

Genoa Township Planning Commission

April 8, 2024

Approved Minutes

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
April 8, 2024**

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 Chris Grajek, Marianne McCreary, Greg Rassel, Glynis McBain, and Jeff Dhaenens. Absent were Tim Chouinard and Eric Rauch. Also present were Planning Director Amy Ruthig, Brian Borden of Safebuilt, and John Barber of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner McCreary, 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 6:34 pm.

Ms. Tracey Pardiak stated that the planning commission went through each detail of the car wash last month to make sure it did not negatively affect the residents in the adjacent apartment building, but that was not done for the 45 residents who live near the Latson PUD.

Ms. Susan Nickels of 4935 Fairways Drive spoke about the Latson PUD. Todd Wyatt is a builder with large scale profit for him. There are 50 buildings empty along Grand River in Genoa Township. These are eyesores and we do not need to develop everything. The developer wants to develop the east side of Latson Road. There is an advertisement for commercial development on the northwest corner of Crooked Lake and Chilson. We are losing the community of country living to corporate greed. She and her husband moved from Farmington Hills to escape the urban sprawl.

Ms. Melanie Johnson of 3990 Chilson Road is confused with the information that was submitted by the developer of the Latson PUD. She questioned the term "innovation park" that is used throughout the submittal and stated that is not defined in the zoning ordinance. The language is very open. She would like each section to be defined and to state how each of them are going to be zoned.

The call to the public was closed at 6:43 pm.

OLD BUSINESS:

OPEN PUBLIC HEARING #1...Consideration of special land use application, environmental impact assessment and site plan to convert the use and expand an existing building for an office use and event facility with outdoor entertainment. The property is located at 5311 Brighton Road, north side of Brighton Road, between Clifford Road and Oak Pointe Drive. The request is petitioned by David Richardson, Lindhout Associates.

A. Recommendation of Special Use.

B. Recommendation of Environmental Impact Assessment (3-10-24)

C. Recommendation of Site Plan (3-12-24)

Mr. Dave Richardson of Lindhout Associates, Mr. Andrew Perri and Ms. Sherry Young of Pinnacle Wealth, and Mr. Josh Holowicki of E2i Design were present.

Mr. Richardson provided a history of the property. The applicant would like to restore the building so it will look like the original farmhouse and remove the commercial kitchen equipment from the rear of the roof. There will be a small bar and restroom addition.

They will comply with the concerns of the township planner and engineer. They have made those changes and are also reducing the number of people allowed on the patio to 130. They will turn off the sound and lights at 10 pm.

Mr. Holowicki provided a review of the audio system, which will retain the sound on the patio area. They have provided documentation of the sound as it reaches the lot lines, which is well under the limits of decimal levels allowed. This is for voices and music. All of the audio equipment will be owned by the applicant and kept on site. There will not be any outside vendors' audio systems brought into the facility.

Mr. Borden reviewed his letter dated April 4, 2024.

1. Special Land Uses (Section 19.03):

A. In order to make favorable findings related to compatibility and impacts, mitigation of off-site impacts and the use conditions of Section 7.02.02(q) need to be met to the Commission's satisfaction.

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

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

A. Most of the conditions of this section have been met.

B. The Procedures Manual must be completed and inconsistencies corrected with respect to allowable times for outdoor events (in the Manual and on the site plan). There are sections that are blank and others that are inconsistent.

C. Variances from the ZBA have been granted for the setback deficiencies.

D. Clean-up provisions for public access events need to be added to the Procedures Manual.

3. Site Plan Review:
 - A. Building materials and design are subject to review and approval by the Planning Commission.
 - B. The site plan and floor plan drawings note different square footage for the building additions and should be corrected for consistency.
 - C. The applicant has indicated that they will provide a performance guarantee for future pathway construction.
 - D. He suggests the applicant relocate barrier-free parking spaces for better access to and from their building.
 - E. While parallel parking spaces comply with the ordinance, he advises against the use of them in a commercial lot for circulation purposes; however, he does not want the site to lose three parking spaces.
 - F. He requests the applicant confirm that the parking lot light fixtures are downward directed and cut-off.
 - G. If lighting is proposed for the outdoor patio area, details must be added to the lighting plan.
 - H. Ornamental wall mounted fixtures noted in the Impact Assessment must be added to the lighting plan.
 - I. There are inconsistencies between the landscape plan and plant list that need to be corrected.
 - J. He suggests the applicant provide additional landscaping around the waste receptacle enclosure.

Mr. Barber reviewed his letter dated March 18, 2024.

1. The petitioner should obtain approval from the Brighton Area Fire Authority prior to Township Approval.
2. A new fence is shown north of the proposed dumpster location. The fence detail provided on Sheet 7 does not appear to meet the existing fence type.
3. The Site Data on Sheet 5 has the same data as in the submittal dated August 1, 2023. The site data should be updated to show the bathrooms and surrounding concrete pavement, the new pavement in the boulevard, the removal of the pavement at the southwest corner of the site (which does not appear to be existing on Google Earth), the dumpster pad, the proposed landscape island, and addition C (the proposed new bar).
4. As stated in his August 16, 2023, letter, the petitioner should offset any increase in impervious area by decreasing the amount of pavement/impervious area on the site. The Site Data should be updated to reflect this
5. Additional silt fence should be shown on the SESC plan where pavement is to be removed and new pavement is proposed.
6. The architectural drawings should be revised to show the additional concrete pavement to access the bathrooms.

The Brighton Area Fire Marshal's letter dated March 27, 2024 states that all of his previous concerns have been addressed.

Commissioner Dhaenens stated that residents in the area have concerns regarding the noise. He wants to ensure that the applicant will stay within the audio limits that have been submitted. Mr. Perri stated they will comply with what was submitted. He knows it is important to the community so it is important to him. Commissioner Dhaenens would like the parallel parking to remain for larger vehicles, and Mr. Perri agrees. He will also comply with the request for additional plantings around the Dumpster enclosure.

Commissioner McCreary questioned why the sound decimal map does not show the sound south of Brighton Road. Mr. Holowicki stated that there are no speakers that point toward that direction. The sound is very isolated to the patio. The decibel level falloff is below the maximum requirement at the lot line. The requirement is 80 and it is at 74.8 at the lot line. It is approximately 64 decibels on the south side of Brighton Road. He also noted that there will be landscaping installed behind the music area, so that, and the trees on the south side of Brighton Road, will act as a small sound barrier. He noted these levels are what would be the maximum. When they install the system, they will set it so the volume could not be increased. He can also program it to shut off at 10 pm. Commissioner McCreary would like to see the sound levels at the homes south of Brighton Road.

Commissioner McCreary asked if there is a different location for the Dumpster. Mr. Richardson stated there are easements through this property for the golf course so there is no other location for it to be placed.

She asked for clarification on how the public will know when they will be able to come to an event there. Mr. Perri stated that during the season, which is from May 1 to September 15, it would be open to the public Thursday through Sunday, but if there is a private event scheduled on one of those days, then it would be closed to the public.

Commissioner McBain asked if there will be a way to prohibit golf carts from accessing the parking lot when there is event traffic. Mr. Perri stated that there is an existing path delineated along the edge of the parking lot.

The call to the public was made at 7:34 pm.

Mr. Dennis Howie of 5189 Ashton Court submitted a letter today. He reiterated his concerns regarding the Procedures Manual. There are 22 instances of incomplete information and 4 discrepancies. If the applicant is not able to submit complete and correct documents, how is the township to know they will comply with the requirements. He had nine additional questions regarding parking, maximum occupancy, adult entertainment, alcohol and marijuana use.

Mr. Nick Agnetti of 5100 Milroy Lane is not against improving buildings. He is concerned how this will affect his way of life with his three children. He is concerned with the amount of traffic. What is the construction impact of the installation of the sidewalk? This is going to be very impactful to the residents. He is not sure if this is the right location.

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Ms. Catherine Dhulster of 5236 Ashton Court stated she heard every lyric, every crowd, and every motorcycle when the previous owner had events here. She could feel the thump from the music. There were vehicles and motorcycles that came down their street and there were fights. She noted that the Operations Manual states they can have events throughout the year because they will be allowed to use heaters. She asked if there will be a limit put on when the residents would be exposed to the noise.

Ms. Evelyn Dionise of 5038 Ashton Court would hear the music with her windows closed. Her meditative lifestyle will be decimated if this is allowed. The state police and the sheriff do not have the ability to enforce the sound ordinance. She has lived here for 19 years and she is the number one person impacted by this. She did not receive any help from the township until she hired a lawyer. This will ruin the lives of the people in the area. They will not be able to go outside.

Ms. Tracey Pardiak thanked the board for making sure they ask the developer to put additional shrubs around a Dumpster. This wouldn't be like living in an industrial area. She feels for the people who live here. It will be worse to live where there will be semi-trucks.

Ms. Kristy Hill of 5139 Milroy stated they moved here for the peace and serenity of the neighborhood. This is for profit that will benefit a few people. Enforcement is difficult since the township is not open when they are having their events. Eighty decibels is excessively loud and there will be noise pollution four days a week. This will destroy their home values.

Mr. Jim Stosik of 5112 Ashton Court is concerned with the noise pollution. He noted that the location of the Dumpster will be in view whenever they leave their street. He would like to have no parking signs placed on their court. There will be drunk people leaving the property. This is not good for their community and the residents.

Mr. Michael Hill of 5139 Milroy agrees with what was said previously about noise pollution. He is concerned with enforcement. If this is approved, he will sell his home and will have to tell any potential buyers about the noise and he will have trouble selling his home.

Mr. Agnetti stated that his Apple watch notifies him when he is in a loud environment. He was notified three times that they were above 95 decibels at his daughter's sports game outdoors.

Ms. Kimberly Mansfield of 5115 Ashton Court stated that the sewer line going from the building to the port-a-potties will not be approved. It is a terrible idea.

Ms. Dionise stated that no one has said anything positive about this project. There will be noise, traffic, and their property values will plummet. If this is approved, it will ruin the lives of the people who live here.

The call to the public was closed at 8:02 pm.

Commissioner McBain asked if the stage could be put inside the building to lessen the amount of sound. Mr. Holowicki stated that if the source is inside, it would have to be amplified to reach the patio.

Commissioner McCreary stated that when a Special Land Use is granted, it has to meet certain requirements. The compatibility of the use, the impacts on the surrounding area, etc. She is in favor of this type of use, but not in this location.

Commissioner Dhaenens understands the changes that are being made with regard to the sound from the last two owners, but based on the public's comments, they are not convinced that it will be different than in the past.

Commissioner McBain wants to ensure the protection of the residents' use of their properties.

Mr. Perri does not want the township or the residents to be biased based on the previous owners. They are the owners and operators of the building and business, he lives within 500 yards of the site, and outdoor events will only occur from May 1 through September 15. There will be no outdoor events outside of those times. They will not be having concerts or parties. He would be willing to meet with the neighbors as well as receive feedback from them during the event season.

Commissioner McBain suggested the township visit the site and have a demo of the decibel levels. Mr. Holowicki stated they have met the ordinance limitations and can lock it so that it cannot be exceeded. He can guarantee that they would never exceed the limitations.

Moved by Commissioner Dhaenens, supported by Commissioner McBain to table to a future Planning Commission meeting, the Environmental Impact Assessment and site plan to convert the use and expand an existing building for an office use and event facility with outdoor entertainment at 5311 Brighton Road, north side of Brighton Road, between Clifford Road and Road and Oak Pointe Drive, noting that the petition shall provide firm use dates and times. **The motion carried unanimously.**

OPEN PUBLIC HEARING #2...Consideration of a site plan amendment for revisions to the previously approved site grading on a 4.32-acre parcel (4711-06-200-101) on the north side of Grand River Avenue, just west of Char-Ann Drive. The request is petitioned by Chestnut Development.

A. Recommendation of Environmental Impact Assessment (9-20-23)

B. Disposition of Amended Site Plan (10-17-23)

Mr. Alan Pruss with Monument Engineering and Brad of Chestnut Development were present. Mr. Pruss stated they would like to prepare the site for sale; however, there is no use for the site at this time. They would like to remove the existing trees at the back of the site along Char Ann, put up a berm, and then plant trees on the berm. They have received the planner's and engineer's letters and they have made their requested changes and submitted new plans.

Ms. Ruthig stated the new plan was not put in the packet because when it was published, the plan had not been reviewed. Mr. Borden stated he was able to review the revised plans today.

The applicant has addressed all but one of his concerns from his previous review letter. He suggested that if this item is recommended for approval this evening, it should be conditioned upon engineering review and approval and that an updated Environmental Impact Assessment be submitted that shows the changes that were made on the site plan. His outstanding concern is:

1. 45 new evergreen trees are proposed along the northerly property line atop a landscaped berm. The proposal includes four types of evergreen trees (Norway Spruce, Black Hill Spruce, Colorado Blue Spruce, and Eastern White Pine).

Commissioner Rassel wants to ensure that all of the trees that are to remain are marked. Brad stated they are; however, he can confirm that tomorrow.

Mr. Barber reviewed his email dated Monday, April 1, 2024. Storm water runoff from the site into the Turning Leaf Drive right-of-way will be increased. No calculations are provided. The petitioner should verify that runoff will not be increased. Mr. Pruss stated their post development runoff is 10 percent less than prior to the development. Mr. Barber disagreed. He asked Mr. Pruss to review it again.

The Brighton Area Fire Marshal's email from Friday, November 3, states that he has no new comments regarding this item.

The call to the public was made at 8:47 pm.

Mr. Dan Hassett of 2955 Turning Leaf asked for confirmation of what was going to be put in place.

Mr. Jeff Hudson of 2897 Turning Leaf confirmed that all of the existing trees are going to be removed, then a berm would be installed, and six-foot trees will be planted on top of that. He noted that the trees that are going to be removed were forty feet high. He asked if the existing trees could remain. Mr. Pruss stated this was requested by the Planning Commission at their last meeting. Mr. Hudson stated that their property values have been affected by the trees being removed.

Mr. Scott Runyon of 3141 Char Ann Drive asked for clarification on which trees were going to be removed and what ones were going to stay.

The call to the public was closed at 8:54 pm.

There was a discussion regarding when the berm and plantings would occur. It was decided to have the berm and plantings done before the site grading.

Moved by Commissioner Rassel, supported by Commissioner McCreary, to recommend to the Township Board approval of the Environmental Impact Assessment to be submitted for revisions to the previously approved site grading on a 4.32-acre parcel (4711-06-200-101) on the north side of Grand River Avenue, just west of Char-Ann Drive, with the following conditions:

- The township engineer shall review and approve the plans.
- The Impact Assessment shall be reviewed for the corrections and approved by township staff.
- The project shall be completed from north to south
- A performance guarantee shall be submitted prior to land use permit issuance.

The motion carried unanimously.

Moved by Commissioner Rassel, supported by Commissioner McCreary, to approve the Amended Site Plan dated April 3, 2024 for revisions to the previously approved site grading on a 4.32-acre parcel (4711-06-200-101) on the north side of Grand River Avenue, just west of Char-Ann Drive, with the following conditions:

- Review by staff prior to submission to the Township Board.

The motion carried unanimously.

NEW BUSINESS:

OPEN PUBLIC HEARING #3...Consideration of a site plan application and environmental impact assessment for a proposed façade improvement and addition to an existing multi-tenant shopping center. The property is located at 3599 and 3669 Grand River Avenue, north side of Grand River Avenue, west of Latson Road. The request is petitioned by Symmetry Management.

A. Recommendation of Environmental Impact Assessment (3-19-24)

B. Recommendation of Site Plan (3-19-24)

Mr. Brent Lavanway of Boss Engineering; Mr. Frank Jarbou of Symmetry Management, the property owner; and Mr. Robert Jordan from Serenity Architecture were present.

Mr. LaVanway provided a review of the proposal. They will be adding landscape islands and landscaping, adding a boulevard entrance where the current traffic signal is located, adding a 20,000-building addition on the far west portion of the site, expanding the detention basin, planting an addition 90 trees and 200 shrubs, adding a paved driveway to connect the two parcels, and adding two out lots. They are reducing the number of parking spaces from 900 to 680, which must be approved by the Planning Commission; however, the ordinance does allow for shared parking.

Mr. Jarbou provided a history of his company. They are a redevelopment company that transforms and adds value to existing properties. They have secured a large tenant and have serious interests in the other locations. He reviewed the updates that will be made to the building and the site.

Black and white elevations and colored material example photos were presented.

Commissioner McCreary would like to see sample materials and not a photograph.

Mr. Borden stated that the Planning Commission can approve the site plan. It does not have to go before the Township Board. He reviewed his letter dated April 2, 2024.

1. The two separate parcels should be combined as part of this project; however, the applicant seeks to keep them separate. Mr. Jarbou stated they can have two different debts if the parcels are separate and shared access and parking can be accomplished with easements. Ms. Ruthig noted keeping the properties separate could affect the setbacks for the two proposed out lots.
2. The façade improvements do not include three of the existing tenant spaces. Future changes to these spaces will be subject to review and approval by the Township.
3. Building design, including materials and color, are subject to review and approval by the Planning Commission.
4. Crosswalk striping should be added across the drive aisle connection to Dave's Hot Chicken. Mr. Jarbou agreed to add this.
5. The Commission may reduce the amount of parking required based on different peak usage for the variety of businesses included in the development. He noted that they are not asking for the largest amount of parking reduction as is allowed.
6. The three light poles in the northwest corner of the property must be reduced in height to not more than 20 feet high. They are currently 30 feet.
7. The landscape plan is slightly deficient in greenbelt and buffer zone plantings; however, the Commission may modify requirements since numerous existing, mature trees are being preserved. He noted that it has four separate frontages so it is difficult to identify locations for additional plantings.
8. There are three evergreen trees on the landscape plan that are unaccounted for in the plant list.
9. The gate on the waste receptacle enclosure must be changed from chain link fencing to wood per the ordinance.
10. The applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority, including any comments on the traffic study.

Mr. Barber reviewed his letter dated April 1, 2024.

They have addressed his previous concerns, but he noted that after final site plan approval, the water main and sanitary sewer construction plans must be provided to MHOG Sewer and Water Authority for their review and approval and permitting with EGLE.

He reviewed the Traffic Impact Study, although the pass-by rates used in the trip generation forecast are not the latest information available from ITE (pass-by rates within the 11th edition of Trip Generation should be used, not those from the Handbook which is older information), the trip generation forecast for the site would be considered conservative, as it does not consider internal capture reductions. He does not see much gain from a corrected report and finds this to be acceptable.

The Brighton Area Fire Marshal's letter dated March 27, 2024 states, "Based on the submitted documents, all required revisions have been corrected for compliance except for the clear width dimension of the rear access drive. The applicant is field verifying the bollard and transformer pad locations along with drive dimensions. They have committed to making the appropriate revisions to provide the proper clear 20' width along the rear."

Mr. Jarbou believes that the amount of parking they are proposing is sufficient for the types of tenants they anticipate occupying these spaces.

Commissioner Dhaenens asked why the applicant did not agree to the shared access agreement with the owner of Arby's. Mr. Jarbou stated that when his company first purchased this property, he reached out to the Arby's owners on many occasions to work on the shared parking agreement and they never responded. Those owners then needed the agreement so they contacted him, but he did not want to help.

The call to the public was made at 9:39 pm.

Ms. Amy Sheehy of 3560 Snowden Lane stated her property backs up to the old Elder Beerman building. She would like the drainage to be repaired. Their property gets flooded. She is happy with the plans.

The call to the public was closed at 9:41 pm.

Mr. Jarbou stated he has spoken to Ms. Sheehy regarding the drainage. He advised Ms. Ruthig that they purchased the property so they own it and they own the drainage problem.

There was a discussion regarding the proposed nine-foot- high retaining wall on the rear of the site. The maximum height allowed is six feet, so a variance is going to be needed.

Moved by Commissioner Dhaenens, supported by Commissioner Rassel, to approve the Site Plan dated March 19, 2024 for Symmetry Management for proposed façade improvement and addition to an existing multi-tenant shopping center. The property located at 3599 and 3669 Grand River Avenue, north side of Grand River Avenue, west of Latson Road, based on the following conditions:

- The drive aisle parking and runoff easements between the two properties shall be put in place and shared with the township
- Crosswalk striping shall be added on the Dave's Hot Chicken Driveway
- Three light poles on the northwest side of the site are to be compliant with the township ordinance
- The discrepancy of three evergreens shall be corrected and approved by staff
- The waste receptacle gate shall be updated to comply with the township ordinance
- The applicant shall obtain a variance from the ZBA for the nine-foot high retaining wall.
- Township staff shall be given physical samples of material samples vs. photographs.

The motion carried unanimously.

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Moved by Commissioner Dhaenens, supported by Commissioner Rassel to recommend to the Township Board approval/denial of the Environmental Impact Assessment dated March 19, 2024 for Symmetry Management for proposed façade improvement and addition to an existing multi-tenant shopping center. The property located at 3599 and 3669 Grand River Avenue, north side of Grand River Avenue, west of Latson Road, based on the following condition:

- The applicant shall comply with the township engineer's concerns.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS:

Staff Report

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

The developer of the Latson PUD is requesting to amend the uses proposed. The township and the consultants are reviewing the proposal.

Approval of the March 11, 2024 Planning Commission meeting minutes

Needed changes were noted.

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the March 11, 2024 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

Commissioner McCreary stated that planning training says the site plan approval should be obtained prior to seeking a variance. Mr. Borden said that a site plan review should be done prior to obtaining a variance; it does not need to be approved, just reviewed.

Adjournment

Moved by Commissioner Rassel, seconded by Commissioner McCreary, to adjourn the meeting at 10:04 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary