

This Meeting was Conducted Via Zoom Meeting

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JUNE 11, 2020
6:30 P.M.
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:33 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, Joseph Seward, Township Attorney, Shelby Scherdt and Gary Markstrom of Tetra Tech, and Brian Borden of Safebuilt Studio.

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 6:38 pm with no response.

CONFLICT OF INTEREST

There were no members with a conflict of interest this evening.

OPEN PUBLIC HEARING #1... Review of a request of a rezoning application, Planned Unit Development application, PUD agreement, impact assessment and conceptual PUD plan. The rezoning request is from Country Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 195 acres along S. Latson Road south of I-96. The subject property includes 177 acres on the west side of S. Latson Road, 10 acres on the east side of S. Latson Road and 6 acres on Beck Road east of S. Latson Road. The properties include the following parcels requested to be rezoned to CAPUD: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031 and 4711-17-200-008. Parcel 4711-09-300-001 is requested to be rezoned to ICPUD. The request is petitioned by Todd Wyett.

- A. Recommendation of Rezoning and PUD Application
- B. Recommendation of PUD Agreement
- C. Recommendation of Impact Assessment (6-19-19)
- D. Recommendation of Conceptual PUD Plan (5-20-20)

Mr. Todd Wyett, the property owner, Eric Lord, the engineer, Alan Greene, the developer's attorney, and Brad Strader, the landscape architect, were present.

Mr. Strader showed a map of the parcels proposed to be rezoned and what uses are anticipated to be developed on the sites. A concept plan video was shown.

He provided a review of the details of their plan, which included the open space concept, the Sweet Road intersection, commercial area layout, hotel setback study, permitted and prohibited uses, detailed design and architectural guidelines, and two separate options for the Latson Road design, one of which would include a boulevard, but narrower than the one that was originally proposed. He showed a site-line study of their proposed hotel and how what they are proposing would be compatible with the area.

Mr. Eric Lord reviewed the Impact Assessment. They focused on the impacts of the development on the topography and natural features of the site, the public utilities, and the traffic. He provided details of the impact of their development on these three areas and how they plan to address and ease these impacts. He noted that this project will take many years to complete so all of these improvements will be done when they are needed based on what is developed and at what time.

Mr. Alan Greene started by noting that the Township's Master Plan was updated to include this type of development in this area after the Latson Road / I-96 Interchange was installed. This was not planned to be residential neighborhoods. He reviewed the PUD Agreement stating that all of the details of the plan are included in the PUD. It is a legal and binding document that runs with the land, regardless of who owns or develops the property. The applicant has worked with Township staff and the Township attorney on the PUD and he believes it is mostly complete. There is one portion that needs to be addressed, which is regarding the construction of the utilities. The developer is going to finance all of the water and sewer upgrades, but it needs to be determined if they will reimburse the Township for the upgrades or pay up front to have them installed.

Mr. Borden reviewed his letter dated June 3, 2020.

- The ordinance standards for the PUD are generally met, though utility extensions will be required as part of this project.
- The proposed zoning designations are consistent with the Master Plan and Future Land Use Map. He believes the rezoning is appropriate and necessary to implement the vision and goals of the I-96/Latson Road Subarea Plan. It cannot be accomplished under the current Country Estates Zoning.
- The applicant seeks deviations from the conventional use requirements, dimensional standards, lighting intensity, and building material standards of the Zoning Ordinance. He provided details of what deviations the applicant is proposing.
- Proposed building heights and internal setbacks are subject to approval by the Planning Commission.
- Easements are required to allow cross-access for vehicular and pedestrian traffic in each of the project areas.
- Aside from the highway sign, details (uses, dimensional standards, building and site design, etc.) will be needed prior to future development in the North Area.

Mr. Markstrom reviewed his letter dated June 3, 2020.

They do not have any objections to the Impact Assessment that has been developed from an engineering perspective. The site plan provided is very conceptual and all future developments within the PUD will need to have their own site plan review and approval.

The Impact Assessment notes that the PUD will be serviced by water and sewer services through MHOG and GO-SWATH. The extension of water and sanitary sewer to the south side of the CSX railroad is accurately described in the Impact Assessment and corresponds with the plans that have been created for the Township by Tetra Tech. Furthermore, the conceptual plan for the PUD is consistent with the assumptions made on the basis of design for the South Latson Road Water and Sewer improvements design.

The installation of a sanitary pump station will eventually be necessary to provide sanitary service to the PUD. The petitioner added language in the PUD Agreement to note that landscaping and existing trees will be used to screen the pump station site and that building materials may consist of block, metal siding, or other materials used on the nearby research and industrial structures. The Agreement also notes that all building and landscaping plans will be submitted to the Township for review and approval, and he finds these changes acceptable.

The Impact Assessment states that a storm water management plan will be prepared for the entire development. The master plan will have central detention facilities. The detention sizing should be determined based on the entire site to ensure that there will be proper storm management as the property develops rather than developing individual storm water management plans for each new building. The site naturally drains to the Marion Genoa Drain, which is maintained and operated by Livingston County. The Livingston County Drain Commissioner's office will need to be included in the storm water master plan development process.

The developer has prepared a traffic impact study and a traffic improvement timing analysis that have been provided in this submittal. The general layout of the on-site roadways and intersections with Latson Road appear to be well thought out and provide for circulation through the site. The final layout may vary from this concept once end users of the sites are determined.

Improvements to Latson Road are subject to Livingston County Road Commission approval and should be submitted for review and comment by the Township. Since this parcel is the first major development on the south side of Latson Road and, as such, is the gateway to Genoa Township, he recommends additional concepts be considered to promote the Township with either monument signage or landscaping details as part of the overall development plan.

Chairman Grajek asked the applicant if they have seen the Brighton Area Fire Authority's review letter. Mr. Lord stated they have reviewed the letter and will comply with their requirements.

Commissioner Mortensen questioned the change in The PUD regarding how the improvements to the water and sewer systems will be done. It was noted that different plans were discussed between the Township and the developer and it was decided that the developer would solely finance and manage the construction of the utilities. The details of this plan are being negotiated and will be available by the time this item is presented to the Township Board. Commissioner Rickard agrees as it is common for developers to handle the upgrades and installation of water and sewer. Ms. VanMarter noted that the Township's Utilities Director, Greg Tatara, is in support of this plan as well.

Commissioner Rickard asked the petitioner why they are not able to comply with the ordinance with regard to the lighting. She would like to stay within the ordinance with regard to the pole height and the brightness. Mr. Strader stated they will have the lower pole height and “night sky” provisions when the lights are next to the residential neighborhood. He noted their proposal is consistent with other communities who have updated their lighting ordinances. If they met the Township Ordinance, they would require more poles. He also suggested that this be addressed at each site plan review process. Commissioner Rickard would like to see a proposal where the ordinance is met. Mr. Borden stated that the pole heights meet the requirements on the east side, but they are asking for a deviation from the ordinance on the height on the west side, but they have proposed smaller poles close to the existing residential areas.

Commissioner Mortensen asked the Township Attorney to review the three changes he proposed in the recent version of the PUD. Mr. Seward reviewed the reasons for his proposed changes. The Commissioners, the petitioner’s attorney, Ms. VanMarter, and Mr. Seward discussed the items. All Commissioners agreed to have the attorneys and staff determine the best language to address these issues.

Commissioner Dhaenens asked the applicant to provide details of how the residential neighborhood in the middle of this development will be protected. Mr. Strader advised they will meet the ordinance standards when industrial developments abut residential properties.

Commissioner McBain wants to ensure that all of the plants and green areas will be maintained after the development is complete. Mr. Greene stated this maintenance agreement is put in the PUD Agreement and all of the users will pay towards the maintenance of the common areas. Mr. Seward stated the maintenance of the landscaping is not defined in this PUD Agreement. Commissioner McBain would like it to be included. Mr. Borden advised that there is a section of the ordinance that requires the owners to maintain the site after it is developed; however, it can also be included in the PUD Agreement. The petitioner agreed that they will have the maintenance obligation for plantings in the right of way, but they do not want to maintain the sidewalk that is being required to be installed by the Township. Commissioner Rickard would like the developer to include the maintenance of the sidewalk in the Agreement as well. All Commissioners agreed to have the attorneys and staff to discuss and determine the best way to address the maintenance of the sidewalk.

The call to the public was made at 8:38 pm.

Ms. VanMarter stated she received an email from Alan Rankin of 3876 Clover Bend Court. He is concerned with the format of tonight’s meeting, his home being placed in the middle of a commercial area, the credibility of the developer, and his property values decreasing. He asked the Planning Commission to delay making a decision until an in-person meeting can be held.

Ms. Brenda Daniels of 1947 S. Latson Road stated that the property adjacent to -031 was not mentioned this evening. There are four properties that are not in the subject area. How are these properties going to fit into the plan? How are these residential properties going to be accommodated? She has not been approached about having her property purchased and included in this plan. Mr. Wyett advised Ms. Daniels that she could contact him as he may be interested in purchasing her property. She wants to understand what is being developed, how it will impact them, and when the development will occur. Mr. Wyett advised Ms. Daniels that the future land use map shows her property as Interchange Campus so it will increase the value of her property.

Mr. Roy Hibbs of 20919 Greenbriar Circle, South Lyon is concerned with the situation around his brother- and sister-in-law's house, who are Mr. and Mrs. Rankin of 3875 Clover Bend Court. They have their dream home in a Country Estates zoned property and will now be surrounded on three sides by light industrial uses. He knows that development happens but it doesn't make any sense that they were not made an offer to have their property purchased by the developer.

Chairman Grajek asked if Mr. Rankin was ever able to attend any meetings during the development of the I-96 Interchange and the changes in land use were discussed. This was all part of this process. Mr. Hibbs advised Mr. Rankin is with him, but he was never made aware of any meetings until this meeting this evening.

Ms. VanMarter recalls discussions with Mr. Rankin during the Master Plan process and he spoke out in opposition to the change in Campus. She noted that the interchange has been planned since the late 1990's and was in former versions of the Master Plan. Initially commercial development was supposed to stop at the railroad tracks, and when the amendment was proposed, many residents in the area were opposed to converting it to something other than Country Estates zoning.

Mr. Alan Rankin of 3875 Clover Bend Ct. is very upset because Mr. Wyett's contractor tore up Clover Bend Ct. and never repaired it. Mr. Wyett never contacted him about purchasing his property as part of this development and now he will be surrounded by industrial on three sides. He does not want to live with the construction for ten years.

Chairman Grajek advised Mr. Rankin that this did not happen overnight and Mr. Rankin lived in the area during the time the Master Plan was being revised. Mr. Rankin said he never knew about the industrial zoning until he received the letter regarding tonight's meeting. Chairman Grajek understands Mr. Rankin's concerns, but the Township staff conducted many public meetings advising the planned changes. These meeting notices are always published in the newspaper and on WHMI.

Mr. Rankin is asking the Township for consideration and help with his and his neighbors' property. He doesn't believe that he will be able to even sell his home now.

Chairman Grajek called for a five minute break at 9:10 pm to allow members of the public to call in to speak to the Commission.

The meeting resumed at 9:15 pm.

The call to the public was closed at 9:16 pm.

Commissioner Dhaenens asked the Commissioners and staff if they have reviewed the use table provided by the petitioner. Mr. Borden stated the list has been updated after the previous joint meetings held between the Planning Commission and the Township Board and has been vetted thoroughly.

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Rezoning and PUD Application from County Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 175 acres. The properties include the following parcels requested to be rezoned to CAPUD: 4711-08-400-004, 006, 012, 013, 014,

015, 020, 4711-09-300-031, 4711-17-200-008 and Parcel 4711-09-300-001 is requested to be rezoned to ICPUD, for the following reasons:

- The rezoning criteria for Section 22.04 of the Zoning Ordinance have been met.
- The proposed zoning is consistent with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- The rezoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- The site is able to be reasonably developed with one of the uses permitted under the current zoning.
- All of the potential uses allowed in the proposed zoning district are compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- The Township's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned is able to accommodate the demand.
- The rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.
- The request has not previously been submitted within the past one year and there is a conceptual PUD Plan.

The motion carried unanimously with a roll call vote.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the PUD Agreement dated May 18, 2020 and as amended by the Township Attorney on June 11, 2020, subject to the following:

- The Township Attorney will work with the developer's attorney to clarify expiration dates of site plans.
- The Township Attorney will coordinate with the developer's attorney to develop language regarding the maintenance of the plantings in the right-of-way and the sidewalk on S. Latson Road to assure that the maintenance continues over time.
- Planning Commission shall review the requested lighting deviation at the time of the first site plan submittal where additional information and detail can be provided to the Planning Commission to see more clearly the deviation between what is being proposed and the ordinance requirements.
- The utility construction arrangements will be coordinated between the Township Attorney, the petitioner's attorney, and Township Staff prior to submission to the Township Board.

The motion carried unanimously with a roll call vote.

Moved by Commissioner Mortensen, seconded by Commissioner McBain, to recommend to the Township Board approval of the Impact Assessment dated June 19, 2019 for the following properties: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031, 4711-17-200-008, and 4711-09-300-001. **The motion carried unanimously with a roll call vote.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Conceptual PUD dated May 20, 2020 for the following properties: 4711-08-400-004, 006, 012, 013, 014, 015, 020, 4711-09-300-031, 4711-17-200-008, and 4711-09-300-001, with the following conditions:

- The requirements of the Township Engineer in his letter dated June 3, 2020 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated March 26 , 2020 shall be met
- Easements will be required to allow cross access where vehicular and pedestrian traffic in each of the project areas.
- Details will be required for the highway sign, uses, dimensional standards, building and site design, etc. prior to development of the north area.

The motion carried unanimously with a roll call vote.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there may be an item for the July Planning Commission Meeting.

The minutes from this meeting and last week's meeting will be on the next meeting's agenda.

Member Discussion

Commissioner Rauch is excited that vacant properties are being developed; however, he would like to focus on existing buildings in the Township. He would like the Planning Commission to think about the Township becoming proactive and creative with regard to redevelopment opportunities. The Township could promote redevelopment, especially along the Grand River Corridor.

Commissioner Mortensen noted that the Master Plan is going to be updated shortly and this can be addressed during that time.

Ms. VanMarter agrees. There are organizations and associations in the area that she can reach out to for assistance.

Commissioner McBain agreed that young adults are not interested in large, expensive homes. They want to have smaller homes and be close to cities.

Adjournment

Moved by Commissioner Rickard, seconded by Commissioner Dhaenens, to adjourn the meeting at 9:54 pm. **The motion carried unanimously with a roll call vote.**

Respectfully Submitted,

Patty Thomas, Recording Secretary