

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
January 9, 2024**

**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 Eric Rauch, Tim Chouinard, Glynis McBain, Marianne McCreary, Greg Rassel and Jeff Dhaenens. Absent was Chris Grajek. 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 Rassel, seconded by Commissioner Dhaenens, 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.

OLD BUSINESS:

**OPEN PUBLIC HEARING #1...** Consideration of a sketch plan application and sketch plan for façade revisions to the existing Dave's Hot Chicken Restaurant located at 3667 E. Grand River Avenue, north side of Grand River Avenue, west of Latson Road. The request is petitioned by Sarah Goeke, Owners Agent.

A. Disposition of Sketch Plan (Façade Revisions) (12-7-23)

Mr. Howard Shwartz, a principal of Dave's Hot Chicken stated they have other locations in Michigan, with two more being built. They would like to add some color to their building to bring attention to their business and increase their sales. He showed colored renderings of the proposed design.

Mr. Borden reviewed his letter dated January 2, 2024.

1. The Planning Commission has review and approval authority over building materials and colors.

2. The applicant proposes the inclusion of multiple bright colors on the mainly white and red building.
3. He asked the applicant to confirm that no changes to building materials are proposed. Mr. Shwartz stated the building materials will not change.
4. He asked the applicant to confirm that the changes are only proposed to the front and west side of the building. Mr. Schwartz stated if their proposal is approved, they would like to change the other two sides.
5. Section 12.01.05 requires that building colors “relate well and be harmonious with the surrounding area” and that “subtle earth tone colors shall be used.”
6. In his opinion, the proposed façade changes do not meet the requirements of the Zoning Ordinance.

Vice-Chairman Rauch noted that the addition of a red fence next to the outdoor seating is also being proposed.

The call to the public was made at 6:40 pm with no response.

Commissioner Dhaenens stated the fluorescent colors are too bright. They should be toned down. He will not be able to support this as presented. He would like to see a different proposal.

Vice-Chairman Rauch stated that the Township’s zoning ordinance states a consistent design throughout the area, which includes earthtones and clean lines. He is not in support of the proposal as presented. He also noted that he is not in favor of the existing red accents on the building.

Commissioner McCreary agrees.

Commissioner McBain stated this would be a great design for a downtown area. There are other ways to accent the building with different colors.

Mr. Schwartz asked if he could propose different designs for the township to review. Mr. Rauch advised him to contact Ms. Ruthig.

**Moved** by Commissioner Dhaenens, supported by Commissioner Rassel, to table the review of the sketch plan dated December 7, 2023 for façade revisions to the existing Dave’s Hot Chicken Restaurant located at 3667 E. Grand River Avenue, to allow the applicant to meet with township staff to develop other designs. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...**Consideration of a site plan application, environmental impact assessment and site plan for an expansion, remodel and exterior site improvements for the existing Arby’s Restaurant located at 3639 E. Grand River Avenue, between Grand Oaks Drive and Cleary Drive. The request is petitioned Chew Inc, dba Arby’s.

- A. Recommendation of Environmental Impact Assessment (12-13-23)
- B. Recommendation of Site Plan (12-13-23)

Mr. Jamie Crawford, the owner, and Ms. Cheryl Ball, the architect, were present. Ms. Ball stated Arby's Corporate is requiring them to update the interior and exterior of the building. She provided the site plan, showing the new location of the entrance drive. She presented colored renderings. They have applied for a variance from the ZBA for the rear yard setback.

With regard to Mr. Borden's letter addressing the excessive EIFS, she has a revised proposal to reduce it to 31.4 percent, which is closer to the 25 percent limit.

Mr. Borden reviewed his letter dated January 2, 2024.

1. The building materials include an excessive amount of EIFS and he noted Ms. Ball's comments this evening.
2. Building materials and color scheme are subject to approval by the Planning Commission.
3. The required drive-through stacking spaces block circulation at the main drive aisle. Alternatives should be explored to mitigate this condition.
4. The plan is deficient on parking spaces so the applicant must provide the Township with a shared parking agreement to address this deficiency. He suggests the parallel spaces be removed from the plan.
5. He suggests additional shrubs be provided to create a hedgerow that better screens the front yard parking spaces.
6. Required landscape areas are deficient in both widths and plantings; however, the Commission may waive or modify the landscaping requirements, per Section 12.02.13.
7. There are minor discrepancies between the plant schedule and landscape plan that need to be corrected.
8. The petitioner is requesting two wall signs, where one is permitted. The Planning Commission may allow a second wall sign.
9. He is requesting the applicant amend the sign detail to note that the existing nonconforming pole sign will be removed and replaced with a monument sign.
10. The applicant must also address any comments provided by the Township Engineer and/or the Brighton Area Fire Authority.

Ms. Byrne reviewed her letter dated January 3, 2024.

1. Approval from the Brighton Area Fire Authority should be provided prior to site plan approval, which has been obtained.
2. A detail should be provided for the proposed parking stripping.

The Brighton Area Fire Authority Fire Marshal's letter dated December 20, 2023 stated that he has no outstanding concerns.

Vice-Chairman Rauch understands that the Arby's brand has changed since this building was built and this site is a challenge to meet those changes. He asked if there is a possibility to swap this property with some property to the rear. Mr. Crawford stated he did approach the owner of the shopping center; however, their cost for the property was too high.

There was a discussion regarding the drive thru stacking. Mr. Crawford advised there are issues sometimes, but the cars needing to back out of a space wait for the drive thru car to move forward.

Commissioner Dhaenens agrees with Vice-Chairman Rauch's idea of the land swap. He would like the Township to be involved in the conversation between the petitioner and the land owner. Mr. Crawford stated he needs to meet the spring 2024 deadline from Arby's corporate.

Commissioner McCreary also agrees with Vice-Chairman Rauch's idea. It is a forward thinking idea and could be a positive for the applicant, the property owner, and the township.

Vice-Chairman Rauch asked the commissioners their opinions on the current issues with the existing site, such as the parking, drive thru stacking, etc. Mr. Borden stated it is always the desire to improve sites; however, the parking issues are minor and if they do not pose problems at this time, he recommends allowing them to remain. All commissioners agreed to allow the existing angled parking, but the parallel parking must be removed.

The call to the public was made at 7:33 pm with no response.

Ms. Ball stated that she will comply with all the requirements in Mr. Borden's review letter.

After a discussion regarding the outstanding issues, the commission and the applicant decided to table the item this evening.

**Moved** by Commissioner Dhaenens, supported by Commissioner Chouinard, to table the review of an expansion, remodel and exterior site improvements for the existing Arby's Restaurant located at 3639 E. Grand River Avenue to allow the applicant to address the feedback this evening regarding the amount of EIFS, the drive-thru stacking, the possibility of a shared parking agreement, plantings, and to contact staff to facilitate a discussion between the applicant, the township, and the property owner. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...** Consideration of a site plan application, environmental impact assessment and site plan for a proposed car wash with 2 automatic bays, 4 self-service bays and 5 vacuum stations located within the existing Genoa Outlots PUD. The property is located on a vacant 1.39 acre site (parcel#4711-09-200-028), southwest corner of Grand River Avenue and Lawson Drive. The request is petitioned by Springborn Properties.

- A. Recommendation of Environmental Impact Assessment (10-31-23)
- B. Recommendation of Site Plan (12-18-23)

Mr. Patrick Cleary of Boss Engineering, Mr. Russ Springborn, the owner, and Mr. Dave Richardson of Lindhout & Associates, the architect, were present.

Mr. Cleary provided a review of the project. They would like to develop a car wash, which is a permitted use in this PUD. He showed the site plan and photos of an existing facility in the City of Howell.

Mr. Borden reviewed his letter dated January 2, 2023.

1. Use Conditions (Section 7.02.02(l)). Three of the five conditions are not applicable or have been met. There are two outstanding.
  - a. The self-service wash bays are not within a completely enclosed building. He suggested having bay doors installed. Mr. Cleary stated having overhead doors creates challenges and they would prefer not to have them. Mr. Springborn stated having doors is a safety issue.
  - b. The two automatic wash bays do not provide the required 15 stacking spaces required. One provides 12 spaces and the other provides 8. Mr. Cleary stated that if 15 cars are stacked at a bay, the last car would be waiting for 1 ½ hours. On average, there are six cars in line. The seventh customer would leave and not wait. The data from the existing Soapy Bucket car wash in Howell, which has been in business for four years, shows that there has never been more than eight cars stacked at one time.
2. Site Plan Review:
  - a. Building materials and color scheme are subject to approval by the Planning Commission. He noted that the colors and building materials are high quality; however, the vacuum stations are bright blue. Mr. Richardson showed sample materials of the blue for the vacuums and the bollards. They are located along Lawson Drive and cannot be seen from Grand River.
  - b. The sidewalk easement is subject to review by the Township's engineering consultant, and we suggest the easement be extended to cover the entire sidewalk.
  - c. The slight driveway offset along Lawson Drive may disrupt traffic flow.
  - d. A traffic impact assessment is required based on the trip generation that was provided in the impact assessment, but the Planning Commission can waive this requirement. The applicant will provide this if required. Ms. Byrne stated this assessment would only provide data for Lawson Drive and not Grand River.
  - e. The easterly greenbelt is deficient in width and two trees, while the southerly greenbelt is deficient in two trees; however, both areas provide excess shrubs plantings to help offset the trees.

Ms. Byrne reviewed her letter dated January 3, 2024.

1. The proposed catch basins are labeled, but actual structures are not shown at the pipe junctions. This may be a plotting error.
2. The site plan proposes exterior trench drains that connect to the sanitary sewer outside of the car wash in the area where vehicles will stack to get into the car wash. Any trench drains connected to the sanitary sewer should be within the carwash or covered areas and should not receive site storm drainage from outside the carwash. Genoa-Oceola Sewer and Water Authority design standards do not allow for storm sewer facilities to be connected to their sanitary sewer. The eight exterior trench drains shown connecting to the sanitary sewer will

not be allowed and shall be removed from the site plan. If the existing building layout does not allow for effective containment and collection of vehicle runoff within the carwash, then the carwash will need to be modified so that no runoff from within the carwash is going into the on-site storm sewer. The applicant agreed to remove all the exterior trench drains.

The Brighton Area Fire Authority Fire Marshal's letter dated December 22, 2023 stated the applicant has addressed all of his concerns.

The call to the public was made at 8:41 pm.

Mr. Steve Samona, who represents Genoa Outlots, stated they only became aware of this recently. They are concerned with the traffic flow and the stacking onto Lawson Drive. The existing traffic study is over 20 years old. They have not been contacted about the cross access. This site shares a detention pond with the entire development and it discharges into Lake Chemung across Grand River. They want to ensure that runoff from the car wash does not end up in the lake. He also has not had time to review all of the PUD documents to ensure that all of the approvals have been obtained and all use restrictions are met.

Mr. Harvey Weiss with Genoa Outlots reiterated Mr. Samoa's concerns. He is concerned with the site circulation and stacking onto Lawson Drive.

The call to the public was closed at 8:53 pm.

Mr. Springborn stated that he purchased the property because it is specifically approved for a car wash. They can remove the driveway that would require the cross access easement, and there is sufficient containment for the car wash run off.

Commissioner McBain feels the building is too large for the site. There are a lot of safety issues with the traffic flow.

Commissioner Dhaenens is in favor of the material and the business, but he is also concerned with the traffic stacking. He suggested reorienting the building to address that issue. Mr. Cleary noted that the waiting cars and the vacuums would be more visible from Grand River if the building was moved. Vice-Chairman Rauch agrees, but suggested the view can be mitigated with landscape screening.

Commissioner Chouinard is in favor of the proposed building design and materials. It is a beautiful building. However, he would like to have the blue removed. The other commissioners agree.

**Moved** by Commissioner McCreary, supported by Commissioner Rassel, to table the review for a proposed car wash with two automatic bays, four self-service bays and five vacuum stations located within the existing Genoa Outlots PUD to allow the applicant to address the colors, engineer's report, planner's review, stacking, building orientation, and other items discussed this evening. **The motion carried unanimously.**

Genoa Township Planning Commission

January 9, 2024

Approved Minutes

ADMINISTRATIVE BUSINESS:

**Staff Report**

Ms. Ruthig stated there are ten pending items to come before the Planning Commission.

There could possibly be a second meeting in February, depending on when the submittals are received.

**Member Discussion**

Vice-Chairman Rauch noted that building sample boards have been lacking with presentations recently. He would like to see them.

There was a discussion regarding the parking ordinance with regard to double striping, width, required number of parking spaces, etc.

**Adjournment**

**Moved** by Commissioner Dhaenens, seconded by Commissioner Chouinard, to adjourn the meeting at 9:32 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary