

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
AUGUST 9, 2021
6:30 P.M.
MINUTES**

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

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: None

CALL TO THE PUBLIC: The call to the public was made at 6:31 pm with no response.

OPEN PUBLIC HEARING # 1... Review of a sketch plan for a proposed cross-access driveway located between 1125 and 1152 Grand Oaks Drive, east side of Grand Oaks Drive. The request is petitioned by Highland Engineering.

A. Disposition of Sketch Plan (7-19-21)

Ms. Jennifer Austin of Boss Engineering and Mr. Jeff McGahey of Highland Engineering were present. Ms. Austin provided a review of the proposed project. They would like to install an access drive to connect the two buildings that they use. This would avoid them having to enter onto Grand Oaks Drive, specifically with their forklifts.

Mr. Borden reviewed his letter dated August 3, 2021.

- Per the Zoning Ordinance, the 20-foot driveway width is only sufficient for one-way travel. If two-way travel is desired, the driveway must be widened to 24 feet. Mr. McGahey stated it will only be for forklifts and there will be signs stating this.
- The respective property owners must execute and record an easement for cross-access.
- The applicant must demonstrate to the Township that the proposed driveway does not violate the terms and conditions of the existing drainage easement. Ms. Austin stated they will be providing the information to the Drain Commissioner for his review and approval.

- The applicant must address any comments provided by the Township's engineering consultant and/or the Brighton Area Fire Authority.

Ms. Byrne reviewed her letter dated August 4, 2021.

- The Petitioner is proposing to build a driveway and culvert across a county drain. The Petitioner must obtain approval of these activities from the Livingston County Drain Commissioner and provide this approval to the Township prior to sketch plan approval.
- An easement around the proposed driveway will be needed on both parcels for shared access and maintenance of the drive. This will be similar to a private road maintenance agreement.

Mr. McGahey stated that the address is 1153 and not 1152.

Chairman Grajek stated there was a letter submitted by the property owner giving his permission for the applicant to apply for the permits for this crossing.

Commissioner Rickard asked why the driveway is coming in at an angle. Mr. McGahey stated there is a tree that he does not want to remove and it is not on his property; it is on the property that they do not own. She believes that having the driveway come in on an angle causes a site distance issue. Having it come in straight will help with this as well as cause less disturbance to the County drain and a replacement tree can be planted. Commissioner Mortensen agrees.

She is also concerned that with a possible transfer of ownership of these properties; the drive could one day be used as a drive for two-way traffic so she would suggest widening it to 24 feet. Mr. McGahey does not want to pay for the additional asphalt. She is agreeable to putting that it will be one-way traffic for this approval only.

Commissioner Mortensen noted that the easement documents should also state that it will be used for one-way traffic. Ms. VanMarter agrees.

The call to the public was made at 6:47 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Rauch, to approve the sketch plan dated July 19, 2021 for a proposed cross-pathway for Highland Engineering.

- The 20-foot driveway will be straightened for a perpendicular connection and will be limited to one-way travel.
- Signage will be installed indicating one-way travel for forklifts only.
- The respective property owners must execute and record an easement for cross access and maintenance prior to a land use permit being issued.
- The requirements of the Township Engineer in her letter dated August 4 and the Brighton Area Fire Authority's letter of August 4 shall be met.

- The revised sketch plan straightening the pathway will be reviewed and approved by Township Staff.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2... Review of an amendment to the previously approved Grand River/Lawson Planned Unit Development, site plan and environmental impact assessment to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-28-21)
- C. Recommendation of Site Plan. (7-20-21)

Mr. Steve Noll of Tommy's Express Car Wash stated they are proposing an amendment to the PUD Agreement as well as requesting approval for a site plan. He believes they have been able to meet all of the requests from the Township Planner and Township Engineer; however, the REU calculations are still outstanding.

Mr. Borden reviewed his letter dated August 3, 2021.

- The reference to connection fees should be reviewed by the Township Engineer.
- The requirements of Section 7.02.02(I) for automatic automobile washes are met.
- Building materials and color scheme are subject to review and approval by the Planning Commission. They are proposing glass, gray brick, and black and red metal. Colored renderings were shown. Mr Borden is not aware of the percentages of each material. Mr. Noll stated they have done a full review and meet the requirements. He has that information and can forward it to the Township.

Commissioner Rauch is concerned about the red "starburst" feature. He requested that the applicant mute the tone of the red to be more consistent with other buildings in the surrounding area. Mr. Noll stated the red is a corporate color. Commissioner Rauch understands and the corporate red could be on the other features of the building, such as the vacuums, sign, etc.; however, he is requesting just that one feature to be muted. Commissioner McBain suggested that the red starburst could be changed to one of the other colors and then leave the logo in the corporate red, it could help it stand out.

Commissioner Dhaenens is in favor of the red color that is being proposed by the applicant.

Mr. Noll is not able to commit to changing the color this evening.

- The Township may require a public sidewalk along Lawson Drive, if deemed necessary. The applicant notes grading and drainage concerns as reasons to not install a sidewalk.

- The revised landscape plan is slightly deficient in plantings for the north buffer zone (2.5 trees or 10 shrubs) and around the detention pond (5 trees). He noted that the applicant has done a very good job with the landscaping and they are keeping a lot of the existing trees. Mr. Noll stated they were unclear when reading the ordinance; however, he is willing to plant the required vegetation.
- The applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by the engineering consultant or Fire Authority.

It was noted that the conditions of the Fire Marshal's letter have been met; however, the contact information for the project shall be provided when available.

Ms. Byrne reviewed her letter dated August 5, 2021.

- The Petitioner must provide calculations that detail how the proposed storage volumes were calculated. This should be in the form of a table on the site plan. Calculations should also be provided to show that the proposed onsite storm sewer is adequately sized.
- The proposed detention pond will outlet to the existing storm sewer off Grand River Avenue. The storm plan should be reviewed and approved by Livingston County Road Commission and MDOT prior to site plan approval.
- The impact assessment states that the carwash is anticipated to use an average of 674,640 gallons of water per month and discharge an average of 473,520 gallons per month to the sanitary sewer system. The site will receive municipal water service through MHOG Sewer and Water Authority and will be discharging to the Genoa Ocoola Sewer and Water Authority system. Assuming that the car wash will run for 12 hours a day, approximately 22 gallons per minute of flow will be added to the gravity sewer on the north side of Grand River Avenue that eventually discharges into Pump Station 6, which is known to be close to capacity. This additional flow to pump station 6 could accelerate the need for improvements to the system, especially if additional residential and commercial properties in the pump station 6 tributary area develop as well. An impact assessment should be performed by MHOG and GO to determine if any improvements to the system are needed to accommodate the proposed car wash in this area.
- The Petitioner provided a breakdown of their expected water and sanitary sewer usage and estimated connection fees for both the water and sewer. The impact assessment notes an expected sewer connection fee of \$88,200 and an expected water connection fee of \$75,600, which was calculated using 25.2 REUs. 25.2 REUs comes from the Township's REU table which requires 25.2 REUs per production line with recycle. An alternative method to determining REUs is using expected flow numbers. If the Petitioner were to determine REUs based on their expected flows and using the value of 218 gallons per day per REU they would calculate 103 REUs for water and 72 REUs for

sewer. In this case the Petitioner has used the method that yields the smaller REU value.

- The original PUD Agreement has a locked-in REU rate of \$3,500 for sewer and \$3,000 for water, and the Petitioner is proposing to use these locked-in rates for the amended PUD Agreement. The Planning Commission may require that the current rates of \$7,200 for water and \$7,900 for water be used for the proposed PUD Amendment, rather than the locked-in rates, due to the high usage proposed for the site that was not anticipated in the original PUD Agreement.

Commissioner Rauch stated there are two issues with the REU calculations. The first issue is how the REU's are calculated. Ms. Byrne used the amount of usage proposed to be used each day, which is 218 gallons; however, the applicant used the REU table in the ordinance. Ms. VanMarter stated the REU table for car washes was developed using research from different types of car washes. There is also a methodology where the amount of water used per day should be used, and this type of car wash uses more than the ones that were studied to determine the amount of REU's in the table. The applicant has provided how much water they typically use, so that amount should be used when determining the number of REU's. Commissioner Rickard agrees.

Commissioner Mortensen stated the other disagreement regarding the REU's is due to the applicant requesting to use the rates that were in place when the PUD was approved, but he questioned if the prevailing rates should be used. Ms. VanMarter stated the REU's were locked in at the time of PUD approval. The REU rates are set by the Township Board and the requests this evening must be approved by them, so she would like them to be aware of the REU fees.

Commissioner Mortensen stated that Township Staff will determine the REU's. An exception can be made for this use because this is a special use and this type of use was not anticipated when the PUD was approved. He would like this item to be tabled this evening and information be brought back to the Planning Commission. Mr. Borden stated that this use is not proposed as a special use in the PUD; however, an amendment to the PUD needs to be approved by the Board.

Commissioner Mortensen believes this will all need to be researched, discussed between Staff, the applicant, and the Township Engineer, and then presented to the Planning Commission and Township Board.

Ms. VanMarter stated that the applicant has provided information on how much water they anticipate using, so the issue is with both the rates and the REU calculation. If we use the evidence based REU's with the locked-in rates, the REU costs would be \$564,000. If the prevailing rates are used, the cost would be \$1.4 million.

Mr. Noll stated they purchased a piece of property with a PUD Agreement and they would like that to apply to them. They are asking to amend the PUD agreement to allow their type of car wash; however, the REU rates were locked-in when the PUD was approved. Their car washes use less water than conventional car washes or washing a vehicle in a residential driveway, they just have more volume of cars being washed.

Commissioner Rauch questioned if the issue of the REU's is beyond the scope of the Planning Commission. Commissioner Mortensen reiterated that he suggested that the REU's issue be discussed between Township Staff, the Engineer, and the applicant. Ms. VanMarter noted that there is a large discrepancy between the REU table and what the Township Engineer calculated using the applicant provided usage and there is also a big difference between the PUD rates and the prevailing rates per REU. It is a decision to be made ultimately by the Board; however, the Planning Commission should review the issue.

It was suggested that the Township Attorney review the PUD to ensure that Staff and the Planning Commission are interpreting it correctly.

The call to the public was made at 7:46 pm.

Mr. Harvey Weiss, who was the original developer of this property stated he has worked in Genoa Township for over 20 years and he worked on this original PUD Agreement. It was not set up to be opened again for renegotiating REU's. He has made big investments in the Township and along Grand River, pre-purchased many REU's across the street, and donated the land for Right-of-Way.

The call to the public was closed at 7:48 pm.

Moved by Commissioner Dhaenens, seconded by Commissioner Rickard, to postpone Public Hearing #2 to allow for a drive through car wash until the applicant can provide the following information as requested by the Planning Commission this evening:

- The applicant shall look towards other considerations for colors, and specifically for the "sunburst".
- The applicant shall work with Township Staff and the Township Engineer regarding their proposed water and sewer usage and the calculations for the REU's.
- The applicant shall meet the landscape requirements of the Township Ordinance.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there are four items scheduled for the September 13, 2021 Planning Commission meeting.

Approval of the July 12, 2021 Planning Commission meeting minutes

Moved by Commissioner Rauch, seconded by Commissioner Dhaenens, to approve the minutes of the July 12, 2021 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

Commissioner McBain would like the Township to review their landscape requirements. Ms. VanMarter stated she can have a landscape architect review the ordinance to see if the requirements are practical. It is an enforcement issue as well. Staff needs to review projects after they are completed to ensure the landscape requirements continue to be met. She can begin this process tomorrow.

Chairman Grajek asked about the Township's ability to put "Genoa Township" on the I-96 and Latson Road overpass bridge. Ms. VanMarter had asked the Board to put in more attractive signals at the interchange; however, it was not approved. The developer of the Lowe's and Wal-Mart site has given an easement to the Township for a gateway sign and if the project at the northwest corner of Grand Oaks and Lowe's goes forward it would likely be located there. She suggested having signs placed on the embankments on each side of the overpass bridge.

Ms. VanMarter stated the Master Plan discussion will be at the October or November Planning Commission meeting given the caseload for the September meeting or she may ask to hold a special meeting for this discussion.

Adjournment

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to adjourn the meeting at 8:25 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary