

Genoa Township Planning Commission

June 3, 2020

Approved Minutes

This Meeting was conducted via Zoom Meeting

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
JUNE 3, 2020  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:35 p.m. Present were Marianne McCreary, Chris Grajek, Eric Rauch, Jim Mortensen, Jeff Dhaenens, Jill Rickard and Glynis McBain. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Shelby Scherdt of Tetra Tech, and Brian Borden of Safebuilt Studio. There were 42 audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

Chairman Grajek reviewed the process for this evening's Planning Commission meeting and how public comment can be given via Zoom Meeting.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously with a roll call vote.**

CALL TO THE PUBLIC: The call to the public was made at 6:40 pm.

Mr. Don Farr of 170 Lane Drive is objecting to these proceedings because the public has not been afforded ample time to meet to prepare and formulate their response due to the Governor's stay-at-home order. They request that the Planning Commission delay making any decision this evening to allow them time to meet.

Ms. VanMarter stated the applicant submitted their application and paid their fees back in February. They were delayed twice due to the pandemic. Other communities have held Planning Commission meetings virtually. Unfortunately this is the reality now and the applicant must be afforded due process to have their application heard. She sympathizes with the residents.

The call to the public was closed at 6:45 pm.

DECLARATION OF CONFLICT OF INTEREST: Commissioner McBain stated her personal residence is within 300 feet of the Boss property. She must be excluded from this item on the agenda. All Commissioners voted unanimously via a roll call vote to excuse Commissioner McBain due to a conflict of interest.

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## PUBLIC HEARING

OPEN PUBLIC HEARING # 1... Review of a rezoning application and impact assessment to rezone approximately 46.5 acres from Rural Residential (RR) to Low Density Residential (LDR) for parcel# 11-05-200- 002. The parcel is located at 3850 Golf Club Road on the southwest corner of Golf Club Road and Latson Road. This request is petitioned by Bible Baptist Church.

- A. Recommendation of Rezoning Application.
- B. Recommendation of Environmental Impact Assessment. (2-24-2020)

Mr. Brent LaVanway of Boss Engineering, Pastor Tim Christoson, the applicant, and Mr. Gary Boss, the property owner, were present.

Mr. LaVanway provided a review of the property and the applicant's request to rezone the property from Rural Residential (RR) to Low-Density Residential (LDR)

Pastor Christoson thanked the Township for allowing the Planning Commission meeting to be held virtually this evening. They believe that the presence of a church in a community is a great source of love, hope, and compassion. A core principle of being a Christian is to love your neighbor. The rezoning request complies with the Master Plan and it creates a situation for the church to seek a development partner who will assist with the cost of much of the infrastructure, such as the roadway and utilities. They are committed to a plan that preserves a high amount of the natural beauty of the property. They have met with the neighbors and appreciate their feedback.

Mr. Borden stated this first item is strictly the rezoning of the property. He reviewed his letter of March 17, 2020.

- LDR zoning is generally consistent with the rezoning criteria of Section 22.04 of the zoning ordinance.
- The request is consistent with the Township Master Plan.
- The request is anticipated to be compatible with the surrounding area.
- The host of uses permitted in LDR is compatible with existing and planned uses in the surrounding area.
- Consideration must be given to any technical comments provided by the Township Engineer, Utilities Director and/or Fire Authority with respect to infrastructure compatibility or capacity, and environmental impacts.

Ms. Shelby Scherdt reviewed her letter of March 3, 2020.

- The lot sizes shown on the LDR rezoning plan are all over 1 acre, which matches the LDR zoning requirement of 1 unit per acre. The general layout presented on the rezoning plan is acceptable.
- The LDR zoning does not require public water and sewer utilities, but Marion, Howell, Oceola, and Howell Sewer and Water Authority (MHOG) water is available on the west side of Latson Road and sewer in the Rolling Ridge Condominiums to the south of the

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subject site. The impact assessment states that the petitioner anticipates connecting to water for the proposed residential homes but does not plan on a sanitary sewer connection at this time. If this is the proposal for sanitary sewage disposal, perk tests should be presented showing that the soils are suitable for septic fields as part of the site condominium plan submittal.

Commission Rickard is glad the applicant changed their rezoning request to comply with the Master Plan.

Commission Mortensen confirmed that the rezoning will not guarantee a church will be developed on this site as it is a special use in this zoning. Ms. VanMarter stated, "Yes. A church is a Special Land Use in both the existing and the proposed zoning."

Commissioner Mortensen also noted that the Impact Assessment says "It MAY be serviced by water and sewer". He asked the petitioner for clarification. Mr. LaVanway stated on-site well and septic are permitted in this zoning. However they are proposing to use the MHOG water system for fire hydrants for fire protection and on-site septic systems.

Commissioner Dhaenens agrees with Commissioner Mortensen. He also questioned why public sanitary sewer is not going to be used if it is available. Mr. LaVanway stated they are not sure if it is economically feasible to extend the public sewer into the site. They are aware it is available and are pursuing it further.

Commissioner McCreary questioned the franchise utility easement shown on the plan. Mr. LaVanway stated this is for the extension of public utilities of water, gas, and underground electricity.

Chairman Grajek asked if Mr. LaVanway was aware of the comments from the BAFA letter dated March 18, 2020 and he answered, "Yes".

Commissioner Mortensen asked for confirmation that conditions cannot be put on a rezoning. Mr. Borden stated that conditions cannot be put on rezoning approvals. He also asked if there were any engineering issues that could prohibit this rezoning. Ms. Scherdt stated this property can be developed with well and septic; however, if the property is rezoned and it is determined that there is not adequate capacity for well and septic, the developer would be required to connect to municipal water and sewer.

The call to the public was made at 7:12 pm

Ms. VanMarter stated that 19 letters and emails were received by the Township from residents and all were not in support of the project. She reviewed the names and addresses (if provided). The concerns were storm water runoff, tree removal, traffic, etc.

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Ms. Dawn Izurieta of 3922 Sugarbush Drive is opposed to this rezoning. She does not want the traffic through their subdivision. She is not opposed to churches, but she knows there will be a lot of traffic, and not just on Sundays.

Mr. Don Farr of 170 Lane Drive would like to respond to his general comment previously. He reiterated his opposition to the format this evening. He would like to know why the petitioner is afforded due process but the public is not. It is biased and concerning. There has been poor audio. This is not how this process is supposed to work to give the residents adequate representation. There is a significant delay between what is being heard on the call and what is being broadcast on YouTube. He thinks everyone should be on the same format, and not the members on Zoom and the public on a call-in feature. He is concerned with the additional traffic. This corner is congested and dangerous already. He wants to know what the Township plans to manage the increased traffic. He would like the Township to have the petitioner upgrade the intersections to acceptable standards and those plans be presented before this is approved. They have existing drainage problems on their properties and this development will exacerbate this situation. What will the Township do to address this? He wants the Planning Commission to tell them how the development of this corner will be consistent with the Master Plan. This is a rural atmosphere. This would not be preserving the natural quality of life in the Township, such as slopes, mature trees and natural ecosystems.

Mr. Paul Rottach of 3897 Sugarbush. His home is directly behind the proposed church. He agrees with Mr. Farr's comments regarding due process. Everyone is afforded due process. He objects to the traffic study done in 2012, prior to I-96 and most Latson Road development so it does not take into account any of the existing traffic. Everyone is aware of the traffic and speeding on Latson Road. He is also concerned with privacy regarding the lighting and parking lot directly behind his house. He has flood insurance because his house is low level and the lot next to his house floods. When all of the trees are removed, it will cause more water to flow toward his house and into his lot. He would like clarification as to what can be put on each one-acre lot. He also asked if the emergency access area will be paved.

Mr. James Miller echoed the due process comment made by Mr. Farr as well as the technical difficulties that residents are having to make sure they are heard. His main concern is traffic and safety and how the emergency access will open up their neighborhood to traffic. This area is not adequate to support this type of development. He questioned if this development will have access through Sugarbush Drive.

Chairman Grajek advised that many of these items will be addressed during the next item on the agenda, the Site Plan review.

Ms. Tammy Celmo of 3910 Sugarbush Drive. Her concerns echo the other residents'. She is also concerned about the DEQ wetlands that surround their neighborhood. The road can barely handle the existing traffic. It is a safety concern. Their property values can go down if the trees

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are removed from behind their homes. A road does not belong in a subdivision and a subdivision does not belong on that property. There are other properties in Howell.

Mr. Bruce Macey of 3878 Sugarbush Drive lives directly across from the development. They have had discussion with the applicant and he has been reasonable. He advised his co-owners residents that they need not worry about a roadway through Sugarbush. There is no public land or ROW's or easements here. The lot is owned by the association. The Board will not allow that to happen. He does not believe the pastor is looking at that as an option. He has the same concerns as his neighbors; but he wants to assure the pastor that they will welcome them to the neighborhood. They want the two communities to work together. They do prefer that the development be done within the constraints of the current zoning. They do not see the need for the rezoning.

Mr. Tom Lemkau of 47 Lane Drive. His property is the catch-all for any runoff coming from the surrounding area. He wants to be assured that he is not going to feel the effects of the runoff from this development onto his property. He is also concerned about the traffic flow on Golf Club. It is a downhill in that area and vehicles speed.

Ms. Nichole Zajac of 3274 Snowden Lane stated she has the same concerns as everyone else, with regard to traffic. Her road is already deteriorating and will deteriorate more if there is more traffic and they would. It is currently difficult to exit left out of their neighborhood. She is concerned that if it is rezoned and then the church does not develop it and questions what would be developed on that site.

Mr. Farr reiterated his due process concerns. He noted that there is a resident who is unable to connect to voice his concerns. Ms. VanMarter stated she is following the comments on the YouTube video and our technician is trying to get him connected.

Mr. Rottach of 3897 Sugarbush Drive stated he did not receive clarification on the definition of LDR. How many units are allowed for each acre? He reiterated the other caller's concerns that if the church does not develop the site, what can be built there.

Mr. Borden stated Low density Residential allows for minimum one-acre lots for single-family residences. There are only two differences between the site as it is currently zoned and what is being proposed; one is the density. RR requires two acres and the only use difference is that if there is a large RR lot, they have the option to keep livestock. All of the other uses are exactly the same.

Mr. Michael Siterlet of 3780 Golf Club stated he has the same concerns as the other members of the public, especially with the amount of traffic and the speeding. He is concerned because the pond on his property is fed by the water to the south and he wants to ensure that this development will not stop that flow of water.

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

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Ms. VanMarter stated that the applicant has changed the zoning from their first request. They had originally asked for UR, which allowed additional units per acre and allowed duplexes. This is a completely different rezoning request than what was requested before. What is allowed with this request is one detached single-family home per acre.

Commissioner Rickard questioned the existing traffic study. Are the trip generations based on what is being proposed or the maximum allowable build out? This should be required as part of the rezoning.

Commissioner McCreary has the same concerns as Commissioner Rickard. The last traffic study was done eight years ago and there has been development since then.

Ms. VanMarter reviewed the zoning ordinance and what is needed to require an updated traffic study. Mr. LaVanway stated the traffic data they used for the Impact Assessment was for 23 homes, which is the maximum build out, so their request does not meet the criteria. The current zoning has 189 trips in a 24 hour period and the proposed zoning has 227 trips. So the difference between RR and the traffic generated by the proposed LDR is relatively minimum.

Commissioner Dhaenens noted that this item is about the rezoning and not the proposed development. The difference in the two zonings is 13 houses.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the rezoning the property at the southwest corner of Golf Club and Latson Roads from Rural Residential to Low Density Residential. This request is made because the PC finds that the proposal is consistent with the Township Master Plan, compatible with the existing building out in the surrounding area, and meets the rezoning criteria of Section 22.04 of the Township Ordinance. **The motion carried unanimously with a roll call vote**

Commissioner McCreary has concerns with the Environmental Impact Assessment. She asked if a wetland survey has ever been done on this property. Mr. LaVanway stated it is in the Natural Features Plan as part of the rezoning packet. She asked if this property is in a floodplain. Mr. LaVanway stated there is not a FEMA-regulated floodplain in this area; however, there is a pond shared by the two properties.

She questioned the access through Sugarbush. Was there a legal opinion from the Rolling Ridge subdivision opinion that the developer does not have the right to access that area? Ms. VanMarter stated they received a legal opinion from the subdivision's attorney indicating the applicant does not have a right to access that area. The applicant is allowed to submit a different opinion.

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Commissioner McCreary feels there should be consistency with regard to sanitary sewer and septic as both are mentioned in the Impact Assessment. Mr. LaVanway said they are both mentioned because it is available but they are opting for septic systems.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment for residential rezoning of the property at the corner of Golf Club and Latson Road dated February 24, 2020.

**The motion carried unanimously with a roll call vote.**

Chairman Grajek called for a 10-minute break at 8:21 pm

The meeting resumed at 8:31 pm.

OPEN PUBLIC HEARING #2...Review of a request of a preliminary site plan and impact assessment requesting preliminary site condominium approval for a proposed 10-unit site condominium. The property in question is located at 3850 Golf Club Road on approximately 46.5 acres on the southwest corner of Golf Club Road and Latson Road. The request is petitioned by Bible Baptist Church.

- A. Recommendation of Environmental Impact Assessment (3-30-2020)
- B. Recommendation of Preliminary Site Plan

Mr. Brent LaVanway of Boss Engineering, Pastor Tim Christoson, the applicant, and Mr. Gary Boss, the property owner, were present.

Mr. LaVanway reviewed the project. They are proposing 10 single-family residential site condominium units, which will be on the west side of the property and south of the pond. The access point to the residential lots is from Golf Club Road and has been approved by the Livingston County Road Commission. They propose utilities to include on-site septic systems for each lot and a combination of public water and wells. The Fire Marshall expressed concerns with fire suppression since there is only one access point so they are using the public water and increasing the number of hydrants.

Mr. LaVanway addressed the comments made during the rezoning.

- The storm drainage for the site is to encompass the road network and will utilize storm drainage structures and Lots 8 and 9. Based on the topography, they currently drain toward the subdivision to the south so they will be capturing that drainage and sending it to the north via storm sewer and the use of three fore bays, which will be utilized to pretreat the storm water prior to it discharging into the shared pond and the wetland, which is a regulated wetland. They will need approval from EGLE. After the preliminary site plan review, the Livingston County Drain Commissioner, the Livingston County Road Commission, and the Township Engineer will review and approve the plans. It will also be directed away from Lane Drive toward the east.

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- No access to Sugarbush Drive is proposed. There will be a single-point of access on Golf Club Drive.
- They have received all of the review letters from the Township consultants and understand that meeting all of those requirements will be needed for approval of the final site plan approval.

Mr. Borden reviewed his letter dated May 6, 2020.

- Favorable action must be conditioned upon granting of the LDR rezoning request.
- The existing residence, park/nature preserve, and future church site are not included in the proposed site plan. These properties must be separated from the existing parcel.
- Condominium documents (Master Deed and By-Laws) must be provided with the final plan submittal. He recommends language be included ensuring protection of the wetlands, natural features setback, and undisturbed wooded areas. Use and maintenance provisions for the park must also be provided.
- There is an existing accessory building that will be located in a front yard via construction of the private road. The applicant notes that they will seek a variance from the ZBA to mitigate this condition. If a variance is not obtained, the building will need to be removed. Favorable action on this request must include a condition addressing the accessory building.
- Technical review of the private road and shared residential driveways shall be reviewed and approved by the Township Engineer and Brighton Area Fire Authority; however, it should be noted that Planning Commission approval is needed to reduce the easement width and extend the maximum cul-de-sac length.
- The applicant must provide a Private Road Maintenance Agreement, as required by the Township. If needed, this document must include provisions for use by parcels not included in the condominium.
- Final plan submittal must include a detailed landscape plan demonstrating compliance with the street tree requirements.
- During construction, protection fencing must be provided around wooded areas/trees to be preserved.
- Special land use approval is required for the encroachments into the 25-foot natural features setback (private road, landscape wall, grading, and storm water management structures).
- Any activities within the wetland areas are subject to review/approval by EGLE.

Ms. Scherdt reviewed her letter of April 23, 2020

- The plan proposes a private drive with a dead-end that is approximately 1,400 feet long. This is longer than the maximum private road length of 1,000 feet as required in the Genoa Township Engineering Standards. Given the natural features of the site and the limited access points to adjacent Latson Road, she supports a deviation for the private road length.



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- The private road entrance on Golf Club Road will need to be approved by the Livingston County Road Commission, and approval should be provided to the Township for final site plan approval.
- The site plan shows a 12-foot franchise easement. The Petitioner extended the franchise easement through the future church area to Latson Road, rather than extending it north on the private drive to the Golf Club Road intersection as previously requested. This alternate route is acceptable.
- Detailed storm sewer sizing calculations should be included in the final site plan and the size of the proposed storm sewer and storm structures should be shown on the final site plan.
- The LDR zoning does not require public water and sewer utilities, but Marion, Howell, Oceola, and Howell Sewer and Water Authority (MHOG) water is available on the west side of Latson Road and sewer in the Rolling Ridge Condominiums to the south of the subject site. The petitioner is proposing to connect to the existing water stub on Latson Road to provide service to the future church and to 4 of the 10 units. We recommend that if municipal water is being provided to some of the lots, it should be provided to all 10 units.
- The petitioner is proposing a dead-end water main with a stub to the south for potential future connection to the existing 8-inch water main on Sugarbush Drive. Looping the water main is more desirable than a dead end main as it provides increased water quality and reliability. We therefore recommend that the water main be connected to the existing water main on Sugarbush Drive as part of this phase of the development to benefit the proposed homes, rather than possibly being done in the future. The petitioner should also include a 25-foot utility easement to the edge of the property to facilitate this connection.
- The petitioner is not proposing municipal sanitary sewer service for the proposed units and is instead proposing to install septic systems for sanitary sewer disposal. Perk tests should be presented showing that the soils are suitable for septic fields as part of the final site condominium plan submittal.
- After final site plan approval, construction plans will need to be submitted to MHOG Sewer and Water Authority for approval of any water improvements and permitting.
- The preliminary plan shows adequate access to the site and except for the comments above, a satisfactory concept for the public infrastructure.
- The final site plan should be submitted with the required documents and agreements.

To address other concerns of the residents, Mr. LaVanway showed the grading plan. They understand the need for preservation of trees, the topography of the land, and all of the natural features on this site. They want these to be estate homes. With regard to the outbuilding, they are going to seek a variance from the ZBA as they would like to keep it as it has been there for many years.

The call to the public was made at 9:01 pm.

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Mr. Rottach of 3897 Sugarbush Drive noted that the traffic and environmental impact studies are done solely by the petitioner's engineers, so there is bias. These items are obvious concerns by the community.

Mr. Farr of 170 Lane Drive noted that the church has stated that they need to sell the lots in order to fund the church development. What is the additional development that can occur if the church is not built? The property backs up within feet along Lane Drive and asked the Township to consider the statement around the development rule will require maintaining a significant portion of the forested property so what is the setback of that road? They would like a large buffer on the road and the lots. It will change the rural character and affect their home values. He would like a rigorous tree protection plan to be put in place. He believes these homes should be connected to the municipal sewer system.

Mr. Don Putkela of 3366 Snowden Lane stated his concerns have been stated by other members of the public. The public was told not to consider the traffic the church would have with the rezoning and now in this item, the church is not listed so it cannot be considered again. He wants to understand what the actual maximum build out would be without the church.

Ms. Nichole Zajac of 3274 Snowden Lane she is concerned about the lighting that would be used for the church parking lot. They have commercial lighting from Meijer to the south and now there would be commercial lighting to the north. She has the same concerns about what is the true buildout capacity.

Mr. Steve Trudeau of 312 Conover Court is concerned with the traffic that would be generated from the church, light pollution from the church and will they maintain the buffer so he will not see the church. Will the sidewalk be extended from Snowden to Golf Club along this property?

Mr. Lemkau of 47 Lane Drive would like more information regarding the road off of Gold Club. There is a hill in this area and drivers speed. There is no more traffic needed on this road and he is totally against it. He also questioned if the sidewalk will be extended on Latson and also on Golf Club.

Mr. Borden noted that the proposal before the Planning Commission is not for a church. It is for a site condominium with a private road; however, if a church is proposed, it will need to go through a formal special land use and site plan review and approval. The township does have regulations for lighting, including maximum intensity, downward directed, landscaping, buffering, parking number maximums, etc.

Commissioner Grajek noted that the maximum capacity is 23 homes if the church is not developed. Mr. LaVanway confirmed this, which includes the existing residence. The reason is due to the pond, the regulated wetlands, the roadway, etc. so the density is below the allowable one-unit per acre. Commissioner Mortensen confirmed that if this property was not rezoned,

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there could be 20 homes on this site, including the existing home. So the difference is minimum with regard to the two zonings.

Mr. Bruce Macey of 3878 Sugarbush Drive questioned why the property was rezoned if the church is not an issue with this preliminary site plan. Ms. VanMarter stated the purpose of the rezoning is to gain three additional residential lots. Mr. LaVanway added that the LDL zoning allows them to work better with the topography and the natural features of the property.

Mr. Mike Siterlet of 3780 Golf Club is upset because he thought the meeting was over so he left and did not hear the beginning of the discussion. He does not like the format of this meeting. The Impact Assessment states there are no deed restrictions but they have an easement that allows them access to the dam. Mr. LaVanway reviewed their plans for regulating the pond level and that he and Mr. Boss will work with Mr. Siterlet to ensure it is to his benefit.

The call to the public was closed at 9:30 pm.

Commissioner McCreary questioned why not all of the parcels would receive municipal water and the reason for the decreased easement for the road width. Mr. LaVanway stated the decreased easement for the road width is because most of it would be storm sewer and there would not be any other public utilities. Due to the extended road length, the Fire Marshall felt a reasonable compromise to this longer road width would be for the developer to provide public water with fire hydrants that they can access should they need to.

Commissioner Mortensen is not in favor of a mixture of municipal water and wells. He would like all 10 homes to be serviced by municipal water. Chairman Grajek does not see it as an issue if the Health Department is in agreement.

Commissioner Rauch believes that the new proposal has a significantly diminished impact from what was presented and good for the community.

Commissioner Rickard is concerned with the way they are creating these lots. They have left the existing home with no lot created and the remainder of the property with no defined lot. She would like these to be defined prior to preliminary site plan approval. Additionally, they are creating the need for a variance with the proposed road. She agrees with Commissioner Mortensen in that all lots should have water or none should have it. There is no landscaping plan and she would like to see buffers and she does not like to see them encroaching into the regulated wetlands. A master grading plan should be presented to address the concerns of the residents. She would like to see a connection of the road onto Latson Road. She would like to see these issues addressed.

Mr. LaVanway stated they will parcel out the lots when the condominium is recorded and will be available for final site plan approval. A variance will be required the outbuilding. The access off of Golf Club is what is acceptable by the Livingston County Road Commission and due to the

topography, wetlands, etc. they felt they had approached it in an appropriate manner to balance those. They do know they encroach into the natural features setback but there is a very narrow width between the pond and the wetlands so they have very little room for the roadway.

Commissioner Dhaenens understands that it is preliminary; however, he agrees with Commissioners Mortensen and Rickard. Water and sewer should be brought to all of the homes. He would also like to see more separation between those lots and Lane Drive

Commissioner Mortensen **moved** to recommend to the Township Board approve the Environmental Impact Assessment for the property at the southwest corner of Golf Club and Latson roads dated March 30, 2020, subject to the following:

- All homes on the property will have public water

Commissioner Rauch seconded the motion. He asked if this condition should be placed on an item for a preliminary site plan approval. He also noted that since the Health Department approved it, it should be sufficient. Mr. LaVanway noted that they were going to use well and septic; however the fire marshal required them to connect to the water for fire suppression, and the homes near them would be serviced by municipal water. The remaining lots would be on wells. All Commissioners and the applicant participated in the discussion and each provided their opinion on the requirement to have all homes connected to municipal water. After the discussion, **the motion carried with a roll call vote (Mortensen - yes; Rauch - no; Rickard - yes; Dhaenens - yes; McCreary - yes; Grajek - no).**

Commissioner Mortensen **moved** to recommend to the Township Board approval of the Preliminary Site Plan dated May 20, 2020 for the property located at the southwest corner of Golf Club and Latson roads, subject to the following:

- Favorable action must be conditioned upon granting of the LDR rezoning request.
- The existing residence, park/nature preserve, and future church site are not included in the condominium. These properties must be separated from the existing parcel.
- Condominium documents (Master Deed and By-Laws) must be provided with the final plan submittal. Language must be included ensuring protection of the wetlands, natural features, setbacks, and undisturbed wooded areas. Use and maintenance provisions for the park must also be provided.
- There is an existing accessory building that will be located in a front yard via construction of the private road. The applicant notes that they will seek a variance from the ZBA to mitigate this condition. If a variance is not obtained, the building will need to be removed. Favorable action on this request must include a condition addressing the accessory building.
- The requirements of the Township Engineer's letter dated April 23, 2020 and the BAFA letter dated April 9, 2020 will be met.
- The applicant must provide a Private Road Maintenance Agreement, as required by the Township. If needed, this document must include provisions for use by parcels not included in the condominium.

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- Final plan submittal must include a landscape plan demonstrating compliance with the street tree requirements.
- During construction, protection fencing must be provided around wooded areas/trees to be preserved.
- Special land use approval is required for the encroachments into the 25-foot natural features setback (private road, landscape wall, grading, and storm water management structures).
- Any activities within the wetland areas are subject to review and approval by EGLE.

Commissioner Rickard seconded the motion noting she would like to see a detailed landscape plan, buffering plans, a tree survey, ROW lines, a grading plan, etc. Mr. LaVanway stated this is a unique situation because it is already heavily wooded and they feel they have addressed this in the landscape plan provided. There was a discussion regarding these items and the remaining Commissioners agreed that these items can be addressed at final site plan approval.

**The motion carried with a roll call vote (Mortensen - yes; Rauch - yes; Rickard - no; Dhaenens - yes; McCreary - yes; Grajek - yes)**

Commissioner McBain rejoined the meeting.

OPEN PUBLIC HEARING #3...Review of a request for a minor amendment to the special land use site plan for a previously approved special use permit for outdoor storage for Home Depot located at 3330 Grand River Avenue. The request is petitioned by Scott A. Mommer.

A. Disposition of minor amendment to special land use site plan (04-29-20)

Ms. Janay Mommer, and Mr. Scott Mommer, representing Home Depot, was present. They would like to amend their previously-approved site plan to allow for merchandise display in front of the garden center. It was labeled to be for tool rental and that was an error.

Ms. VanMarter stated that grills were being displayed in the area that was submitted as the tractor display area. Staff has been struggling with this particular store regarding compliance with the plan that was previously approved. She reminded the Commission that the Township was very specific on what items can be displayed in which locations.

Chairman Grajek visited the store yesterday and he noted that it was not per the plan. They are not following what was approved.

Commissioner Dhaenens asked why the store manager did not follow the plan that was approved. Mr. Mommer stated that both areas were identified as "rental areas", and they should have said "merchandise display". It was an error in the wording on the plan and that is the change that needs to be made. He addressed the concerns of Chairman Grajek. The store has been receiving a lot of shipments now due to the backup due to the pandemic. The issues they had before were with the previous store manager, and there is a new store manager.

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Commissioner Mortensen has empathy for the store due to the pandemic. Stores were closed and now they are all opening back up. He feels that as long as it is neat and doesn't encroach further into the parking lot, he agrees with the change. Commissioner Rauch agrees.

There was a discussion on how to best serve Home Depot and the Township with the wording or the label put on each of the display areas. It was suggested that instead of specific items or types of items that are allowed, it should be more generic as long as the items stay within the allowable and designated space. All Commissioners agree.

Commissioner McCreary wants to ensure that the sheds will only be placed in the location designated and approved by the Township. Ms. VanMarter stated that since the store has not put in the landscape buffer, the Township has allowed them to put them in a different location. When the construction is complete, they will be moved.

The call to the public was made at 10:36 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approve the minor amendment to the Home Depot site plan. This will provide language subject to staff approval designating flexibility of the merchandise displayed in the previously-approved display areas. This amendment approval will require renewal at the same time as the original approval period.

**The motion carried with a unanimous roll call vote.**

## ADMINISTRATIVE BUSINESS

### **Staff Report**

Ms. VanMarter stated there will be another Planning Commission meeting via Zoom Meeting next Thursday, June 11.

### **Approval of the March 9, 2020 Planning Commission meeting minutes**

Commissioner McCreary noted changes that needed to be made.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the March 9, 2020 Planning Commission Meeting as amended. **The motion carried unanimously with a roll call vote.**

### **Member Discussion**

### **Adjournment**

**Moved** by Commissioner Dhaenens, seconded by Commissioner McCreary, to adjourn the meeting at 10:47 pm. **The motion carried unanimously with a roll call vote.**

Genoa Township Planning Commission  
June 3, 2020  
Approved Minutes

Respectfully Submitted,

Patty Thomas, Recording Secretary