

**GENOA CHARTER TOWNSHIP
SPECIAL PLANNING COMMISSION
PUBLIC HEARING
December 4, 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, and Tim Chouinard, Marianne McCreary, Greg Rassel, and Eric Rauch. Absent were Glynis McBain, and Bill Reiber. 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 McCreary, 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. Debra Beattie is suspicious and upset about scheduling two special meetings back to back for the busiest month of the year. It benefits the applicants.

Ms. Ruthig stated that she scheduled the meeting. The December 9 meeting is a regular meeting, with a location change. Tonight's meeting will address a zoning ordinance that needed to be addressed as soon as possible. The applicant for tonight submitted in time for the 12/9 meeting, but because of what is on that agenda, he was put on this agenda. She has to ensure that her board members, consultants, applicants, and recording secretary when she is scheduling a meeting.

Mr. Jeff Dhaenens of 5494 Sharp Drive knows that Mr. Reiber has another commitment this evening. Next week's meeting is at Parker Middle School, and he wants everyone to know it is a hostile environment. He suggested a quick refresher on what is a PUD tonight.

The call to the public was closed at 6:34 pm.

OPEN PUBLIC HEARING #1... Consideration for a rezoning application, PUD agreement, environmental impact assessment, PUD conceptual and preliminary site condo plan to rezone 127.57 acres from Agriculture (AG) to Low-Density Residential (LDR) with a RPUD

overlay to allow for a proposed 58-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road. The proposed rezoning is for the following parcels: 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003. The request is submitted by Pulte Homes of Michigan.

A. Recommendation of Rezoning to LDR and PUD application for RPUD

B. Recommendation of PUD agreement

C. Recommendation of Environmental Impact Assessment (9-27-24)

D. Recommendation of Conceptual PUD (11-1-24)

E. Recommendation of Preliminary Site Plan (11-1-24)

Mr. Borden provided a review of Planned Unit Development (PUD). It is a tool allowed under Michigan's law to allow for a developer to bring a project to a community that maybe doesn't comply with all conventional requirements, but in exchange for some flexibility on the design side, they would provide other public benefits. The cluster option is an old zoning tool that has been in the ordinance for almost 20 years. This is another tool that allows a developer to develop a certain amount of land based on the full property but allows a reduction in lot sizes in exchange for preservation or protection of open spaces. He showed the site plan for tonight's item as an example. It is the same number of homes, but with a higher density, but preservation of open spaces.

The petitioner was before the Planning Commission previously and based on comments from him and the township engineer and the commissioners, they revised the plan. He noted that the items are recommended by the Planning Commission to the Township Board, who makes the final approval. Because there is a rezoning, the Livingston County Planning Commission would review the proposal and also make a recommendation to the Township Board.

Mr. Mike Noles of the Umlor Group, the engineering firm representing Pulte Homes, was present. They have addressed the comments and provided the additional information that was requested at the previous meeting. They would like to develop 58 homes on 127 acres, with 78 acres of open space. The site could be built with 58 homes as it is currently zoned; however, they believe that preserving the 78 acres of open space is a better plan. They are compliant with the Master Plan, the Future Land Use Plan, and the RPUD. They are proposing to build beautiful homes.

He showed the plan of what could be built on this site if the straight zoning was to be followed, including the wells and septics, building envelopes, wetland crossings, roadways that would be able to tie into the public streets adjacent to this property, and the landscape plan of 33 trees, and 360 bushes.

They have done a traffic impact assessment, which was done on October 15, when the Dorr Road bridge was closed; however, the engineer used the historical data from 2023 when the bridge was open and found that the difference was negligible. He reviewed the findings, noting the different amounts of traffic at different times of day and night. The level of service grades

were A and B, which does not require any additional treatment, and will have no effect on the neighboring street system.

He reviewed the PUD Agreement and Master Deed that address the questions and concerns of members of the public. Also, they have tested for the well and septic and concluded that the tested aquifers at the site would be able to furnish a reliable amount of water for the proposed development. These tests also included the wells in the adjacent neighborhood. The Livingston County Health Department has provided preliminary approval of the wells and septic.

He showed the four different home styles and their multiple elevations being proposed for this development. He noted that the materials that are used on the front of the home are wrapped around the entire home, such as the brick, siding, masonry Wainscott, etc.

Based on the questions and comments at the previous meeting, they have revised the site plan. Some of these changes include that now the cul-de-sacs have the correct radii, the storm outlets are shown with changes to the proposed storm sewer system, and the increase in the landscape buffers. They have researched installing a sidewalk connecting their development to the sidewalk on Brighton Road at the roundabout and would like to discuss this issue in detail with the Planning Commission.

He stated that the trees will be removed on the interior of the site where they will be installing the roads and underground pipes, homes, etc. In a wooded area, there are typically 100 trees per acre above 6" in caliper, and 70 trees per acre above 8" in caliper. In the 70 acres that they are leaving as open space, there are approximately 5,000 trees that are being preserved.

Ms. Ruthig stated that Mr. Borden has not seen the revised parallel plan, but the applicant is still within the 58 homes that are able to be built.

Mr. Borden reviewed his letter dated November 27, 2024.

1. PUD Qualifying Conditions (Section 10.02):

- a. The proposal requires approval by the Township in accordance with Section 10.03.01(d) for residential units of less than one acre that are not served by public sewer or water.
- b. The applicant must address any technical comments provided by the Township Engineer, Brighton Area Fire Authority and Utilities Director.

2. Rezoning Criteria (Section 22.04):

- a. The proposed zoning designation of LDR/RPUD is consistent with the Future Land Use Plan and goals/objectives of the Township Master Plan.

He noted that there are two zoning designations on this property. They are Large Lot and Low Density, noting the large lot doesn't need to be rezoned because that is where the open space is being proposed. Commissioner Rauch asked if it changes the dimensional

standards that have been used to develop the parallel plan. Mr. Borden stated, "yes". That plan has been presented this evening.

- b. The RPUD overlay results in greater open space/natural feature protection than would otherwise be required. They are providing 57.2 percent open space where 25 percent is the minimum for RPUD and 50 percent is the minimum for cluster option.
 - c. The only use identified in the RPUD is detached single-family residential, which is generally reasonable and compatible with the area.
 - f. The applicant must address any technical comments provided by the Township's engineering consultant, Utilities Director and Brighton Area Fire Authority.
3. Conceptual PUD Plan and PUD Agreement (Section 10.03.01), noting some of the items have been met:
- a. Dimensional deviations are sought for lot area, lot width, and 1 side yard minimum setback/combination of side yard setbacks.
 - b. Cluster option:
 - i. The Township may wish to request additional information demonstrating that the applicant will complete the project in its entirety.
 - ii. The road connection to Units 13-19 encroaches into the Township's natural feature setback area and the wetland itself, which requires State and Township approval. The applicant has added the encroachment to the list of dimensional deviations sought via the RPUD.
 - iii. The applicant must include a preservation and maintenance plan with the final PUD site plan submittal.
 - iv. Pending further discussion on pathways, the active recreation requirement may, or may not, be satisfied. If the pathway is installed off site, it may not meet the requirement.
 - v. The Township may include reasonable conditions to ensure protection of public facilities and services, protection of the natural environment, compatibility with adjacent land uses, use of the land in a socially and economically desirable manner, and to implement the Master Plan.
 - c. The applicant must address any comments provided by the Township's engineering consultant, Utilities Director and Brighton Area Fire Authority.
 - d. The applicant must address staff and Township Attorney comments.
 - e. He would like the landscaping adjacent to the detention pond and residences be increased to more than the minimum required
 - f. The applicant should identify the Challis and Bauer Road frontages of Units 35-48 as the rear yards since they will be double-fronted lots, which could affect the placement of other items, such as fencing, outbuildings, etc.
 - g. Signage identifying areas not to be disturbed, such as the natural feature setback and landscape easement, should be included.

He noted that this is a preliminary site plan, so a final site plan must be provided and approved by the Township.

Ms. Byrne reviewed her letter dated February 5, 2024.

DRAINAGE AND GRADING

1. The conceptual site plan includes stormwater and private road improvements within regulated wetland limits. An EGLE wetland permit will be required for this work and should be obtained prior to final site plan approval.
2. The conceptual site plan shows a detention pond and onsite storm sewer. Storm sewer and detention basin design and calculations should be provided for review as part of the site plan review.
3. An overall proposed grading plan will need to be submitted for review and approval.

WATER AND SANITARY SERVICE

1. The proposed PUD does not have access to municipal water and sanitary sewer service and the cover sheet of the conceptual site plan notes that onsite septic and individual wells are proposed to serve the development and conceptual approval from the Livingston County Health Department (LCHD) has been obtained. Final approval from the LCHD should be provided prior to final site plan approval.
2. The Brighton Area Fire Authority has reviewed the proposed PUD and noted that fire protection water supply will be discussed during the final site plan process. The petitioner will need to work with the Fire Authority to meet any fire suppression requirements they have as part of site plan approval.
3. The concept plan shows two fire suppression wells per Fire Authority requirements. In future submittals additional detail should be provided on the plans for the proposed wells and more detail should be provided on how they will operate.

TRAFFIC AND ROADWAYS

1. The proposed PUD would be served by a private road off Challis Road. Future road design should be in accordance with Genoa Township Engineering Standards and a Private Road Construction plan review will be required after final site plan approval. Additionally, the private road intersection should be reviewed and approved by the Livingston County Road Commission (LCRC).
2. Dimensioning of the proposed cul-de-sacs will need to be revised to match Genoa Township Engineering Standards. Cul-de-sacs are required to have a radius of 60 feet with a 75-foot right of way (ROW) radius. The cul-de-sacs meet the ROW requirement but fail to have a road radius of 60 ft. The ROW width for the private road should also be dimensioned, but it appears to match the 66-foot standard width requirement.
3. The private road includes a dead-end cul-de-sac on the north end of the development. The road terminating in a dead-end is proposed to be over 1,200 feet long, which exceeds the maximum length of 1,000 feet for a dead-end street. Given the natural features contained on the site, it would be impossible to loop this dead end road back to the rest of the development. The road will also only have seven lots being served, which generates a

minimal amount of traffic. Subject to review by the Brighton Area Fire Authority, we would support a variance for the length of the street.

Commissioner McCreary questioned how the shared driveway will be built and maintained.

Mr. Brian Biskine of the Umlor Group stated the shared driveway will be designed as a narrow road that will be curbed. There are two private roads and they both have T-turn arounds that meet the fire code to allow their vehicles to turn around. For maintenance and snow removal, etc., they will be handled the same as the other roadways. Mr. Borden stated this would be addressed in the condominium documents.

The Brighton Area Fire Authority Fire Marshal's letter dated November 20, 2024 states that all of his previous concerns have been addressed.

Commissioner Rauch asked how many lots are allowed on a shared driveway? Ms. Ruthig stated there are a maximum of four allowed.

Commissioner Rauch suggested that only part of the property be rezoned to LDR. The boundary could be just to the east of the seven lots in the northwest of the site. Since they are accessed by a private driveway, it would have to be decreased to four homes, which would preserve more of the wetland.

Mr. Noles noted that they used the Master Plan to determine the 58 lots. The location of the lots match the zoning designations in the Master Plan. Commission Rauch asked if the petitioner would be willing to reduce the seven lots to four lots, which would preserve more of the wetland, reduce the amount of the detention pond, and save more mature trees. Mr. Nole stated saving three lots will not save significant wetland nor require less of a detention pond or save more trees.

Commissioner Rassel asked who would maintain the off-site sidewalk. Mr. Noles stated the HOA will maintain it.

Commissioner McCreary asked about color restrictions on the homes. Mr. Noles stated there are no restrictions to homes next to each other being the same color.

Chairman Grajek called a 10-minute break from 8:05 to 8:15 pm.

The call to the public was opened at 8:15 pm.

Mr. Colin Hebert of 6899 Lyle Lane stated the traffic study that was shown at the previous meeting was for 129 units. Mr. Noles stated a previous one was done for the land owner's plan, not Pulte's plan. They are building 58 units. He asked if the landowner has plans to build more homes. Mr. Nole stated Pulte Homes only has a contract for these homes.

Mr. Jim Rector of Challis Road asked if the Livingston County Drain Commissioner is overseeing the review of the stormwater and retention pond. Mr. Nole stated that LCDC must review and approve the storm water management plan as it flows into Crooked Lake. He added that the township attorney is asking for lawn chemical restrictions in the PUD Agreement.

Mr. Jim Rowell of 5240 Mountain Road spoke to Mr. Rauch's comments regarding density. The residents want less density and the developer should consider it.

Ms. Deb Beattie of Pineview Trail stated the traffic study didn't speak to the 200 unit apartment complex at Dorr Road and Grand River. She assumes $\frac{1}{3}$ of them will be coming this way. A 100 foot natural growth buffer is already there on Challis and Bauer and she suggests leaving the natural buffer and not removing it and putting in new trees. She agrees with Commissioner Rauch's comments.

Ms. Debbie Netsel 5801 Ramblewood Court spoke to the large size of the homes being built on an acre lot with no buffers between them. Due to the cost of the homes, she does not see this as a benefit to the community.

Ms. Christine Cross of 6984 Challis is concerned about the fire entrance. How will there be assurance that the cul-de-sac won't be opened up and used by the residents. She would like the 100-foot buffer so that they do not cut down those trees. There will be an increase in traffic. She had to sit at the light at Grand River for five cycles today.

Ms. Kelly Rector of 6299 Challis Road stated estate size homes should not be put on $\frac{3}{4}$ acre lots. There are no $\frac{3}{4}$ acre lots that have wells and septic. They have loved the nature and the wetland and the trees on this property.

Mr. Evan Meffert of 6541 Grand Circle Drive spoke about the path last time and he likes what is being proposed. Access to that public pathway would be a priority. Traffic is an issue. He would like another traffic study. The main entrance to the proposed development is still too close to the Grand Circle entrance.

Ms. Michelle Vancleve of 6573 Grand Circle Drive asked if all of the 100-buffers are shown in yellow on the plan. Mr. Nole showed there is a 100 foot buffer where existing trees will be saved and additional trees are added. The rear setback is 75 feet so there will be a total of 235 feet from the back of the existing house to the back of the proposed house and 100 feet of it is preserved open space.

Ms. Jennifer Swint of 6518 Catalpa Drive asked if the Township Attorney had done a litigation search on Pulte Homes. They have an extensive history.

Ms. Bonnie Spicher of 5606 Mountain Road stated Pulte bought this land as two acres to put houses on. People do not move here for $\frac{3}{4}$ acre lots. She has sold a lot of real estate in this town.

Sheila who lives on Grand Circle Drive asked about lighting for the development. Will there be streetlights and will there be restrictions on house lighting?

Ms. Deb Beattie stated that since two members of the Planning Commission are not present this evening, this should be tabled since they should be able to hear all that was said and they should be part of the decision.

The call to the public was closed at 8:35 pm.

Commissioner Rauch asked about the 100-foot buffers. Mr. Nole stated it is a requirement of the ordinance in the RPUD, cluster overlay. When abutting a public road or existing road, a 100 foot landscape buffer is required. There are no physical improvements above grade, after they clear the development area, such as where the roads, utilities, and house pad will be, they save as many trees as they can. Saving trees is what Pulte wants to do. It increases the cost of the lot and reduces their development costs. It will also include new landscaping plantings.

Commissioner McCreary asked if the petitioner would be able to tag trees that would remain. Mr. Nole stated they can do that and it would come with the final engineering. She is concerned with a road being built through the wetlands. She agrees with Commissioner Rauch in protecting them. She knows that homes need to be built, but they need to be the right fit. She noted that none of the homes have first-floor master bedrooms. Mr. Nole stated the plan they have developed is fully compliant with the Township's Master Plan. With regard to the wetland crossing, EGLE must approve a permit for this and they do in order to access an upland. She understands that, but the residents are very cognizant of wetlands.

Commissioner Rauch requested that the petitioner look at the seven lots and see if a private drive could be built with four lots or none at all. He is not in favor of these seven lots. He thanked the applicant for doing all of their work and having provided all of the information requested by the Township. He would also request that a new traffic study be done to include the 200 apartments that will be built on Dorr Road and Grand River. Mr. Nole stated that the traffic study includes future proposed development and it is still rated as an A.

Commissioner Rauch would like to see the sidewalk extend along the new route of Challis Road. He is not opposed to allowing wells and septics on these properties. If the Health Department approves them, then they would be appropriate. He would like to table this item and request the petitioner look at the seven lots.

Chairman Grajek appreciates the work that the petitioner has done. He is not in favor of private drives. He does not agree with Commissioner Rauch in removing the lots.

Commissioner Chouinard believes that any reduction in wetland impact is beneficial. He does not want to see the path built inside the 100-foot buffer along Challis Road.

Commissioner Rauch would like to eliminate the active recreational aspects, such as paths and boardwalks, in the open space in favor of expanding the pathway connection off site and

suggests adding 50 percent more landscaping around the detention pond and weighting them towards the adjacent properties.

Moved by Commissioner Rauch, supported by Commissioner McCreary, to postpone Public Hearing # 1 for a proposed 58-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, to allow the petitioner to review the following items:

- The detention pond plantings to be increased by 50 percent and specific attention is paid to the plantings along the common property boundaries to the neighbors to the south.
- This commission would prefer to move forward with a plan that installs a sidewalk outside of the project boundary down to Bauer and Challis Road and work with the Livingston County Road Commission as to its location.
- The requirement for the active activity areas would be waived by this commission for protection of the wetlands on the west side of the property.
- The petitioner shall review the density of the currently designed properties numbered 13-19 to reduce that density so it meets the requirements of a private drive or to not develop at all.
- The petitioner shall, with their traffic engineer, ensure that the project on Dorr and GRA is included in the traffic study.

The motion carried unanimously.

OPEN PUBLIC HEARING #2... Consideration of Zoning Ordinance Text amendments to Article 11” General Provisions” of the Zoning Ordinance.

A. Recommendation of Zoning Ordinance Amendment to Article 11 “General Provisions”

Ms. Ruthig reviewed the proposed ordinance amendments. The State approved taking away control from local governments with regard to determining setbacks, heights, use requirements, etc. for solar and wind energy. The township is only allowed to determine where they can be placed.

The Planning Commission and staff discussed the proposed changes. Some typographical errors were noted and will be amended by staff.

The call to the public was opened at 9:26 pm with no response.

Moved by Commissioner Rassel, supported by Commissioner Chouinard, to recommend to the Township Board approval of the Zoning Ordinance Amendment to Article 11 “General Provisions” as it relates to Public Act 233. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig reminded the commissioners that Monday's meeting will be at Parker Middle School.

Approval of the November 12, 2024 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the November 12, 2024 Planning Commission Meeting as presented. The motion carried unanimously.

Member Discussion

Chairman Grajek thanked Jeff Dhaenens for his leadership on the Planning Commission and his care of the community.

Adjournment

Moved by Commissioner Rassel, seconded by Commissioner McCreary, to adjourn the meeting at 9:33 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary