

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

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

Ms. Christie Hale 3148 Beck Road stated she and her husband purchased 10 acres on the southwest corner of I-96 and Latson. They moved to Genoa Township for all it has to offer for country living. There are other locations in the township where this can be developed. She is opposed to the development. This will increase pollution, noise, traffic and it will affect the flora and fauna and will decrease farmland. She asked if there were enough emergency services available for this development.

Ms. Cady Hovarter of 3128 Brighton Road is against the PUD. They think it is expired. She read the section of the zoning ordinance regarding PUD approval timeline.

Mr. Bill Reiber of 3154 Stillriver Drive is against the proposed PUD. It will disrupt the natural wildlife and will increase congestion. They believe the application is expired. He has been knocking on doors and he has not been able to find one person who is in favor of the project. He has spoken to hundreds of people.

Ms. Melanie Johnson of 3990 Chilson Road stated that Section 10.04.02 of the zoning ordinance speaks to the expiration of the PUD. The development has to be of a high standard.

Mr. Eric Herbert of 4857 New Haven Drive is against the PUD. There is no benefit to the community. There will be light and noise pollution. He advised the Board to listen to their constituents if they want to be re-elected.

Ms. Michelle Herbert of 4857 New Haven Drive stated she has not found one person in her neighborhood who wants this development.

The call to the public was closed at 6:40 pm.

**OPEN PUBLIC HEARING #1...**Consideration of a proposed third amendment to the Master Deed of the Timber Green and fourth amendment to the Planned Unit Development. The proposal entails withdrawal of Units 10, 11, and 12 from the condominium. This land area will then be combined with contiguous property under common ownership (residence to the north with access to/from Chilson Road). The amendment will modify the easement rights of the withdrawal area to clarify that access via Timber Green Court will only be for secondary emergency access. The request is petitioned by Chestnut Development, LLC.

A. Recommendation of PUD agreement amendment

Ms. Catherine Riesterer, representing Chestnut Development, stated this is an established subdivision, but there are some lots that will not be developed so they are filing an amendment to the Master Deed and PUD to remove those parcels. She has worked with the HOA and submitted a draft to the Township.

The call to the public was made at 6:44 pm.

Mr. Robert Moran of 3985 Timber Ridge, president of the Homeowner's Association, thanked the board members for their service. If the developer follows the regulations, there are no issues from the homeowners association. The developer did not comply with the time limits of need-not-be-built units. He should have done this six months ago; however, the HOA does not have an issue with the three lots not being developed, but they will now have additional liability because that land will now be a preservation easement for the development and no longer owned by the developer. He believes that Item #4 of the Amendment has the incorrect Tax ID # and it should be corrected. Also, the drawing has a footnote stating the easement for the residents to access the preservation easement would be the responsibility of the HOA. They would like to limit the use of Timber Ridge Drive to the developer's property adjacent to their neighborhood and suggested a new access drive be put in. They would like this included in the documents.

The call to the public was closed at 6:54 pm.

Ms. Riesterer stated she will add clarification in the documents that any burdens on the property being withdrawn remain with the owner and not the HOA. She will also clarify the Tax ID # and

make the correction if needed. She will also add language to limit the access to the adjacent property.

After a discussion, it was decided that the Planning Commission will require approval of the changes by the HOA before it will be recommended for approval to the Township Board.

Mr. Borden reviewed his letter dated June 25, 2024.

1. The applicant must address any comments provided by the Township Attorney or staff with respect to the amended Master Deed.
2. The applicant should provide documentation of the Association's approval in writing.
3. Sheet 5 of Exhibit B does not depict the entirety of Parcel #11-29-200-037.
4. The applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority.
5. The Fire Authority may wish to require a gate and sign at the terminus of Timber Green Court since it will only be for secondary emergency access to the withdrawal property. Ms. Riesterer stated the Brighton Area Fire Authority has approved the turning radius.

Ms. Byrne reviewed the outstanding issues from her letter dated June 28, 2024.

1. The survey plan needs the signature and seal of the professional surveyor.
2. The final plan set should include a final revision date.
3. The storm facilities within the parcels being removed from the condominium have been put in an easement. The easement should include where the culvert crosses the access road.

The Brighton Area Fire Authority Fire Marshal's letter dated June 11, 2024 states his previous concern has been addressed.

**Moved** by Commissioner Rauch, supported by Commissioner Rassel, to table Open Public Hear #1 for the withdrawal of Units 10, 11, and 12 of the Timber Green PUD to allow the applicant to address the issues between the HOA and the owner and the comments from the planner and engineer. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...**Consideration of a Zoning Ordinance Text Amendments of Article 16 "Sign Standards" of the Zoning Ordinance.

A. Recommendation of Zoning Ordinance Amendment to Article 16 entitled "Sign Ordinance".

Ms. Ruthig stated the sign amendments are being made to be in compliance with what types of signs are currently being allowed. The current ordinance does not allow for pole signs; however, incidental and information type signs, etc. will be allowed. They have put strict height and setback requirements for these types of signs.

Commissioner Rauch asked for clarification on Section 16.02.11 on the difference between incidental / information signs and a directional sign within a commercial property. Mr. Borden

reviewed the ordinance language, stating that directional signage has its own definition and regulations in the ordinance.

The call to the public was made at 7:19 pm with no response.

**Moved** by Commissioner Rassel, supported by Commissioner Dhaenens, to recommend to the Township Board approval of a Zoning Ordinance Text Amendments of Article 16 “Sign Standards” of the Zoning Ordinance. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...**Consideration of a Zoning Ordinance Text amendment to Article 10 of the Zoning Ordinance, entitled “Planned Unit Development”.

A. Recommendation of Zoning Ordinance Amendment to Article 10 entitled “Planned Unit Development”.

Mr. Borden stated this amendment is related to residential PUD’s. The change addresses the minimum lot size allowed for properties that do not have access to water and sewer and offers a cluster option to allow for that minimum. Ms. Ruthig stated this will allow for fewer lots, larger lots, and more protection for the wetlands.

Commissioner Rauch noted that the cluster option allows for more preservation of natural features in the Township. He is in favor of these changes.

There was a discussion regarding the utility requirements. This ordinance is more restrictive than what the Livingston County Health Department requires; however, it was noted that a PUD allows for flexibility.

The call to the public was made at 7:40 pm with no response.

**Moved** by Commissioner Dhaenens, supported by Commissioner Chouinard, to recommend to the Township Board approval of a Zoning Ordinance Text Amendments to Article 10 of the Zoning Ordinance, entitled “Planned Unit Development”. **The motion carried (McBain - yes; Chouinard - yes; Rauch - yes; Grajek - yes; Rassel - no; Dhaenens - yes).**

ADMINISTRATIVE BUSINESS:

**Staff Report**

Ms. Ruthig stated there are no new items for the August meeting.

### **Approval of the June 10, 2024 Planning Commission meeting minutes**

**Moved** by Commissioner Rauch, seconded by Commissioner Chouinard, to approve the minutes of the June 10, 2024 Planning Commission Meeting as presented. **The motion carried unanimously.**

### **Member Discussion**

Commissioner Rauch noted the expiration date for the Latson Road PUD written in the document is seven years, which is longer than what is written in the zoning ordinance. The township attorney has advised that the one in the PUD is the binding date. Ms. Ruthig confirmed that information.

Commissioner Rauch stated there are advantages to the PUD. It has been rezoned for many years. Commissioner McBain stated that there has been nothing presented to the township. It is only a concept. It also includes open space, walking paths, natural features, etc. Commissioner Rauch stated the buffer zone has been increased from the required 25 feet to 100 feet.

Commissioner Rauch stated that having a PUD allows the township to require a high-value, high-character development here.

Chairman Grajek stated the PUD has already been approved by the Township Board. This area has been master planned for 12 years. He suggested having another informational public meeting regarding the project.

There was a discussion regarding outdoor ice skating rinks in industrial zoning areas.

### **Adjournment**

**Moved** by Commissioner Rassel, seconded by Commissioner McBain, to adjourn the meeting at 8:01 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary