

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
NOVEMBER 9, 2020  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Vice Chairman Rauch called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Marianne McCreary, Eric Rauch, Jim Mortensen, Jeff Dhaenens, and Jill Rickard. Absent were Chris Grajek and Glynis McBain. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager, Gary Markstrom of Tetra Tech, and Brian Borden of Safebuilt Studio. There were 25 audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

No Commissioners declared a conflict of interest.

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

**OPEN PUBLIC HEARING # 1**...Review of a special use application, environmental impact assessment and site plan for a proposed 28,851 sq. ft. addition for a retreat center which will include overnight stays located at 1391 Kellogg, southwest corner of Kellogg and McClements Roads. The request is petitioned by the Chaldean Catholic Church of the U.S.A.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (10-19-2020)
- C. Recommendation of Site Plan (10-19-2020)

Ms. Eavan Yaldo, the architect for the project, Mr. Mike Hickey, Executive Director of the Camp, and Sammy Herfy the property caretaker, and Vincent Jarbow, CFO for the applicant, were present.

Ms. Yaldo stated there was one site plan issue outstanding when they were before the Planning Commission last time. They have revised their drawings to show that they are now proposing to pave a portion of the parking lot adjacent to the access drive. With that change, they believe they have addressed all of the concerns from the engineer, planner, and Brighton Area Fire Department.

The other item is the Special Land Use. She noted there were concerns from the Planning Commission and the public. The Diocese has been very diligent in making sure they are doing

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the right things in the community so they addressed those concerns. They spent the time to address them. When the drawings were resubmitted, a letter was provided to the Township. They have also provided letters from the Livingston County Sheriff, local parishes, neighbors who have had contact with the camp, and others who have used the property for retreats.

They know a lot of the concerns that had been raised by the neighbors have been prior to the last few years, and Sheriff Mike Murphy noted that a lot has changed in that time. In order to be good neighbors, they have attempted to and spoken with neighbors who were at the meeting last time and discuss their concerns. They are working toward getting to a peaceful, quiet setting to be used for people to unwind and relax.

Mr. Hickey joined the committee two years ago to change the way in which the camp was being utilized as well as rebranding it. Many youth camps, family camps, and church groups over the last few years have been using the camp. She reiterated that they are moving forward to have a center that is peaceful and quiet so people can enjoy the activities that are available in the camp. They are sensitive to the neighbors.

Vice Chairman Rauch asked the applicant if there were any changes since the last time they were before the Planning Commission. Ms. Yaldo stated that there are no major changes in the Environmental Impact Assessment, but they have added signage with contact information, etc. so that if anyone has a concern, they can reach out to the diocese.

She read the letter that was provided by Bishop Francis Kalabat.

Mr. Borden reviewed his letter dated November 4, 2020.

1. He is of the opinion that the special land use standards of Section 19.03 are generally met.
2. The Commission may require detention pond landscaping (7 trees and 70 shrubs).
3. The Planning Commission may allow the use of rough sawn cedar for the waste receptacle enclosure instead of masonry.
4. The Planning Commission may require submission of a photometric plan per Section 12.03.07.
5. If approval is granted, the applicant must obtain a sign permit from the Township prior to installation.

Mr. Markstrom noted that they have proposed to pave the portion of the parking lot as he recommended previously.

Vice Chairman Rauch noted that Rick Boisevert, the Brighton Area Fire Authority Fire Marshal has no further comments regarding the proposal.

The call to the public was made at 6:53 pm.

Mike Berean of 1273 Euler Road provided documents to the Planning Commission. This location is not the right place for their plan and idea. This zoning is not appropriate for for-rent, for profit events. The camp has not moved in a new direction in four years. It is owned by a

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religious corporation and they want to expand the services. They are tax exempt, pay no taxes, and do not contribute anything to the Township.

In 2019 the noise from one of their events ruined their granddaughter's birthday party. He can hear the noise from the events at his house in the summer with the windows closed. One half mile of the camp property's fence is broken down and has been that way for four years. There is a sign laying on the side of Euler Road from a group who used the camp on September 29th. There have been so many noise complaints that the Township fined the applicant. They are not allowed to have concerts; they have violated DEQ requirements, increased traffic, increased light pollution, and increased noise pollution. They do not maintain their property. All of this negatively affects their property values. He was told by a realtor that homeowners in the surrounding area now have to list their properties as being close to a nuisance property. This proposal would allow for commercial signage in their rural neighborhood. They are planning to use the property to the maximum capacity.

Mr. James Drouillard of 6781 Felice owns 300 feet adjacent to the camp. He spoke to his neighbors and learned that no one supported the Special Land Use and 22 people were opposed to it. He submitted a signed list to the Planning Commission. The home next to his was converted to an assisted living business and the traffic has increased. He is concerned about the traffic that would be increased due to this Special Land Use. He opposes it.

Mr. Patrick Spence of 1838 Euler Road has lived in his home for 30 years and since the property was acquired by the Diocese, he noticed that protected trees were removed. He does not believe they respect the property. They allow motorized boats on the lake. This is not a church; it is a club. It is a commercial business.

Mr. Joseph Saliba of 1829 Kellogg Road agrees with the items that Mr. Berean discussed. He wants a Township representative's contact information to be provided to him so he can call them when there are issues.

Ms. Patricia Kopicko of 6843 Felice Drive has lived in her home for 25 years. The noise nuisance has been very common for the past 10 years. There was a concert scheduled for August of 2020 with a national singer. Her husband has provided the Township with noise readings three times in 2019. A commercial building should not be in this neighborhood and she will be able to see it from her back deck. The State Police and Livingston County Sheriff will not address the noise complaints. She has minutes from meetings dating back to 2009 stating that the noise will be addressed, there will not be concerts, etc. and these activities have continued. The camp is being used currently by children and it is being used as it was intended. A 28,000-square-foot building is not needed for that.

Ms. Lynn Drouillard of 6781 Felice stated that if the retreat is able to be built, their home values will be decreased. It will be difficult to sell their homes with this type of building in a rural residential neighborhood.

Ms. Ann Olivieri of 1200 Kellogg Road stated that the building will be seen by residents on Felice Road. The roads surrounding the camp are dirt. She can hear the noise in her home with

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her windows closed. She has to raise her voice on her deck because of the noise. Law enforcement cannot enforce the noise ordinance. The complaints to law enforcement have gone down because the neighbors stopped calling. If the capacity increases, it will increase the issues that affect the residents. The impact of traffic, noise, and lighting will negatively affect the residents in the area.

Mr. Robert Kopicko of 6843 Felice stated his property is going to be affected the most as he will be sitting between the parking lot and the building. His property is 15 feet below the property where the building is being proposed. It will appear to be a four-story building to him. There will be lights in 40 rooms. There will be no trees; there will be no buffer. There have been no issues corrected in the past two years. They still have the same issues for the past five years. He does not want this building in his backyard.

Ms. Dori Berean of 1273 Euler Road asked the Planning Commission why proposals are brought to the Township and why the public is invited to comment. Ms. VanMarter stated that the diocese is building a facility that, due to the size, initiates the process for review of the project so it provides an opportunity to take the information from the neighbors and review that against the zoning ordinance and the rules and regulations of the Township.

She asked what the Master Plan is for this property. Ms. VanMarter stated it is Large Lot Residential, which is two acre minimum.

Ms. Berean stated she has not seen any changes over the past five years and noted that they already have a Special Land Use. She hopes the Planning Commission will listen to the neighbors' concerns.

Ms. Alexandra Gray bought property on Kellogg Road two years ago to build their dream house. They liked their property because it was rural. They were aware of the camp and the concerts a few times a year. She does not believe this is the right place for this proposal. Her new neighbors have told her about the noise issues from the camp.

Mr. Michael Baker of 1780 Euler Road lives eight houses south of the camp. He has lived there for 20 years. He does not want more traffic, dust or noise. He is against this proposal.

Mr. Collin Copis of 1054 Kellogg is against this proposal.

Mr. George Mears of 1790 Euler stated the applicant does not contribute to the community.

Ms. Kay Baker of 1780 Euler Road has lived there for 29 years. The traffic has increased from the new park, there is more dust, and she is against adding more traffic to this area and losing the country atmosphere.

Vice Chairman Rauch advised a letter was received from David Shirk & Karen Reames of 1160 Kellogg Road who are against the proposal.

He noted that nine letters of support were received by the Township. They were from the following:

- The Knights of Columbus; Howell, MI

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- Livingston County Sheriff Mike Murphy
- Marian High School's Campus Minister; Bloomfield Hills, MI
- St. John Catholic Church; Howell, MI
- Dennis and Cinnamon Walle of 1655 Kellogg Road
- Micky Dingman of 607 N. Hacker Road, Howell
- St. Patrick Catholic Parish; Brighton, MI
- Detroit Catholic Central High School
- Mr. Jeff DiMeglio of 1750 Argentine; Howell, MI

The call to the public was closed at 7:51 pm.

Commissioner Rickard is concerned with the noise and questioned why outdoor concerts are allowed. Mr. Hickey stated that in 2019 they had events that were previously scheduled so they allowed them. The concert that was scheduled to be held in August was to be for one hour in the middle of the day. There have been approximately 50 groups this year and two reunions. The issues raised by the neighbors were from the past.

She asked if the Planning Commission could put a condition on the noise on the approval. Ms. VanMarter stated "yes". She also would like to require the plantings around the detention pond that were noted in Mr. Borden's letter. Ms. Yaldo noted it is a much wooded area, which is why they did not believe the additional plantings were necessary. Commissioner Rickard asked if there could be anything added to shield the neighbors from the harshness of the building and the parking lot. Ms. Yaldo stated the closest portion of the building from the property line is 300 feet. There will be no new lighting in the parking lot, except just near the building entrance where the parking spaces are added.

Vice Chairman Rauch advised the applicant that he respects and values what they do. He does not believe that this project has changed since it was before the Planning Commission previously. He suggested the Environmental Impact Assessment be updated with more detailed items, such as an operation schedule, detailed property maintenance schedule, sound impact minimization measures to be implemented, outdoor PA's or concerts should not be allowed, a photometric plan should be submitted, and a traffic impact study should be provided.

Commissioner McCreary believes there is too much uncertainty and not enough definition of what is being proposed. Who are the intended users and what are the intended uses? She agrees with Vice Chairman Rauch that more details are needed.

Commissioner Dhaenens agrees that details and proof should be provided by the applicant that will show what has occurred over the past two years, how it has changed, and what is expected in the future.

Ms. Yaldo stated that retreat centers are generally put in these types of areas because they are rural and they are quiet. This is not a banquet center or a hotel. People need a place to congregate, sleep, and eat when they are at a retreat, which is why the building is needed. She

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noted the building is not as tall as the maximum allowable height in this zoning district. She will provide an operations plan and a plan of what the center will be going forward and in the future.

Commissioner Rickard asked why the property has not been maintained, such as the broken fence and the trash. Mr. Hickey stated there is an area that needs to be repaired. He does not believe it's true that there is trash around the camp. She also would like information added such as, what will be the use of the lake, will there be utilized watercraft, etc. Mr. Hickey stated the lake is used for canoes, kayaks and swimming.

Vice Chairman Rauch reopened the call to the public at 8:18 pm.

Mr. Joseph Saliba of 1829 Kellogg Road is concerned about the proposed new detention pond. He is concerned that water will flow onto the neighbors' properties and into the lake. Vice Chairman Rauch explained the reason and process of a detention pond.

Mr. Berean asked why there are three pontoons on the lake. The fence that they put up hindered the wild life from traveling. He asked what the camp was used for last weekend. There were guards in fatigues with berets, but they were not armed. Mr. Hickey stated there were two camp groups last weekend. It was Christian Boot Camp. He asked if the property has been delineated for wetlands. Ms. VanMarter said that she has seen a wetland delineation plan. He asked that if the roads need maintenance or if they get paved, would the diocese pay.

The call to the public was closed at 8:23 p.m.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to table the proposal for a Special Land Use, Site Plan, and Environmental Impact Assessment for Prophet Elijah Retreat Center to allow the applicant to address concerns presented and discussed during tonight's meeting. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...**Review of a site plan and environmental impact assessment for a proposed parking lot at 1183 Fendt Drive to be used in conjunction with the existing UPS Facility on the west side of Fendt Drive. The request is petitioned by Hugo Ceron, SME.

- A. Recommendation of Environmental Impact Assessment (9-2-2020)
- B. Disposition of Site Plan (9-24-2020)

Mr. Hugo Ceron of SME and Mr. Adam Marchwinski of UPS Buildings & Systems Engineering were present. Mr. Ceron apologize he was not available at last month's meeting. He stated they are proposing to pave the parking lot so that it will be compliant with the Township ordinance. They will provide curb and gutter, a retention pond, and lighting and landscaping improvements. They are requesting to waive the interior island requirements to maximize the amount of parking spaces, noting his site is at the end of a road in an industrial park.

Mr. Marchwinski stated that he has spoken with the real estate department at UPS and they do not want to tie the two properties together with regard to a sale, as recommended by the Township. Ms. VanMarter spoke to a representative from UPS who understands the Township's goal and they would be willing to put an easement in place and then provide an agreement that if the property with the building was sold, then changes would need to be made

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to the lot with only the parking lot to meet Township ordinance, unless it is associated with the lot across the street..

Commissioner Mortensen would like the Township Attorney to determine which avenue would be best to protect the Township. All Commissioners agree.

Mr. Borden reviewed his letter dated October 6.

1. He agrees with the decision to have the Township Attorney review the issue regarding the two lots just discussed.
2. The applicant will need to obtain a variance from the ZBA to exceed the 300-foot spacing between the nearest parking space and public building entrance per Section 14.02.03 of the zoning ordinance.
3. The landscape plan is deficient in parking lot landscaping. The applicant requests that the Planning Commission waive these requirements, per Section 12.02.13.
4. If signage is proposed in the future, a sign permit must be obtained from the Township prior to installation.

Mr. Markstrom reviewed his letter dated October 5, 2020.

1. The Petitioner is proposing a closed pipe type underground detention basin comprised of four 48-inch diameter pipes to provide 5,329 cubic feet of storage. A Storm water Management System Maintenance Plan is included and details the cost and responsibility of maintaining the proposed storm system. The provided maintenance schedules include maintenance and inspection of the detention basin inlet, but not the outlet and emergency outlets. These components should be included in the schedules to make sure they remain clear of debris.
2. The proposed underground detention basin is designed to capture additional flow that will be generated from the parking lot being improved from gravel to asphalt, not to capture all onsite drainage. The Petitioner provided an email from Mitch Dempsey of the Livingston County Drain Commission permitting this basis of design.
3. The Petitioner reduced their outlet pipe size to 6 inches to create a restricted outflow. The 6-inch pipe will restrict outflow to 0.561 cfs, which meets the 0.2 cfs per acre maximum.
4. The Petitioner added an overflow outlet to the underground detention basin at catch basin
5. The emergency outlet is currently proposed as a 6-inch pipe. This appears to be undersized when reviewing the calculations for the pipes tributary to the detention system. The petitioner should size the outlet so that the combination of the outlet pipe (6 inch) and overflow pipe will accommodate the same amount of flow that is being calculated for the pipe between catch basins 3 and 2. This will limit the potential for the collection system to back up and overflow over the curb and thereby cause erosion of the parking lot embankment.
6. The plans include 10-foot-deep soil borings. The Genoa Township Engineering Standards require that soil borings shall be provided to a depth of 20 feet below the

bottom of the proposed detention basin and the documented high level of the groundwater should be provided.

7. The Petitioner is proposing to relocate the existing fire hydrant at the end of Fendt Drive to accommodate one of the two proposed access drives to the parking lot. More detail needs to be provided on how this hydrant will be relocated. The relocation of the hydrant should be achieved by shutting off the existing hydrant isolation valve, removing the existing hydrant, installing any necessary fittings to get to the proposed location, and then installing a new isolation valve and the hydrant. The existing isolation valve can then be opened and buried with the operator removed. This method will not require the water main on Fendt Drive to be shut down. If the hydrant is relocated as it is currently shown, the water main will need to be shut down and the hydrant will need to be reinstalled using MHOG's terminal hydrant detail.

Mr. Rick Boisevert, the Brighton Area Fire Authority Fire Marshal, advised that all of his concerns have been met by the applicant.

Commissioners Dhaenens, Mortensen, and Rauch agreed to waive the landscaping in the middle of the parking lot. Commissioners Rickard and McCreary would like to have the landscape islands installed.

The call to the public was made at 8:56 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated September 23, 2020 for the UPS Howell parking lot at 1183 Fendt Drive, subject to a recordable agreement being prepared by the petitioner and approved by the Township Attorney tying the parking lot to the UPS facility across the road in a way to prevent the parking lot ultimately becoming standalone if either property is sold separately. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to approve the Site Plan dated September 23, 2020 for the UPS Howell parking lot at 1183 Fendt Drive, subject to the following:

- Approval of a variance from the Township ZBA to exceed the 300-foot spacing between the nearest parking space and the building entrance.
- A recordable agreement being prepared by the petitioner and the Township Attorney tying the parking lot to the UPS facility across the road in a way to prevent the parking lot ultimately becoming standalone if either property is sold separately.
- The Planning Commission agrees to waive the requirements of Section 12.02.13.4 for landscaping inasmuch as it is a secluded parking lot in an industrial area.
- All requirements of the Township Engineer October 5, 2020 letter shall be met.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING # 3...**Review of a final PUD site plan and environmental impact assessment for the "Premier Genoa Planned Unit Development" phase 1 involving a 37,275 sq.



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ft. climate controlled indoor storage building and related site improvements. The site is located at 4525 and 4433 E. Grand River at the northwest corner of Grand River Ave. and Lawson Drive. The request is petitioned by BMH Realty, LLC.

- A. Recommendation of Impact Assessment (9-28-2020)
- B. Recommendation of Final PUD Site Plan (9-28-2020)

Mr. Wayne Perry of Desine, Inc. was present to represent the applicant. The PUD was approved by the Township Board and they are now seeking approval of Phase 1. The proposal is exactly the same as what was proposed during the PUD plan presentation.

Phases II and III of the PUD, which are the retail building and the drive thru restaurant near the west of the site will be graded and landscaped with grass in their entirety to match the PUD plan.

Mr. Borden reviewed his letter dated October 19, 2020

1. The overall site plan layout for Phase 1 – buildings, circulation, and parking – is consistent with the approved Conceptual PUD Site Plan.
2. The proposed building elevations and materials are consistent with the approved Conceptual PUD Site Plan.
3. Sheet A-6, which includes building material calculations, was not included in the materials submitted to our office and should be provided.
4. The Heximer PUD requires sidewalks along road frontages. Given the proposal for off-site storm water management, a sidewalk along the north side of White Horse is required.
5. Parking spaces must include looped striping.
6. He suggests the applicant replace the gas station canopy lighting with LED fixtures that reduce the illumination levels.
7. Based on our review, there is an inconsistency in the quantity of two types of shrub plantings.
8. The applicant should be aware that a sign permit will be required from the Township prior to the installation of any new signage.

Mr. Perry would like this sidewalk installed when the property is fully developed. It would be a sidewalk from nowhere to nowhere. All Commissioners agree with Mr. Perry.

With regard to the gas station, Mr. Vince DeAngelis of BMH Realty stated that they are not the owner of the gas station. Sunoco is a national brand. He is not sure if this would be possible. Vice Chairman Rauch asked the petitioner to provide details of the proposed building upgrades for the gas station. Mr. Dan Borstein of SVI Properties reviewed the changes and provided proposed building samples, which will be the same as the storage building. All commissioners agree that the lights should be changed per Mr. Borden's suggestion.

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

The Fire Marshal's letter dated October 13, 2020 noted there is a discrepancy in the impact assessment related to the Impact on Public Facilities and Services. It refers to the addition of a single fire hydrant to meet fire protection capabilities to be located along Whitehorse Drive and

there are actually three fire hydrants being added to the project, one at the East and the West side of the property in addition to the one specified in the assessment.

The call to the public was made at 9:28 pm with no response

**Moved** by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board approval of the Environmental Impact Assessment dated September 28, 2020 for BMH Premier Genoa at 4525 and 4433 E Grand River Avenue. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the final PUD Site Plan for the BMH Premier Genoa at 4525 and 4433 E Grand River, subject to the following:

- The building materials and samples presented this evening are acceptable and will become Township property.
- A sidewalk will be required on the north side of White Horse Drive and will be permissible to be postponed, but a bond shall be provided to the Township in a form and amount acceptable to Township staff.
- Parking spaces must include looped striping.
- The canopy lighting on the existing gas station shall be brought into compliance with current ordinance standards.

**The motion carried unanimously.**

## ADMINISTRATIVE BUSINESS

### **Staff Report**

Ms. VanMarter stated there are no cases scheduled for the December meeting.

There was a discussion of possibly moving the meetings to Zoom format due to the increased COVID-19 cases in the county.

### **Approval of the October 13, 2020 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the October 13, 2020 Planning Commission Meeting as amended. **The motion carried unanimously.**

### **Member Discussion**

Commissioner Dhaenens would like the Planning Commission to seriously consider charging stations in the Township.

### **Adjournment**

**Moved** by Commissioner Mortensen, seconded by Commissioner McCreary, to adjourn the meeting at 9:40 pm. **The motion carried unanimously.**

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Respectfully Submitted,

Patty Thomas, Recording Secretary