingston County Road Commission for the placement of the private road off of Bauer Road.

Mr. Borden stated that the applicant has addressed all of his concerns. He noted that there are additional items that will need to be submitted when the final site plan is presented for review.

Commissioner Mortensen questioned how the owner, whose home is adjacent to this property but not part of the development, will access his property. Mr. Rasor stated he will obtain an easement granting access to the private road and he will pay his share of the condominium maintenance fees.

Ms. Rickard noted that because the owner's home is located on a large lot, there should be a note in the master deed and bylaws that there may be a time when that property may be divided and developed further and those property owners may need access via the private drive as well.

Mr. Markstrom reviewed his February 25, 2019 letter. He stated that the applicant will address his concerns by working with the Livingston County Health Department, Road Commission, and Drain Commissioner.

Chairman Brown reviewed the Brighton Area Fire Department letter dated March 4, 2019.

1. The applicant is proposing three different alternatives for the 12,000-gallon tank under the cul-de-sac island. All three options are acceptable to the fire authority; the applicant needs to commit to one through further research. The Maintenance requirements for the alternative water supply shall be included in the Condominium By-Laws.
2. The dimensions of the roadway need to be reflected along the road and not just the construction detail. Each side of the one-way entrance shall be a minimum of 20-feet wide and the roadway a minimum of 26-feet wide. When scaled, neither meet this dimension.

Chairman Brown noted a letter was submitted to the Township this morning from Mr. Krebs of 7917 Goldwin Drive. He is concerned with the site distance of the access drive on Bauer Road. Mr. Rasor reiterated that once they receive preliminary site plan approval, they will work with the Livingston County Road Commission to confirm the site distance is acceptable. If it does not meet their approval, they will relocate the driveway.

The call to the public was made at 6:54 pm.

Mr. Todd Krebs of 7917 Goldwin Drive owns the property directly north of this site. He reiterated his concern regarding the site distance of the proposed drive. He is requesting a landscape buffer be placed between his property and the northernmost road of the access drive. He thinks the houses are going to be very nice.

Mr. Bill Rockwell of 4346 Argenta Drive stated that Mudd Lake flows into a stream that runs through his property. He noted that the applicant stated the development will not have a "significant" impact on the flow of Mudd Lake. He wants to make sure that the flow will not increase and possibly wash out the edges of the stream or the trees. He is also concerned that the lawns in this development will be treated with fertilizer and mosquito repellent and that will flow into the lake and then into the stream. He does not want the flow to decrease either.

Mr. Razor explained their proposal for the storm water control. Most of the drainage on the site currently drains into the lake. He noted that the Drain Commissioner will not approve a proposal that will alter the flow of the stream.

Mr. Richard Kettle of 4384 Argenta Drive would also be impacted by any changes to the stream. Two thirds of his property is a wetland and he wants to make sure that there will not be additional flow, or possible surges caused by heavy rains, due to this development. He is also concerned with the access drive off of Bauer Road. There is a lot of traffic on this road and people drive very fast.

Mr. Brian Dunleavy of 6701 Quaint Ridge Trail questioned if there will be an impact on the aquifer's water table due to the additional homes. Mr. Razor stated they had four test wells done and it was determined that there is adequate water on this site; however, they are waiting for the final approval from the Livingston County Health Department. Mr. Dunleavy would like a stewardship program in the by-laws to notify homeowners that what they put on their lawns will flow into the lake.

Mr. Don Baker of 6899 White Pines Drive borders the south side of this property. He noted that one of his neighbor's driveway is on the applicants property. Mr. Moretti stated the roadway doesn't enter onto the property but the ROW does. The applicant will be putting a landscape buffer along this ROW to eliminate the homeowner from accessing their property from White Pines Drive.

He asked if the sediment ponds will hold water. Mr. Razor stated they will hold water during a rain event; however, they are required to be designed to drain within 72 hours.

They are not permanently water filled. Mr. Baker stated there is an economic downturn anticipated in 18 months and he does not want half built houses and piles of dirt on this property in his backyard.

Mr. Steve Tousignant 6712 White Pines stated he agrees with his neighbors. They want to ensure that everything is done correctly. He is also concerned with pulling into and out of the subdivision. He does not want anything that is done on this site to further hinder their site lines exiting off of White Pines Drive. There was a discussion between Mr. Tousignant, the Planning Commission, and Mr. Rasor regarding a possible drop lane into White Pines Drive as well as onto the road entering into the proposed project.

Mr. Kratz questioned if it would be possible to lower the speed limit on Bauer Road. Ms. VanMarter stated it is the Livingston County Road Commission that determines the speed limit.

The call to the public was closed at 7:29 pm.

Moved by Commissioner Grajek, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact revised and dated 2/19/19 as presented. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Preliminary Site Condominium Plan dated 2/20/19 for 4242 Bauer Road, conditioned upon the following:

- The following documents will be required with a final submittal:
 - Condominium documents (Master Deed and By-Laws);
 - A detailed landscape plan;
 - Building designs/renderings
 - A detail of the residential entrance signage
- With regard to the landscape plan, consideration should be given for a buffer on the drive between the entrance drive and the house immediately to the north of the entrance, which is not part of the condominium
- The Township attorney shall review the condominium documents.
- It is recommended that the condominium by-laws include a caution to the homeowners about the extra sensitivity to environmental factors affecting the drainage into Mudd Lake.
- The applicant shall include language ensuring protection of the wetlands, natural feature setback and undisturbed wooded areas.
- The applicant must provide a Private Road Maintenance Agreement, including the financial and maintenance assurances required by Ordinance and the

agreement will cover the access road for the property at the north, which is not part of the condominium development.

- The master deed and/or by-laws should spell out that because of the road easement for the property to the north, future development on that property to the north may occur.
- The petitioner should request review by the Health Department regarding the location of the septic field on the property to the north of the development relative to its location next to Lot #15's well and septic field.
- The petitioner should review the landscaping plan to ensure that trees planted will not interfere with septic fields.
- The petitioner will follow recommendations made by the Township engineer in his letter dated February 25, 2019 and the Brighton Area Fire Authority letter dated March 4, 2019.

The motion carried unanimously.

Commissioner Dhaenens stated he appreciates the applicant listening to the comments made by the Planning Commission and the consultants and presenting a revised plan that was more fitting.

OPEN PUBLIC HEARING # 2... Review of a rezoning application, PUD application, PUD agreement, impact assessment, and conceptual PUD plan for a proposed planned industrial development with a new 67,000 sq. ft. indoor climate controlled storage building. The rezoning requested is from GCD to IND with a Planned Industrial District (PID) overlay located at 2528 Harte Drive, Brighton consisting of 10.62 acres on Parcel #4711-13-300-009. The request is petitioned by James Pappas of Fusco, Shaffer and Pappas, Inc.

- A. Recommendation of Rezoning and PUD Applications - GCD to IND (PUD)
- B. Recommendation of PUD Agreement (2-22-19)
- C. Recommendation of Environmental Impact Assessment (January 2019)
- D. Recommendation of Conceptual Site Plan (2-22-19)

Mr. Jim Pappas, the engineer, and Mr. Harte, the property owner, were present. They are proposing to building a climate controlled storage building with a sales office. There will also be a residential unit on the second story of the building for the caretakers of the storage facility. Mr. Pappas showed the site plan, building elevations, and proposed building materials. He reviewed the drainage plan, landscape plan, site access, and the proposed ground sign.

They will need to request an amendment to the PUD because it requires a two-acre acre minimum lot size and the lot split and they are requesting is one acre. They believe the proposed materials are attractive and appropriate for this location.

They will need to remove all of the trees on the site so they are proposing to replace as many trees as possible throughout the site.

They are installing a greenbelt around three sides of the building at the property line; however, they are requesting the requirement for the wall be waived. They do not believe it is in the best interest of the residential neighborhood that is adjacent to this property on three sides. Many of the kids use this site to “cut through” to Grand River to get to and from the bus stop. If they were to put up the wall, it would make it a much longer walk for them. They will install a sidewalk throughout the site which will assist with these kids continuing to cut through the site.

The ground sign on Grand River is larger than allowed. Mr. Pappas noted that the Planning Commission can approve an increase in the size by 50 percent and if that is done, they would be within that limit. The existing building cannot be seen from Grand River, so it is important to have a larger sign for visibility. They also want to be able to have all of the businesses on this site have their name on the sign.

They have reviewed the engineer’s letter and will address his concerns and the Brighton Area Fire Authority has approved their design.

Mr. Borden reviewed his letter dated March 6, 2019. The applicant has addressed most of his comments. He did note that the Township Board can reduce or waive the minimum property size requirement because of the availability of water and sewer.

- Rezoning to IND on its own would not generally be considered compatible with the Township Master Plan; however, they believe that the inclusion of a request for the PID overlay mitigates this concern.
- The applicant has provided sample building materials; however, he would like to see the materials of the existing building on this site to see if they are compatible. Mr. Pappas showed a photograph of the existing building. It is brick with stone accents and a metal roof.
- While Mr. Borden feels the applicant did a great job in replacing the trees, given the extent of tree removal proposed, he encourages the applicant to retain additional healthy mature trees and/or possibly relocate them elsewhere on site.
- The planting requirements for the Buffer Zone “B” this have been met. The applicant is asking to have the Planning Commission waive the requirement for the wall. The Planning Commission has the discretion to waive this requirement.

- The Planning Commission may allow an increase in the sign area based upon the nature of the development. However, the sign height needs to be reduced or included in the PUD Agreement as a deviation. Ms. VanMarter stated that the Genoa Business Park sign across the street is 10 feet 2 inches tall and the St. Joseph Mercy Woodland sign down Grand River is 12 feet, ½ inch. The applicant is proposing an 8-foot high sign.

Mr. Markstrom reviewed his letter dated March 1, 2019. They have addressed his previous concerns. The items in his letter are procedural in nature.

- The petitioner has noted that they are currently working on getting approval from adjacent properties for their temporary grading easement. Documentation for these easements should be provided for the Township's records.
- The water main improvements will be public infrastructure and will require construction plan review and MDEQ permitting through MHOG. The petitioner will be required to provide easement documentation for the proposed water main prior to MDEQ permitting. This can be done after site plan approval.

All of the previous concerns of the Brighton Area Fire Authority have been met.

Chairman Brown provided suggested edits for the PUD Agreement. There was a discussion regarding the Agreement containing uses that are prohibited. It was suggested that the applicant amend the document to list the uses that are permitted, instead of what are prohibited.

The call to the public was made at 8:37 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Rezoning of the Birkenstock property from General Commercial District (GCD) to Industrial (IND) with a Planned Industrial Development (PID) overlay, subject to the following:

- The Planning Commission finds that the qualifying conditions in Section 10.02 of the Township Ordinance are met with the proposed use of the property, including single ownership initiated by petition of the owner and other requirements in this section.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the PUD Agreement dated February 22, 2019 for the Birkenstock property, subject to the following:

- The table of prohibited uses will be eliminated and replaced with selected and restricted permitted uses from the Office Service and Industrial zoning districts.
- The sign proposed at 8 feet high is allowed due to its consistency with other signs on Grand River Avenue and there are multiple businesses on this site located a considerable distance from Grand River.
- Approval of the deviation of one-acre minimum lot size due to the availability of shared municipal water for all three parcels.

The motion carried unanimously.

Moved by Commissioner Grajek, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Impact Assessment dated January 2019. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Conceptual Plan dated February 22, 2019 for the Birkenstock property, subject to the following:

- The building materials and the rendering of the existing building are acceptable and the samples will become Township property.
- The petitioner is encouraged to retain and/or relocate to the extent possible any healthy and mature trees.
- The wall requirements for the Buffer Zone “B” plantings as depicted will remain.
- The sign proposed at 8 feet high is allowed due to its consistency with other signs on Grand River Avenue and there are multiple businesses on this site located a considerable distance from Grand River. The existing pole sign shall be removed.
- Details of the electronic messaging will be provided at the final PUD plan
- The requirements of the Township engineer in his letter dated March 1 shall be addressed.

The motion carried unanimously.

OPEN PUBLIC HEARING #3... Review of a site plan amendment for a proposed private road project known as “Misty Meadows” located on a vacant property to a previously approved project known as “Misty Meadows Private Road”.

A. Disposition of Site Plan Amendment (1-25-19)

Mr. Keith Genzel and Mr. Guy Genzel were present.

Mr. Borden stated the Township’s private road standards permit this road to be gravel.

Mr. Markstrom stated the proposal is acceptable and allowed by Township ordinance.

Commissioner Mortensen is concerned that the owners of the two lots that have already been sold were expecting a paved road and now it will be gravel. He would like letters from these two owners stating they are agreeable to the road being gravel. The applicant advised he will provide these letters.

The call to the public was made at 8:59 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to approve the Site Plan Amendment dated January 25, 2019 for Misty Meadows to permit the asphalt private road to be replaced with gravel as shown on the site plan, subject to letters being provided to Township staff from lot owners within the subdivision agreeing to the change from asphalt to gravel. **The motion carried (Dhaenens - yes; Brown - yes; McCreary - yes; Mortensen - yes; Rickard - No; Grajek - yes).**

OPEN PUBLIC HEARING #4... Review of sketch plan application and sketch plan for a proposed 8,142 sq. ft. addition for Michigan Rod Products located at 1326 Grand Oak Drive. The request is petitioned by Asselin, McLane Architectural Group, LLC.

A. Disposition of Sketch Plan (2-20-19)

Mr. John Asselin, the architect, Mr. Tim Brown of Michigan Rod Products, and Mr. Kevin Johnson, the engineer, were present.

Mr. Asselin stated they are requesting a less than five percent addition to an existing building. Mr. Brown stated they have more work because one of their major competitors has gone out of business.

Mr. Borden reviewed his letter dated March 6, 2019. They have met all of his prior requirements; however, he made the following suggestions:

- The applicant should be required to update the parking calculations on Sheet C101 to include the proposed building addition.
- The applicant should inform the Township of the any increase in employees anticipated in conjunction with the proposed building addition. This may (or may not) impact the land-banked parking plan approved in 2016.
- If the landscape plan approved in 2016 was not fully implemented or if landscaping has died since planting, the applicant should be required to make improvements accordingly.
- If new lighting is proposed with the building addition, details must be provided.

Mr. Brown noted they have approximately five new employees. No new lighting is being proposed.

Mr. Markstrom reviewed his letter dated March 1, 2019.

- The proposed building addition is very close to the existing drive on the northwest and northeast corners of the addition. The petitioner should consider the use of protective bollards to protect the proposed building addition.
- The petitioner should ensure that there is adequate fire hydrant coverage for the proposed addition. Any structure on site must be within a 250-foot radius of a fire hydrant. He noted that the Brighton Area Fire Authority had this same concern.
- The proposed building addition creates 8,142 additional square feet of impervious surface. Detention calculations should be performed to ensure the existing detention pond can accommodate the increased impervious surface. These calculations should be included in the plans.

The Brighton Area Fire Authority letter dated February 27, 2019 contained the following comments:

- During the plan review process for previous additions to the structure, the fire authority addressed fire flow and fire hydrant placement on site through a compromise with the applicant to add a wall-hydrant supplied by the facility fire pump. The wall-hydrant was installed on the western third of the existing building in what is now the shadow of the new proposed addition being constructed. The wall hydrant must be relocated to the front corner (Northwest) of the new addition.
- It should also be noted that it is the recommendation of the fire authority that the water main be extended an additional 450-feet along the drive and a new fire hydrant be placed across from the new addition in lieu of the wall hydrant. This will also provide water main for any future expansion or additional structures on the site, and allows the wall hydrant piping to be used for the new addition sprinkler protection.

The call to the public was made at 9:11 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to approve the sketch plan dated February 20, 2019 for Michigan Rod Products, subject to the following:

- The recommendations of the Township Engineer in his letter date March 1, 2019 shall be met.

- The recommendations of the Brighton Area Fire Authority letter dated February 27, 2019 shall be met
- The applicant will verify with Township staff that the landscape plan approved in 2016 is fully implemented and that any plantings that have died since that time will be replaced.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there will be a Planning Commission meeting in April.

There was a project approved in 2006 called Mountain Top Estates, which is located at Cunningham Lake and Mountain Road. It has been re-approved every two years since then. It has purchased by a new developer, and it was determined that changes were needed so they will need to come back to the Planning Commission. She noted that the developer started clearing trees without a permit so the Township issued a Stop Work Order.

She will be bringing amendments to Article III of the Zoning Ordinance at a Planning Commission meeting in the near future.

Approval of the February 11, 2019 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Grajek, to approve the minutes of the February 11, 2019 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 9:32 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary