

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
November 13, 2023**

**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, Diana Lowe, Eric Rauch, Tim Chouinard, Glynis McBain, Marianne McCreary, and Greg Rassel. Also present were Planning Director Amy Ruthig, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

**Moved** by Commissioner Rauch, seconded by Commissioner Rassel, 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...** Consideration of a special land use application, environmental impact assessment and site plan to allow for a proposed automatic car wash located on vacant parcel #4711-04-300-017 Latson Road, east side of Latson Road, south side of Grand River Avenue. The request is petitioned by CWP West, LLC.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment (10-26-23)
- C. Recommendation of Site Plan (10-25-23)

Mr. Brent LaVanway from Boss Engineering, Ms. Nicole Kastern of Mister Car Wash, and Mr. Frank Jarbou of CWP West, LLC were present.

Mr. LaVanway provided a review of the proposed project, noting this request is one part of a larger parcel and the second item on tonight's agenda will be for the other part. Ms. Kastern showed colored elevations and sample building materials.

Commissioner Rauch noted that the sign ordinance does not allow the number of signs shown. The proposed materials and colors meet the ordinance; however, while this item and Agenda

Item #2 are separate items, he suggested the two buildings use the same colors. The color tones proposed for Item #2 are lighter and more earth toned. They are more consistent with the surrounding buildings. The blue color proposed will need to be made darker, which is what was recently requested of a previous applicant.

Ms. Kastern stated they are two different brands and use different colors. She agreed that they do meet the ordinance.

Mr. Borden reviewed his letter dated November 8, 2023.

1. Special Land Uses (Section 19.03):

- a. The special land use standards of Section 19.03 are generally met.
- b. In order to make favorable findings related to compatibility and impacts, the conditions of Section 7.02.02(l) need to be met to the Commission's satisfaction.
- c. We suggest the applicant restrict the hours of operation to ensure compliance with the Township's Noise Ordinance. The hours of operation are 7 am to 10 pm. Ms. Kastern stated they are open from 7 am to 8 pm. Mr. Borden would like this added to the Impact Assessment.

2. Use Conditions (Section 7.02.02(l)):

- a. Landscaping is proposed in lieu of the required 6 foot solid fence or wall adjacent to the residential district. The Commission may allow this substitution, although a berm is not included.

3. Site Plan Review:

- a. The revised building elevations are generally compliant with the standards of Section 12.01; however, the west elevation is slightly deficient in the amount of brick or stone. It is required to be 70 percent.
- b. Building materials, design and color scheme are subject to review and approval by the Planning Commission.
- c. The proposed sidewalk easement is subject to review and approval by the Township Engineer.
- d. Consideration of the vacuum spaces as parking spaces results in excess of the 120 percent of parking allowed, which requires Planning Commission approval. He noted that if those spaces are not considered as parking, then they meet the ordinance.
- e. The landscape plan is deficient in width for the Latson Road greenbelt due to the shape of the property. As noted above, the wall or berm requirement for the easterly buffer zone is not proposed.
- f. The waste receptacle details must denote the required concrete base pad.

Additionally, the applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority regarding public facilities and services.

Mr. LaVanway stated there is currently a berm with plantings on the east side of the site and they added additional evergreens. Their property is three feet lower than the adjacent residential

property and this causes a drainage issue so he is not sure adding a wall is the best solution. Commissioner Rauch is considering the residents to the east of the site.

Ms. Byrne reviewed her letter dated November 8, 2023.

1. The petitioner should obtain approval from the Livingston County Road Commission (LCRC) for the proposed site driveway prior to final site plan approval.
2. The impact assessment provides a predicted water and sewer usage based on the Township's REU table, which provides 25.2 REUs per car wash with recycle. Historic water usage was also provided from other Mister Car Wash facilities with an average usage of 21,277 gallons per day. This average water usage from similar facilities should be considered when calculating the REU amount for the proposed development.
3. The petitioner is proposing a closed pipe type underground detention basin comprised of four 48-inch diameter pipes to provide 12,489 cubic feet of storage. The current car wash, site drive, and parking improvements do not allow enough space for any at-grade stormwater detention or retention.
4. The proposed underground detention basin will tie into the existing storm sewer on Latson Road. The petitioner will need to obtain approval from the LCRC to connect to their storm sewer and said approval should be provided to the Township prior to final site plan approval. In the past, the LCRC has not allowed any increase in storm volume into their storm sewer. The underground detention design has been revised since the last submittal to allow for additional infiltration to limit the storm volume that would outlet into the LCRC sewer.
5. The petitioner has provided a traffic impact study for the proposed development. The study included expected traffic volumes from other proposed developments in the area in the no-build condition and recommended signal timing and length be modified at the Grand River Avenue and Latson Road for both the no-build and build condition. The Livingston County Road Commission will review the traffic impact study as part of their approval for the proposed site driveways and they will need to review the recommendation of optimized signal timings at the Grand River Avenue and Latson Road intersection.

Mr. LaVanway stated they have worked with the LCRC regarding the entrances and exits for both parcels.

Mr. LaVanway stated he has seen the review letter from the Brighton Area Fire Authority Fire Marshal dated November 3 and they will comply with all of their requests.

Per Chairman Grajek's request, Mr. LaVanway provided a review of the traffic impact study, which was done for both parcels being developed. There is a rating of "F" for both the morning and afternoon peak times in the current conditions. With this development, it shows these same ratings of "F" during peak times as well as during other times. All of the others were within the acceptable level. The primary suggestion from the traffic engineer is to change the signal timing at Latson and Grand River. This would need to be coordinated between the LCRC and MDOT.

Commissioner McBain questioned the site signage directing vehicles to the wash area or the vacuums. Ms. Kastern stated this signage would be part of the site plan. Commissioner McBain is concerned with the traffic flow inside the site.

Commissioner Rauch asked for details of the vacuums, the monument signs, and the landscaping on the Latson Road side for both locations.

The call to the public was made at 7:32 pm.

Ms. Denise Pollicella of 4200 Sweet Road stated she is the co-founder and Executive Director of the Coalition to Stop the Latson PUD. She is speaking on behalf of over 600 members regarding the car wash and multi-tenant commercial projects proposed this evening. Her group has been publicly maligned as anti-development. That is not their purpose. They are in favor of measured, thoughtful and responsible development in areas where it is appropriate. Neither of these proposals require a rezoning or intrusion into the residential area and they are in the right location. They do not agree that the township should be approving additional new commercial or industrial development when there are so many vacancies on the Latson Grand River corridor. Many areas on Grand River are blight and the township is not doing enough to encourage redevelopment. They do not have any objections to these proposed developments and they should be granted special land use permits.

Ms. Deborah McCormick of 2650 Springhill Drive is concerned about the traffic on Latson Road due to the car wash. This is a dangerous area. There is a car wash one mile down the road. She appreciates the time that is being taken by the Planning Commission reviewing this development.

Mr. Saman Abro with the car wash on Grand River stated that there are already eight car washes in Howell. Car washes can have up to 300 cars per hour and that will generate a lot of traffic. Antonio stated Mister Car Wash does not want to service the community. There are social media pages with complaints against them.

The call to the public was closed at 7:39 pm.

Commissioner Rauch suggested having this item tabled to allow the applicant to address the outstanding issues discussed this evening, specifically:

- Updating the renderings to show materials and colors more consistent with the proposed project to the south, adding additional glass along the west elevation, removing the blue material, and updating the number of signs to meet the ordinance.
- He is recommending a screen wall along the east side of the site be installed to limit the adverse impacts on the adjacent residential property.
- The hours of operations should be added to the Environmental Impact Assessment.
- Provide photographs of the vacuums in a subdued color.
- Creative landscaping along Latson Road.
- Details of the proposed ground sign.
- Updated traffic study to include the current residential development on Latson Road in Oceola Township. Commissioner McCreary agrees with Ms. McCormick regarding the traffic in that area.

- The LCRC's requirements for the stormwater and their response to the traffic impact study and what improvements they agree to make.

Commissioner McBain suggested reducing the number of vacuum bays, she reiterated her concerns regarding the traffic flow on the site and agrees with additional landscaping being needed on Latson Road.

**Moved** by Commissioner Rauch, supported by Commissioner Chouinard, to table Open Public Hearing Item #1 petitioned by CWP West, LLC. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...** Consideration of a special land use application, environmental impact assessment and site plan to allow for a proposed multi-tenant commercial center including a drive through coffee shop and outdoor seating restaurant located on vacant parcels#:4711-04-300-017 and 4711-09-100-~~017-004~~ Latson Road, east side of Latson Road, south side of Grand River Avenue. The request is petitioned by Kevin Bahnam, 1015 Latson Road LLC.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment (10-26-23)
- C. Recommendation of Site Plan (10-25-23)

Mr. Brent LaVanway of Boss Engineering, Mr. Jeff Klatt, the architect, and Mr. Frank Jarbou of CWP West, LLC were present.

Mr. LaVanway provided a review of the project. This is a multi-use tenant building on the site adjacent to the previous agenda item and one of the tenants will include a drive thru. There is a partial existing wall on the east side and they are again proposing to add additional evergreens where there is no wall. They will be requesting two variances from the ZBA, one is for the location of the parking and the proximity of a drive thru to an existing drive thru.

Mr. Klatt showed colored building renderings and material samples. The building is modern with clear lines and the colors are consistent with other buildings in the area.

Mr. Borden reviewed his letter dated November 8, 2023.

1. Special Land Uses (Section 19.03):

- a. The special land use standards of Section 19.03 are generally met.
- b. In order to make favorable findings related to compatibility and impacts, the conditions of Sections 7.02.02(i) and (j) and the buffer zone requirements of Section 12.02.03 must be met to the Commission's satisfaction.
- c. If a favorable recommendation is made, the Commission may wish to include a condition that a sound study be provided for the drive-through speaker system when the tenant is known.

2. Drive-Through Use Conditions (Section 7.02.02(j)):

- a. The 500-foot spacing between drive-throughs is not met. The applicant states that they will seek a variance from ZBA.

3. Site Plan Review:

- a. The applicant will seek a variance from ZBA for the deficient front yard parking setback.
- b. He suggested the applicant add some vertical elements to help break up the overall building length of the rear façade.
- c. Building materials and color scheme are subject to review and approval by the Planning Commission.
- d. The proposed driveway does not meet the spacing requirements of Section 15.06.02 of the township ordinance.
- e. The lighting plan must be revised to match the currently proposed site plan. It was not updated when the outdoor seating was removed.
- f. The landscape plan is deficient in width for the Latson Road greenbelt and width and screen wall for the easterly buffer zone.
- g. There are minor discrepancies between the landscape plan and table that need to be corrected.

Additionally, the applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority regarding public facilities and services.

Ms. Byrne reviewed her letter dated November 8, 2023, noting they are the same as the previous site and that LCRC approval will be needed for the drive and the stormwater.

1. The petitioner should obtain approval from the Livingston County Road Commission (LCRC) for the proposed site driveway prior to final site plan approval.
2. The Petitioner is proposing a closed pipe type underground detention basin comprised of five 42-inch diameter pipes to provide 16,890 cubic feet of storage. The proposed building, site drive, and parking improvements do not allow enough space for any at-grade storm water detention or retention.
3. Soil borings and infiltration testing should be provided within the proposed detention basin footprint and should show the documented high ground water elevation. Soil borings shall be provided to a depth of at least 20 feet. The Petitioner has noted that no geotechnical work has been completed for the site yet, but the geotechnical from the northern parcel was used for the current design. The infiltration rate and soil borings being used for the current design should be confirmed prior to construction of the storm system.
4. The proposed underground detention basin will tie into the existing storm sewer on Latson Road. The Petitioner will need to obtain approval from the LCRC to connect to their storm sewer and said approval should be provided to the Township prior to final site plan approval. In the past the LCRC has not allowed any increase in storm volume into their storm sewer. The underground detention design has been revised since the last submittal to allow for additional infiltration to limit the storm volume that would outlet into the LCRC sewer.

5. The Petitioner has provided a traffic impact study for the proposed development. The study included expected traffic volumes from other proposed developments in the area in the no-build condition and recommended signal timing and length be modified at the Grand River Avenue and Latson Road for both the no-build and build condition. The Livingston County Road Commission will review the traffic impact study as part of their approval for the proposed site driveways and they will need to review the recommendation of optimized signal timings at the Grand River Avenue and Latson Road intersection.

Mr. LaVanway stated they have addressed all of the concerns of the Brighton Area Fire Authority Fire Marshal's letter dated November 3, 2023.

The call to the public was made at 8:08 pm with no response.

Commissioner Rauch complimented the architect on the building design, materials, and colors. He stated that the petitioner is proposing a building that is too large for this site. The size is what necessitates the need for the 10 parking spaces in the front of the site and the need for two variances.

Mr. Jarbou stated they are proposing to develop a great project with a great design and materials, but there is a financial aspect. The property is very narrow and they have met most of the requirements. Commissioner McCreary noted that a financial hardship is not a reason to be granted a variance.

Commissioner Rauch noted that this site is proposing asphalt and Mister Car Wash is proposing concrete. He would like them to be the same. He is also concerned with the location of the driveways, and suggested the applicant complete the sidewalk to meet the one in front of the apartment complex.

Mr. Borden noted that the large number of parking spaces is due to the proposed uses of two restaurants. If this is changed, then the parking would be reduced and there would not be a need to have it in the front.

Mr. Lavanway stated he would like to redesign this project so that the curb cuts and traffic flows of the two sites work together.

The suggested changes to be made were noted as:

- Meeting the requirements for no parking in the front by reducing the size of the building or changing the uses.
- Changing the driveway accesses.
- Connecting the sidewalk to meet the existing sidewalk in front of the apartment complex.
- Update the rear building elevations as suggested by Mr. Borden.
- Provide details regarding site signage, the monument sign, and landscaping along Latson Road.

**Moved** by Commissioner Rauch, supported by Commissioner Lowe, to table Open Public Hearing Item #2 petitioned Kevin Bahnam of 1015 Latson Road, LLC. **The motion carried unanimously.**

The Planning Commission took a five minute break at 8:25 pm.

**OPEN PUBLIC HEARING #3...** Consideration of a sketch plan application, environmental impact assessment and sketch plan for proposed bike trails located at the Fillmore Park. The park is located at 7075 McClements, northwest corner of McClements and Kellogg Roads. The request is petitioned by the Livingston County Planning Department.

- A. Recommendation of Environmental Impact Assessment (10-25-23)
- B. Disposition of Site Plan. (10-25-23)

Ms. Martha Haglund, Principal Planner with the Livingston County Planning Department, stated they would like to use the western portion of the site to install mountain bike trails. They will be crossing Kellogg Road and have received approval from the Livingston County Road Commission for crossing signage. The work is being done by volunteers so she anticipates it taking 3-4 years to complete.

She has responded to Mr. Borden and Ms. Byrne's review letters.

Mr. Borden reviewed his letter dated November 8, 2023.

1. The submittal does not identify the proposed setbacks; however, the front yard setback requirement is not met at the trail crossing across Kellogg Road. He noted that since this is a trail, it could be considered similar to a sidewalk. Commissioner Rauch agrees; however, having it 50 feet off the road would allow it to be safer.
2. If granted, sketch plan approval is valid for only one year, though the project timeline extends out to 2026. The applicant will need to apply for and obtain extensions to cover the full project, which will be evaluated based on Ordinance standards and may or may not be granted.
4. Ms. Haglund did respond to his comment regarding the internal signs setbacks. They will be less than two square feet so they are exempt from sign regulations.

Additionally, the applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority regarding public facilities and services.

Ms. Byrne reviewed her letter dated November 8, 2023.

1. The petitioner has already obtained a permit from the Livingston County Road Commission regarding the signage required for the proposed trail crossing and this has been provided to the Township.
2. The petitioner has noted that an EGLE wetland permit will be required for some portions of the proposed trail improvements. This permit should be provided to the Township for their records once it is obtained.



3. The petitioner is proposing to use the existing park parking lot to serve the proposed mountain bike trail. Traffic counts were provided for a weekend of use at the park and the petitioner has stated in their impact assessment that there is adequate existing parking for the additional use.
4. The existing parking lot and site drive is aggregate surface with concrete paved ADA parking spaces. Zoning Ordinance requires the parking lots and drives be hard surface with concrete curbing; however, the aggregate drive and parking lot was previously approved as a Low Impact Development alternative due to the low amount of traffic and intent to not clear snow in the winter. The petitioner should provide more information regarding the proposed additional use of the parking lot and whether it will necessitate snow clearing in the winter. If not, the existing aggregate surface would be acceptable.
5. The proposed mountain bike trail will not include any grading or tree clearing. It appears that the trail will not require any surface modification other than clearing small vegetation, logs, and mowing the path limits.

Ms. Haglund has seen the Brighton Area Fire Authority Fire Marshal's letter and they will be clearing 20 feet at the trailhead and will install a "No Motorized Vehicles Allowed" sign.

Commissioner McCreary would like to see the ongoing records and reports from EGLE during the project. Ms. Haglund agreed to provide them. Mr. Borden noted that trails are exempt from the natural features setback; however, the proposed bridge structures are not exempt and must meet the requirements.

The call to the public was made at 8:51 pm with no response.

**Moved** by Commissioner Rauch, supported by Commissioner Rassel, to recommend to the Township Board approval of the Environmental Impact Assessment dated October 25, 2023 for the mount bike trails at Fillmore Park. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner Rassel, to approve the Site Plan dated October 25, 2023 for the mount bike trails at Fillmore Park, with the following conditions:

- The crossing signs as shown on the plans for Kellogg Road shall be installed as part of Phase 1 trial construction.
- The perpendicular access to the public road is allowed.
- Records from EGLE throughout the construction of the trails shall be submitted to the township.
- Throughout the construction, the trail must be installed within all of the setbacks.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Consideration of a site plan application, environmental impact assessment and site plan for additional parking at the Woodland Village senior living facility

located at 7533 Grand River Avenue, Brighton located on the north side of Grand River, west of Bendix.

- A. Recommendation of Environmental Impact Assessment (10-16-23)
- B. Disposition of Site Plan (10-23-23)

Mr. Luke Smith, Manager of Environmental Services for Woodland Village, provided a review of the proposal, which would add parking at the south of their site. The parking will increase from 68 to 95 spaces. He addressed the concerns in Mr. Borden's review letter. The parking lot was recently resurfaced and the spaces are now double spaced and the new ones will be also. They are not going to be adding any lighting. They will be complying with the landscaping requirements noted in the letter.

Mr. Borden reviewed his letter dated November 8, 2023, noting that Mr. Smith has addressed his concerns.

1. The applicant must identify the total amount of parking provided, as well as the number of barrier-free spaces to ensure compliance with current standards.
2. The proposed spaces are not double striped, as required by Ordinance; however, the existing spaces are single striped.
3. If new parking lot lighting is proposed, the applicant must provide a detailed lighting plan, per Section 12.03.
4. The 50 new parking spaces require 5 canopy trees and 500 square feet of internal landscape area. Because there will be only 27 new parking spaces, and not 50, the existing landscaping is sufficient to meet the ordinance.
5. If existing conditions preclude or exceed the required plantings, the Commission may waive or modify this requirement, per Section 12.02.13.

He would like documentation submitted that the increase in spaces is 27 spaces and not 50.

Ms. Byrne stated she has no engineering concerns; however, she would like to see evidence that the detention pond will accommodate the additional parking as stated by the applicant.

The call to the public was made at 9:03 pm with no response.

**Moved** by Commissioner Rauch, supported by Commissioner Lowe, to recommend to the Township Board approval of the Environmental Impact Assessment dated October 16, 2023 for additional parking at the Woodland Village senior living facility. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner Rassel, to approve the Site Plan dated October 23, 2023 for additional parking at the Woodland Village senior living facility, with the following conditions:

- This approval is for the 27 spaces identified on the exterior of the drive aisle.

- Documentation supporting that the existing detention pond supports this additional impervious area shall be submitted to the township engineer for review and approval.
- All stormwater management changes must be approved by the Township Engineer.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #5...** Consideration of a site plan amendment to a previously approved site plan to allow for LED strip lighting around the existing Panda Restaurant located at 4015 Latson Road, northwest corner of Latson Road and Grand Oaks Drive. The request is petitioned by Panda Restaurant Group.

A. Disposition of Site Plan Amendment for Elevations (7-21-22)

Ms. Jillian Benaglio, the engineer, and Mr. Alex Froehlich, the architect, were present. Ms. Benaglio stated this is an ornamental architectural accent. They have submitted a photometric plan and updated renderings. This does not affect the footcandles around the building or at the edge of the site.

Mr. Froehlich stated that Panda Express is celebrating 50 years of service and the building in Genoa Township is a new design that expresses their culture and brand. The accent light is not functional and highlights Asian American heritage and red is the color of celebration in the Chinese culture.

Mr. Borden reviewed his letter dated November 9, 2023.

1. The Planning Commission may allow ornamental lighting that is part of an overall architectural theme.
2. LED strip lighting is debatable as “ornamental” in his opinion, although the Commission can consider it to be part of an architectural theme.
3. In his opinion, the request does not comply with Section 12.03.05, which requires building illumination to be placed and shielded so as not to interfere with the vision of motorists and should be removed from the building.

The concern from the commissioners is that if this is allowed, it could set a precedent for other buildings.

Commissioner Rauch noted that the white up lighting on the building could be considered the same as the red and therefore, also does not meet the ordinance. Commissioner Russel considers the white lights to be ornamental. Commissioners Lowe and McCreary agree. Commissioner McBain would like the white lights to be dimmed but is not in favor of allowing the red lights.

The call to the public was made at 9:19 pm with no response.

**Moved** by Commissioner Rauch, supported by Commissioner Lowe, to approve the Site Plan Amendment for Elevations dated July 21, 2023~~3~~<sup>2</sup> to allow for LED strip lighting around the existing Panda Restaurant, as this commission finds that the white only uplighting is considered ornamental; however, it must be dimmed, and the red LED strip lighting along the roof must be permanently turned off or removed. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

**Staff Report**

Ms. Ruthig stated there will be five cases on the December meeting agenda.

**Approval of the October 19, 2023 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Lowe, to approve the minutes of the October 19, 2023 Planning Commission Meeting as amended. **The motion carried unanimously.**

**Member Discussion**

There was a discussion regarding adding second meetings per month if the number of cases continues to remain this high.

**Adjournment**

**Moved** by Commissioner Lowe, seconded by Commissioner Rauch, to adjourn the meeting at 9:36 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary