

**GENOA CHARTER TOWNSHIP BOARD**

Joint Meeting of the Township Board and Planning Commission  
February 3, 2020

**MINUTES**

Supervisor Rogers called the Regular Meeting of the Township Board to order at 6:30 p.m. at the Township Hall. The pledge of Allegiance was then said. The following members of the Township Board were present: Bill Rogers, Jim Mortensen, Robin Hunt, Jean Ledford, Diana Lowe, Polly Skolarus, and Terry Croft. The following members of the Planning Commission were present: Chris Grajek, Eric Rauch, Marianne McCreary, and Jill Rickard. Also present were Township Manager Michael Archinal, Township Attorney Joe Seward, and Brian Borden of Safebuilt Studio. There were five audience members present.

**Call to the Public**

A Call to the Public was made at 6:31 pm with no response.

**Approval of the Consent Agenda**

Moved by Lowe and supported by Mortensen to approve the Consent Agenda as requested. The motion carried unanimously.

**1. Payment of Bills.**

**2. Request to Approve Minutes: January 6, 2020**

**3. Consideration of a request from the Election Commission concerning the appointment of officials to work the March 10, 2020 Presidential Primary and salaries related to those appointments.**

**4. Request to approve the 2020 instructions for poverty exemption, guidelines for poverty exemption, poverty exemption application, and poverty exemption worksheet as submitted by the assessor.**

**Approval of Regular Agenda**

Moved by Ledford and supported by Lowe to approve the agenda as presented. The motion carried unanimously.

**5. Request for approval of Resolution No. 1 (to proceed with the project and direct preparation of the plans and cost estimates) for Challis Court Maintenance Project (Summer 2020).**

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Archinal advised the board that a corrected version of the resolution is at the Board Member's seats this evening. There was an informational meeting held and there is correspondence from one resident who attended that meeting.

Mortensen questioned if a precedent is being set. This is a neighborhood dispute. There are many subdivisions in this Township where grounds maintenance costs are shared between neighbors. His solution would be that if someone is not abiding by the homeowners association agreement, they should handle it and not come to the Township.

Ledford asked if there is a private road agreement. Mr. Archinal stated that there is.

Skolarus – The Township has been working on this extension since November. The Township has an interest in maintaining the roads in the Township.

Roger Myers, Counsel for Marilyn and Wade Bray who are the property owners who are opposing this resolution, believes that Ms. Skolarus has a conflict of interest and should not be participating in this discussion as she is the petitioner for the resolution. There is currently a road maintenance agreement in place and there was a dispute. If the private parties cannot resolve the dispute, then they should go to court. He noted there is nothing in the statute that allows the Township to impose a special assessment for a private driveway.

Skolarus asked Rogers for approval to address the Board as a resident and not a Board Member and abstaining from any vote.

Skolarus - The Brays and the Flaszas, who are adjoining neighbors, have been in litigation for as many as five years and there are two previous special assessment resolutions approved by the Board and the Bray's disputed the second. Skolarus asked Township Attorney for his comments.

Seward - My understanding is that the Brays and Flaszas do dispute where the private road ends and that the Township has no authority to establish a SAD for the maintenance and improvement of a shared driveway. The statute only allows for construction, maintenance and improvement of a private road. With regard to the conflict question - Under the state statute Mrs. Skolarus does not have a conflict because this was not a direct contract between her or her family and the Township, referencing an Attorney General opinion that the appearance of a conflict should also be a basis to refrain from voting on a particular matter.

Mortensen – I do not believe that the Township should get involved in snow plowing disagreements between neighbors.

Hunt - I do not want the Township to get involved in this, due to many comments made this evening, as well as the pending lawsuit.

Lowe – The previous agreement already addresses the items discussed this evening, road maintenance, snow plowing, etc.

Skolarus – The Bray’s have not paid their assessment for the past 14 years.

Hunt – Should Skolarus recuse herself? Seward - Since it does not directly involve her or a family member she is allowed to participate in the discussion and decision. However, the appearance of impropriety can also be the basis to request that someone recuse themselves from a decision.

Supervisor Rogers stated that the maintenance agreement speaks to the items being discussed in this resolution, and he has expressed his concern with the petition to the Township Clerk.

Moved by Mortensen and supported by Lowe, to reject Resolution No. 1 for the Challis Court Road Maintenance Agreement. The motion carried unanimously with a roll call vote as follows: Ayes Ledford, Croft, Hunt, Lowe, Mortensen and Rogers. Skolarus – Abstain.

**6. Request for approval of Resolution No. 2 (to approve the project, schedule the first hearing, and direct issuance of statutory notices) for the Challis Court Maintenance project (Summer 2020).**

Moved by Ledford and supported by Mortensen to reject Resolution No. 2 for the Challis Court Road Maintenance Agreement. The motion carried with a roll call vote as follows: Ayes Ledford, Croft, Hunt, Lowe, Mortensen and Rogers. Skolarus – Abstain.

**7. Consideration of a recommendation for approval of a special land use, site plan and environmental impact assessment for outdoor sales, storage and display for Lowe’s. The property in question is located at 1100 S. Latson Road, Howell. The request is petitioned by Lowe’s Home Centers, LLC.**

Mr. Todd Simmons, the civil engineer hired by Lowes, was present. He stated they have worked with the Planning Commission and have reached a resolution and received a recommendation from them.

It was noted that the Special Land Use Permit must be reviewed and approved annually by Township staff.

**A. Disposition of Special Land Use Application**

Moved by Hunt and supported Lowe to approve the Special Land Use Application for Lowe’s because it has been found that the requested use meets the requirements of Section 19.03 and 7.02.02(d) of the Township Ordinance, with the following conditions:

1. The special land use permit is valid for a period of one calendar year with annual renewals to be approved by Township staff provided the site remains in compliance

with the approval granted this evening. Renewals shall be requested in writing by the applicant prior to the expiration of each year's permit.

2. Pursuant to Section 19.02.04 (h) the applicant has 60 days from today's date to submit recorded copies of the cross access and utility easements (2) as shown on the plans and required by the Planning Commission. This is required to demonstrate compliance with the conditions and shall be approved administratively by the Zoning Administrator. If the applicant is unable to demonstrate compliance within the 60 days the submission shall be considered null and void.
3. The special land use permit shall not be issued until item 2 above is completed.

The motion carried unanimously.

#### B. Disposition of Environmental Impact Assessment (9-24-19)

Moved by Skolarus and supported by Croft, to approve the Environmental Impact Assessment dated September 24, 2019 subject to compliance with the requirements of the Special Land Use permit. The motion carried unanimously.

#### C. Disposition of Site Plan. (1-14-20)

Moved by Lowe and supported by Croft, to approve the Site Plan with the following conditions:

1. All conditions of the special land use permit approval shall be met.
2. Materials stored in Area B shall not exceed the height of the arborvitae screening.
3. The requirements of the Township Engineer spelled out in their letter dated September 30, 2019 shall be met.
4. The requirements of the Brighton Area Fire Authority's letter dated October 7th shall be met.
5. Signage and/or directional marking on the pavement shall be provided for the pickup and quick load area adjacent to the garden center across from Area B.
6. The applicant shall work with Township staff to ensure this area is adequately defined for the safety of customers, employees and drive aisle traffic.
7. Site plan overage fees shall be paid prior to issuance of a land use permit

The motion carried unanimously.

#### **8. Request for approval of Budget amendments for the F.Y. 2019/2020 as requested by the Township Clerk.**

Moved by Mortensen and supported by Hunt, to approve the budget amendments for the F.Y. 2019/2020 budget. The motion carried unanimously.

#### **9. Discussion of S. Latson Versa Development PUD with Planning Commission.**

Mr. Todd Wyett of Versa Development and Mr. Brad Strader of MKSK and Mr. Eric Lord with Atwell Hicks were present and addressed the Board and Planning Commission.

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Mr. Strader provided a review and showed conceptual drawings of the changes that were made to their plan based on the comments at the last joint meeting, which included:

- Open space concept - sidewalks, entrance sign, lighting and landscaping, buffer plantings, pocket parks, benches, bicycle racks, natural trails, detention ponds, water features, varying the species of street trees, etc.
- Sweet Road access alternatives - the entrance would be slightly south of the Sweet Road intersection.
- Allowable and Prohibited Uses - All of the items discussed at the last meeting have been addressed in the Land Use - Commercial Area (East Area), Commercial Use, and the Prohibited Use tables.
- Building Sizes - Examples of other industrial campus developments were presented to show how there will be a varied amount of building sizes in this proposed development. They would like approval to build up to 200,000-square-foot buildings without a special land use.
- Commercial Area Layout - They have reconfigured this area so that it is further away from the surrounding homes. The distance varies from 500 feet to 1,200 feet from the building to the roadway where residential homes are located.
- Hotel Setback Study - They would like to have 3-5 story hotels, which would be 38-42 or 55 feet high.
- Latson Road - The Livingston County Road Commission is not in favor of the applicant's proposed boulevard on the entrance road; however, they will continue to work with them as they know that the Township is in favor of this design.

Mr. Borden reviewed his letter dated January 30, 2020

- Several of the uses proposed require deviation from the requirements of the zoning Ordinance. This includes allowing some uses that are not otherwise permitted, and allowing certain uses by right where they would otherwise require special land use review/approval.
- He requested the applicant clarify the intent of allowing hotels in both the East and West Areas.
- Child/pet day care uses are shown as a principal use and it was discussed as them being an accessory use.
- Dimensional deviations are requested from the requirements of the Zoning Ordinance.
- Proposed building heights and internal setbacks are subject to approval by the Planning Commission; however, the height restriction for hotels described by the applicant must be clarified in the dimensional table.
- The material standards of the Ordinance are not entirely met by the proposed design guidelines.
- The applicant must confirm that the two access points on the west side of Latson Road are separated by at least 500 feet.
- Easements are required to allow cross-access for vehicular and pedestrian traffic in each of the project areas.
- Prior to formal consideration, the applicant must provide a (revised) draft PUD Agreement.

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- Details (uses, dimensions, architecture, etc.) are needed for the North Area.

Strader noted that a stand-alone child or pet care facility would be there to be used by employees who work in the complex.

Board and Planning Commission responses:

- After a discussion and opinions provided by the Board Members and Planning Commissioners, it was decided to allow four stories by right and then a special land use would be needed for anything higher. The applicant will return with what parameters would need to be addressed when allowing a special use for a hotel more than four stories.
- Archinal noted that hotels on both sides of Latson Road were discussed at a meeting with the developer.
- Skolarus questioned the variation from ordinance standards for building materials. She feels that the project should be held to a high standard.
- Grajek stated that the use of premium materials should prevail in this zoning; however, premium materials are not limited to brick facades. An example of premium material in a use that exemplifies this is the 2/42 Community Church, which combines many types of finish and texture on its exterior which are all premium finishes.
- Skolarus questioned the durability of these materials over a 25 or 30 year period.
- Grajek responded that the materials are premium and will last however most commercial developments would hold reserves for renovation in that timeframe and a face-lift to standards prevailing at the time of renovation.
- Rickard asked that the pedestrian amenities be connected and comprehensive.

### **Correspondence**

Skolarus reviewed the letter from the Department of Licensing and Regulatory Affairs regarding a transfer of ownership of a liquor license. There is no action needed by the Board.

The minutes from the Cromaine District Library were provided to the Township Board.

### **Member Discussion**

Archinal played a video from SEMCOG thanking Genoa Township for their continued membership.

Archinal advised there is a proposal at each Trustee's desk from Giffels Webster to update the Township's Master Plan and develop a Recreation Plan for the Township. Having a Recreation Plan in place allows the Township to apply for more grants.

### **Adjournment**

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Moved by Hunt and supported by Member Mortensen to adjourn the meeting at 8:25 pm. The motion carried unanimously.

Paulette Skolarus, Clerk  
Genoa Charter Township  
Patty Thomas, Assistant Recording Secretary