

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING
SEPTEMBER 11, 2017
MONDAY
6:30 P.M.
AGENDA**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

CALL TO THE PUBLIC: *(Note: The Board reserves the right to not begin new business after 10:00 p.m.)*

OPEN PUBLIC HEARING #1...Review of a request to amend conditions of previously approved special land use and site plan for the Brighton Church of the Nazarene located at 7669 Brighton Road, Brighton. The request is petitioned by Brighton Church of the Nazarene.

Planning Commission recommendation of petition:

A. Recommendation of amendment to special land use and site plan conditions.

ADMINISTRATIVE BUSINESS:

- *Staff Report*
- *Approval of June 12, 2017 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



GENOA CHARTER TOWNSHIP
Application for Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: Brighton Church of the Nazarene
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: Ben D. Walls 495 Lillyview Ct, Howell

SITE ADDRESS: 7669 Brighton Rd. PARCEL #(s): _____

APPLICANT PHONE: (810) 227-6600 OWNER PHONE: (810) 599-0941

OWNER EMAIL: pastorben@thenaz.org

LOCATION AND BRIEF DESCRIPTION OF SITE: _____

Eastern boundary between Brighton Church of the Nazarene
and Worden Lake Woods Subdivision.

BRIEF STATEMENT OF PROPOSED USE: See Attachments 1-

THE FOLLOWING BUILDINGS ARE PROPOSED: _____

I HEREBY CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Jim Burgen

ADDRESS: 12277 Birchcrest Dr, Milford, MI 48380

Contact Information - Review Letters and Correspondence shall be forwarded to the following:

1.) Jim Burgess of Brighton Nazarene Church jim@thenaz.org
Name Business Affiliation E-mail Address

FEE EXCEEDANCE AGREEMENT

As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.

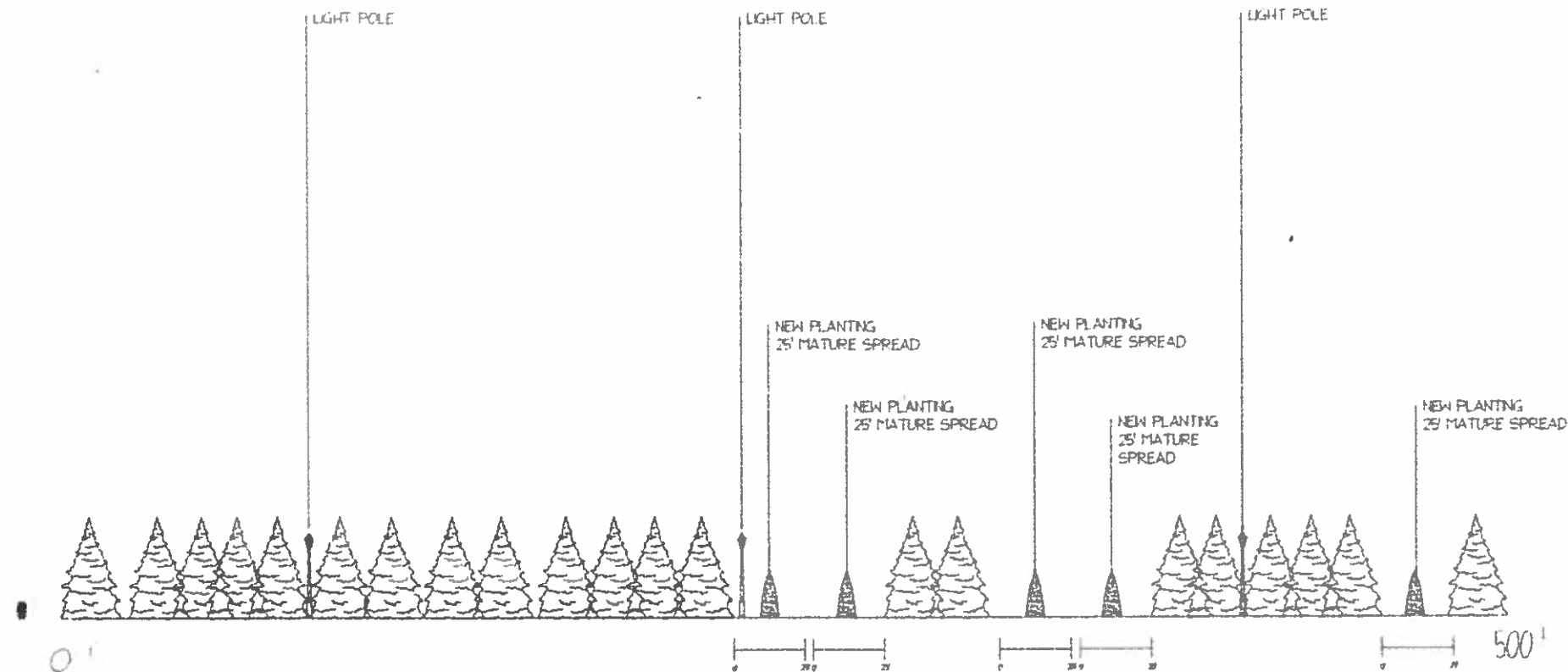
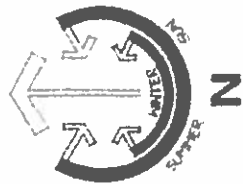
SIGNATURE: Ben D. Walls DATE: 7-18-17
PRINT NAME: Ben D. walls PHONE: 810-227-6600
ADDRESS: ~~pastor@thenaz.org~~ 7669 Brighton Rd. Brighton, MI 48116

The purpose of this application is to:

1. Propose a landscape design change for the boundary between Aljoann Road and the Brighton Church of the Nazarene. Brighton Nazarene will remove 16 trees and plant 5 new evergreen trees as drawn in the attached landscape sketch plan from Leppek Landscape design and using the recommendations outlined in the Tree Assessment Report from a certified arborist Julie Stachecki. With the removal and planting of new trees and the recommendations from the arborist, Worden Lake Woods Homeowner's will have a good plan moving forward and a good starting point to resume the maintenance of their tree line.
2. Change the responsibility for maintaining the trees along the boundary between Brighton Church of the Nazarene and Aljoann Road back to the Worden Lake Woods Homeowner's Association as stated in the Worden Lake Woods Homeowner's Association by laws (page 10) (sec III) (1.)
3. Remove the requirement to have a paid certified security guard present when the Brighton Nazarene Skate Park is open. With the addition of a new boundary fence, added outdoor security cameras and a trained volunteer staff, skate park personnel can better monitor the parking lot to ensure visitors are properly conducting themselves. Brighton Church of the Nazarene is concerned about the privacy of all our neighbors and will continue to operate so as to promote a family friendly environment for all who live in our area.

Attachments:

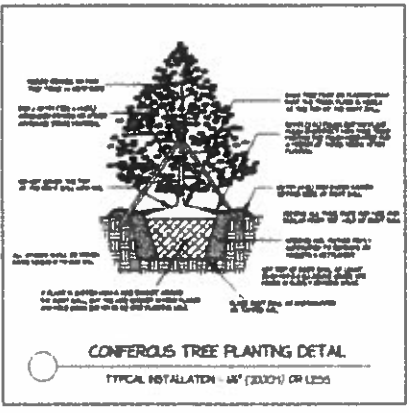
1. Purpose of Application
2. Sketch Plan
3. Arborist Tree Assessment and Recommendations
4. Worden Lake Woods Declaration of Covenants



LANDSCAPE PLAN LEPPEK LANDSCAPES

BRIGHTON NAZARENE CHURCH
-ALJOANNE ROAD

DESIGNED BY: JORDAN CAPPS
DATE: 7-25-17 SCALE: 1" = 20'





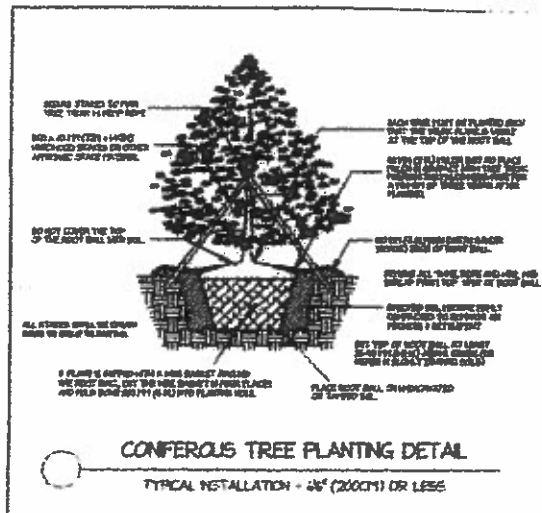
CHURCH PARKING LOT

EXISTING EVERGREENS

TREES FOR REMOVAL

2 NEW EVERGREENS

2 NEW EVERGREENS



LANDSCAPE PLAN LEPEK LANDSCAPES

CHURCH OF NAZARENE
 - ALJOANNE RD

DRAWN BY: JORDAN OATES
 DATE: 6-29-17
 SCALE: 1" = 10' WHEN PRINTED ON 24 X 36

1 NEW EVERGREEN

NEW 6' FENCE

↑
NEW PLANTINGS

500'

ALJOANNE RD

6'



Brighton Nazarene side of Fence



Brighton Nazarene Side of Fence



Aljoann Side of Fence



Aljoann Side of Fence

Church of The Nazarene along Aljoann Drive September-October 2016 Tree Assessment & Recommendations

The row of trees planted on the west side of Aljoann Drive, originally planted by the developer of the homes on the east side of Aljoann, are in various states of decline. About 20 years ago, the developer of the homes along Aljoann Drive attempted to block the view between the homes and the neighboring church. The developer requested permission from the church to plant evergreen trees slightly west of the property line of the site he was developing to provide a bit more space between the curb and the trees. Despite the encroachment onto church property, permission was granted.

Over the past several years as multiple trees have failed, and the church has made the effort to remove and replace them. This has been marginally successful and the aesthetics and health of the tree row continues to decline.

SUMMARY OF OBSERVATIONS - Late September 2016

The plantings of the linear space along Aljoann Drive can be described as three distinct segments:

1. The southern end at Brighton Road consisting of hardscape, black wrought-iron fence and formal landscape.
2. Original planting/screening (approx. 20 years) along the west side of Aljoann, with solid fence on west side of trees.
3. New planting of Arborvitae and spruce (2015) at north end of Aljoann Drive.

Segment 1: This grouping of Blue Spruce (6) and Maple, is in 'good' condition up to the Blue spruce (poor) on the west side of the fence. Mulch 2-4" deep, and a protective fungicide program (see below) should be considered for this group.

Segment 2: The old, established linear grouping of trees is in overall 'poor' to 'very poor' condition. The majority of the trees in this group are heavily infected with Rhizosphaera Needlecast, Pitch Mass Borer, and possibly Stigmima, SNEED, and phomopsis. There are approximately 64 trees, all narrow due to tight planting (2 are white pine and the rest are primarily Blue Spruce, with 2 newer white spruce in the mix).

On October 3rd, trees that *might* be worth trying to keep, and 'work around' were tagged with a small white flag tied to a lower limb on the NE side of tree. There were 17 trees tagged and they are typically in groups of 3 or 4. However, these trees, too, have Rhizosphaera Needlecast and *will continue to decline if they are not treated annually with a fungicide program* that would help protect the newly expanding growth. The goal of fungicide sprays is to help establish an outer canopy of non-infected needles allowing the trees to maintain their needles. A more thorough discussion of Rhizosphaera Needlecast follows.

Segment 3: The newly planted trees at the north end of Aljoann Drive need to be checked for planting depth and depth of mulch. NO soil or mulch should be up against the trunks or covering the lowest whorl of limbs.

The drip irrigation is great, however REMOVE the lines/emitters that are in the tree canopy and put them on the ground over the rootball area. Maintain DRY foliage to avoid encouraging disease, especially Rhizosphaera needlecast.

Some of these spruce have signs of needlecast and should be part of a spring fungicide program.

Give this grouping of evergreens a deep watering before winter so that they are fully hydrated before the ground freezes.

Managing Rhizosphaera needlecast disease requires fungicide applications to NEW, current years growth 2-3 times each spring. Starting in 2017, ideally this fungicide program begins when the new growth is about 1/4-1/2" long and repeated again when growth has pushed out further, to protect new untreated growth. While needles grow and expand is when the fungus invades the tender new needles. The needles do not become symptomatic for 1-2 years, then turn purplish-brown and fall off.

There are other issues, too. Things that spruce trees are really suffering from in our region include:

Stigmia, SNEED, phomopsis and on older trees cytospora canker. The fungicide applications described for Rhizosphaera may be helpful in controlling the first 3 of this list, too.

To reduce disease pressure *do not overhead irrigate* - keep the foliage as dry as possible. Environmental conditions make this problem more severe - Blue spruce like FULL sun locations with lots of air circulation (properly spaced planting density). If fungicide applications are made for several springs, with good timing, the trees can develop an outer canopy of new needles without infection. Unfortunately, the spray program will most likely be an on-going management tool to keep the trees growing healthy needles.

The **active ingredients** that are effective on this disease include:

Thiophanate-methyl (Cleary's 3336, or T-Methyl are brand names)

Chlorothalonil (Daconil is one common brand name but there are generic products, too)

These active ingredients can be used alone or in combination. Be sure to get good coverage on the NEW growth, the old needles do NOT need coverage.

During the growing season, blue spruce can get spruce spider mites. These are insects (mites) and would require a different treatment, but only if present.

OPTIONS FOR IMPROVEMENT

Surely a majority of the blue spruce along the fence in Segment 2 should be removed due to poor health and aesthetic condition. It may be possible to plant between the few (17) trees that are in somewhat decent condition. However, ripping out all of the trees in Segment 2 and starting fresh, with proper soil prep, plant selection and proper installation at appropriate spacing and depth, would result in the most dramatic change.

As discussed, consider a combination of large shrubs and deciduous trees to replant and develop the desired screening. Consider groupings of plants that would

create an upper canopy with a lower tier of plants as understory or as backdrop plantings. **Possibilities:**

- For taller, canopy spread - Swamp White Oak (*Quercus bicolor*) OR
- Bur Oak (*Quercus macrocarpa*)
- Katsuratree (*Cercidiphyllum japonicum*) OR
- London Plantree (*Platanus x acerifolia*) OR
- Tuliptree (*Liriodendron tulipifera*)
- Large-growing species of shrubs planted as lower canopy coverage, such as *Taxus cuspidata* or *Taxus x media* and *Taxus x media* 'Moon' OR
- One of many types of *Virburnums*
- Evergreens with less disease problems include Concolor fir, Serbian spruce (narrow) and *Chamaecyperis* or *Arborvitae*.

Per our phone conversation, a very good, local landscape designer that I recommend contacting for more specific design ideas is:

Karleen Shafer of **Landscape Design and Associates**: 734-260-2541

Let me know what other questions you have, 810-599-0343.

Thank you,

Julie Stachecki

Certified Arborist; TRAQ credentials
Site Specific, Inc.
Stachec1@me.com



September 6, 2017

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

| | |
|-------------------|--|
| Attention: | Kelly Van Marter, AICP Planning Director and Assistant Township Manager |
| Subject: | Brighton Church of the Nazarene – Site Plan Amendment (Review #1) |
| Location: | 7669 Brighton Road – northwest corner of Brighton and Aljoann Roads |
| Zoning: | SR Suburban Residential |

Dear Commissioners:

At the Township’s request, we have reviewed the request to amend the approved site plan (application dated 7/18/17) for the Brighton Church of the Nazarene.

We have reviewed the proposal in accordance with the applicable provisions of the Genoa Township Zoning Ordinance.

A. Summary

1. The proposal to alter conditions attached to previous approvals can only be done by the body who attached the conditions – in this instance, the Township Board.
2. We request the applicant identify the condition of the 16 trees to be removed, as well as the species and size of the 5 new trees to be planted.
3. The applicant should also provide a more detailed amended landscape plan, typical of a formal site plan submittal.
4. The applicant should explain the rationale to remove the condition related to maintenance of the easterly tree line (thereby shifting responsibility to the neighborhood association).
5. We suggest additional information be provided with respect to the request to remove the condition of a security guard for the skate park.

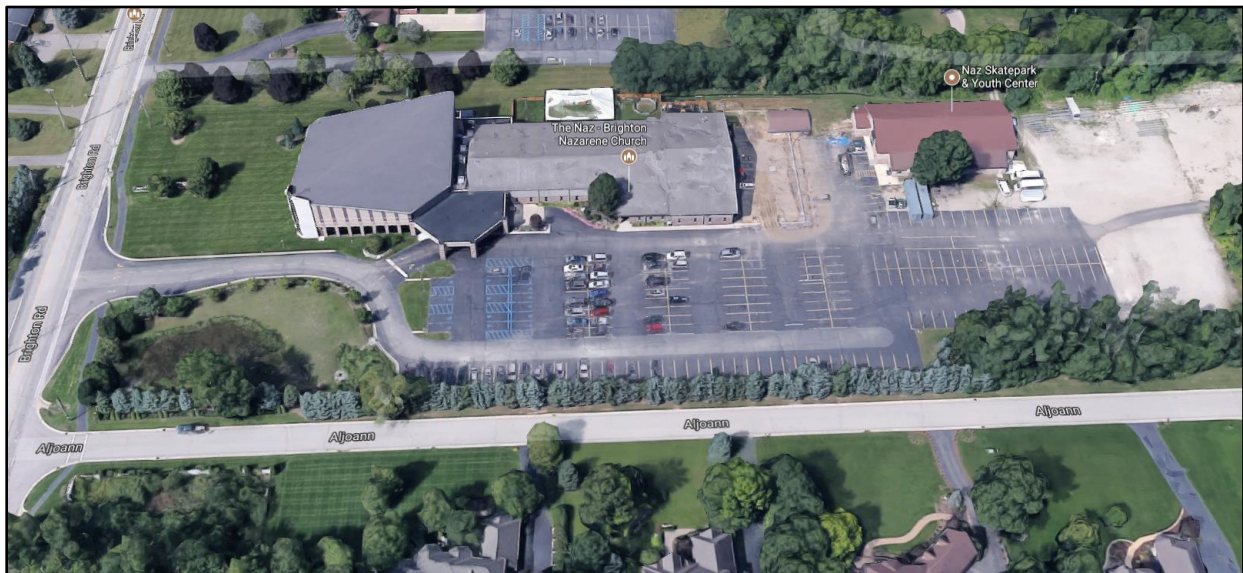
B. Proposal

The applicant requests review and approval of an amendment to an approved site plan. The proposal includes:

- An amendment to the approved landscape plan with a net reduction of 11 evergreen trees within the easterly buffer zone (16 to be removed; 5 new to be planted);
- A request to change the requirement regarding maintenance responsibility for the easterly tree line from the church to the neighborhood association; and
- A request to remove the requirement to have a security guard for the skate park.

Per Section 18.10 of the Zoning Ordinance, the proposed site plan amendment does not qualify as “minor” amendment; therefore, the modification is subject to Planning Commission review and approval.

However, since the requirements for church maintenance of the easterly tree line and a security guard at the skate park were conditions of special use and site plan approval (2003 and 2013), we are of the opinion that the modification of conditions warrants review/action by the Township Board since they originally held the approval authority. The Planning Commission should still make a recommendation on these matters, following the original procedure.



Aerial view of site and surroundings (looking west)

C. Review

The primary site plan element proposed to change is the landscape plan for the easterly buffer zone area. As noted above, the proposal entails a net reduction of 11 evergreen trees within this area. In the time since the last plan was approved, the applicant has also installed 6-foot tall privacy fencing in this area.

The submittal includes a report from a Certified Arborist indicating that many of the trees between the church and neighborhood are diseased and in poor condition. Given this report, it is logical to conclude that the 16 trees to be removed are in poor health; however, we request the applicant confirm this is the case as the submittal does not directly connect the proposed plan with the Tree Assessment provided.

Additionally, there is no indication of the specific type or size of the 5 new evergreen trees to be planted. The applicant must provide this information.

Furthermore, the applicant should provide a more detailed amended landscape plan to fully evaluate the impact of the proposal. More specifically, the elevation view provided shows relatively large gaps in plantings, while the site plan view is hand drawn and lacks the detail typical of a formal landscape plan included with a site plan submittal.

With respect to the request to remove previously established conditions, the Commission should evaluate each with respect to the initial intent and any change in conditions since the requirements were established. In our opinion, both conditions were likely intended to address concerns raised over protection of the adjacent residential properties as part of the special land use review(s).

Based on review of meeting minutes, the tree maintenance issue appears to have been volunteered by the church as the result of a meeting with the residents of Aljoann Road. The applicant's rationale to remove this condition is unclear based on the submittal and they should be prepared to explain their reasoning to the Planning Commission.

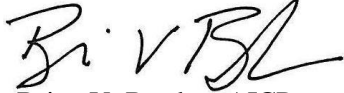
Regarding the requirement for a security guard, the applicant notes the presence of the privacy fencing, installation of outdoor security cameras and use of trained staff as its rationale; however, we suggest the Township require additional information with respect to this component of the request.

Prior to making a decision, it would be beneficial to know of any complaints filed with the Township or local law enforcement with respect to the skate park since its opening or any other problems that warrant continued use of a security guard.

Should you have any questions concerning this matter, please do not hesitate to contact our office. I can be reached by phone at (248) 586-0505, or via e-mail at borden@lslplanning.com.

Respectfully,

LSL PLANNING, A SAFE BUILT COMPANY

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and cursive.

Brian V. Borden, AICP
Planning Manager

4. Request for an extension to the Township Manager's employment agreement.

5. Recommendation by the clerk to appoint officials to work the Nov. 5, 2013 Special Election requesting millage approval for roads.

6. Request to award contract in the amount of \$103,865 to Nagle Paving for parking lot expansion and driveway reconstruction.

Approval of Regular Agenda:

Moved by Mortensen and supported by Skolarus to approve for action all items listed under the regular agenda with the deletion of item #7 as the issue has been resolved. The motion carried unanimously.

7. Dangerous building hearing for 5171 Walnut Hills.

No action taken by the board.

8. Review of site plan, special use, and environmental impact assessment for proposed 16,120 square-foot gymnasium and classroom addition for Brighton Nazarene Church, located at 7669 Brighton Road in Section 25, petitioned by Brighton Nazarene Church.

A. Disposition/on of Special Use

Moved by Hunt and supported by Rowell to approve the expansion of an existing special land use for a proposed 16,120 square foot gymnasium and classroom addition with the following conditions:

1. The conditions of the special use permit granted on June 2, 2003 shall be complied with and shall be expanded to include maintenance of all of the additional trees and bushes proposed with this project;
2. The petitioner, with respect to the original conditions, shall provide a security guard to patrol the parking lot on the days the skate park is open between the hours of 9 p.m. and 12 a.m. The church employee living on the site will be permitted to perform the security guard duties provided he is appropriately licensed;
3. Procedures will be in place, available for Township inspection, regarding the maintenance of the underground detention system;
4. Trash pick-up will not be permitted until after 8 a.m.;

This Special Land Use is recommended for approval because it complies with the standards provided in Sections 19.03.

The motion carried unanimously.

B. Disposition of Environmental Impact Assessment dated July 30, 2013.

Moved by Ledford and supported by Skolarus to approve the impact assessment dated July 30, 2013 subject to the following:

1. The parsonage should be listed as to the north, rather than the south in section C.

The motion carried unanimously.

C. Disposition of Site Plan (July 30, 2013).

Moved by Skolarus and supported by Ledford to approve the site plan with the following conditions:

1. A note will be added to the site plan describing how the underground detention system will be maintained;
2. The requirements of the Township Engineer as stated in the 8/18/13 letter, as well as the requirements of the Brighton Fire Department as stated in their letter of 8/6/13 will be complied with;
3. Lighting will comply with the ordinance in terms of foot-candles at the property line;
4. Language will be added to the landscape plan as it relates to how the landscaping will be maintained to avoid past mistakes and ensure that all materials will be maintained in a healthy and thriving condition in perpetuity.

The motion carried unanimously.

9. Consider request to enter into closed session for discussion pending litigation pursuant to Section 8(e) of the 1976 Open Meetings Act.

Moved by Smith and supported by Rowell to enter into closed session at 6:50 p.m. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays - None

The regular meeting was continued at 7:50 p.m. with discussion of correspondence and the public comment by Mr. Perri. The regular meeting of the township board was adjourned at 8:00 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township

(Press/argus 0/20/2013)

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
September 9, 2013
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Dean Tengel, Barbara Figurski, James Mortensen, Eric Rauch, Chairman Doug Brown, Diana Lowe, and John McManus. Also present were Assistant Township Manager, Kelly VanMarter, Gary Markstrom of Tetra Tech and Brian Borden of LSL.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: **Motion** by Barbara Figurski to approve the agenda as proposed. The motion was supported by John McManus. **Motion carried unanimously.**

CALL TO THE PUBLIC: Chairman Brown made a call to the public at 6:33 p.m.

John Waldeck, 2899 Pardee Road addressed the Commission regarding the Latson Road interchange and the traffic impact at Coon Lake and Chilson Roads. Kelly VanMarter indicated that the Township does not have any plans, but that the Livingston County Road Commission has made reference to a potential roundabout at that location. He was referred there.

No one else wished to address the Planning Commission and the call to the public was closed at 6:36 p.m.

OPEN PUBLIC HEARING #1... Review of site plan, special use, and environmental impact assessment for proposed 16,120 square-foot gymnasium and classroom addition for Brighton Nazarene Church, located at 7669 Brighton Road in Section 25, petitioned by Brighton Nazarene Church.

Brent LaVanway of Boss Engineering and Gary Anscombe addressed the Commission. The petitioner proposes to plant 44 shrubs and 40 trees in addition to any trees that need to be replaced in the existing evergreen buffer. The remaining landscape revisions were reviewed. The east and west property lines were addressed. The islands have been relocated to allow for cars to accelerate in parking lot.

Mr. LaVanway reviewed his letter of July 2013. There were eight conditions placed upon the previous approval. The 16 trees were replaced and those that have died will be replaced. The three Austrian pines were planted. Two of those have died and will be replaced. The tree line on the east property line was to be

maintained. Those trees that have died will be replaced. Mr. Anscombe indicated that the maintenance company has caused some die-off with their snow removal methods. He has addressed this with the maintenance company. The skate park rules were to be placed on the liability form and that has been done. The lights were to be turned off by 11 p.m. They are on a timer that turns them off at 11 p.m. The park is closed for the full month of July and August this year, although it won't be closed every August. The two signs prohibiting outdoor skating have been installed. One was removed and is being replaced. No commercial activities have been permitted at the skate park. Security guards to patrol the skate park were required by the Commission. There were guards until the security cameras were installed. Now there is an on-staff person who lives immediately adjoining the skate park and who is also the manager of the skate park.

Brian Borden addressed the Commission. In terms of the zoning standards, there are three discretionary items: design of the building; parking; and improvements to existing conditions as to lighting.

Mr. LaVanway indicated the lighting is shoe box type fixtures with 100% cut off. It is a two foot base with an eighteen foot pole. It is proposed for two locations. This is sufficient per Brian Borden.

Chairman Brown inquired of the petitioner why so much parking is requested. Mr. Anscombe indicated there is an overlap between people coming and going from the various services each Sunday.

Mr. LaVanway reviewed the storm water management plan. The expanded use of asphalt should not cause an issue. The underground system will require maintenance and it is designed with access in mind for that.

Mr. Mortensen asked if there are setback issues caused by the playground. Ms. VanMarter indicated there are not.

Gary Markstrom reviewed the engineer's report. The drainage issues have been addressed. There are some construction plan issues that need to be addressed. The petitioner needs to get a permit for the additional fire hydrants. Chairman Brown asked how a water main is bent. Gary Markstrom explained that fittings are used for this.

The Fire Department letter of August 6, 2013 was addressed by Chairman Brown. The letter by Harry Eiss was addressed by Chairman Brown.

Mr. Mortensen voiced his concerns with the petition. He was not aware that drivers training was occurring in the lot. Andrew Kotch is the designated representation for AK Services, who subcontracts with the State of Michigan as it relates to the driver license testing and was present at the meeting. He indicated there were 160 trucks/busses, 60 motorcycles and 800 automobile tests

performed last year. Each test lasts about 15 minutes. Mr. David Tiemann addressed the Board and indicated that the noise levels are higher and it has become problematic. Mr. Kotch indicated that the noise is limited and is of short duration. Mr. Kotch will disconnect his reverse beeper on the buses/trucks to avoid some noise.

Kelly VanMarter reviewed the ordinance to determine if the driver license testing is a special use under the ordinance. AK Services has been providing this service at the church for 18 years. Mr. Tengel thinks that this business should not be in a church parking lot, which is a residential area. Ms. VanMarter indicated, and Mr. Borden concurred, that this use was never lawful under the ordinance and therefore is an illegal use. In order for it to be a legal non-conforming use, it would have had to have been a lawful use when it started at that site. Mr. Mortensen said he believes if it is not an approved use, then it cannot be assumed to be an unapproved use--it's a "limbo" item.

Mr. David Tiemann addressed the Planning Commission regarding the noises caused by AK Services. Marcia Kotch indicated that had they known before July that the sounds were causing a problem for the neighbors, they would have forbidden back-up beepers much earlier.

Planning Commission disposition of petition

- A. Recommendation of Special Use
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan (07-30-13).

Motion by James Mortensen to recommend to the Township Board approval of the special use permit, subject to:

1. The same conditions of the special use permit granted June 2, 2003 shall be complied with and expanded to include maintenance of all of the additional trees and bushes, as well;
2. The petitioner, with respect to the original conditions, shall provide a security guard to patrol the parking lot on the days the skate park is open between the hours of 9 p.m. and 12 a.m. The church employee living on the site will be permitted to perform the security guard duties provided he is appropriately licensed;
3. Procedures will be in place, available for Township inspection, regarding the maintenance of the underground detention system;
4. Trash pick up will not be permitted until after 8 a.m.;
5. The approval of the site plan and environmental impact assessment:
This recommendation is made because this commission has found that the general land use standards of ordinance 19.03 and article 3 are met.

Support by Diana Lowe. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment, subject to:

1. The parsonage should be listed as to the north, rather than the south in section C.

Support by John McManus. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the site plan dated 7/30/13, subject to:

1. A note will be added to the site plan briefly describing how the underground detention system will be maintained;
2. The requirements of the Township Engineer addressed in his 8/18/13 letter will be complied with, as well as the requirements of the Brighton Fire Department addressed in their letter of 8/6/13;
3. The building elevations are acceptable;
4. The materials will match the existing building;
5. Parking at 134% is approved;
6. Lighting will comply with the ordinance in terms of foot candles at the property line;
7. Language will be added to the site plan regarding the landscape plan as it relates to how the landscaping will be maintained to avoid future failures that have occurred in the past.

Support by Eric Rauch. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of request to table to the October 15, 2013 Planning Commission Meeting for a site plan, special use, and environmental impact assessment to construct a new 2,700 square foot Qdoba drive through restaurant located at the Meijer outlot at 3883 E. Grand River, Howell, petitioned by Kevin Egnatuk of Southwind Restaurants, LLC.

No one appeared to address the Planning Commission.

Planning Commission disposition of petition

- A. Disposition of Request to Table.

Motion by Barbara Figurski to table this issue. James Mortensen addressed the lack of a bypass lane for the drive-thru. This was addressed by LSL and the petitioner is working on inserting a bypass lane in future plans. Support by James Mortensen. **Motion carried unanimously.**

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JULY 22, 2013
6:30 P.M.**

MINUTES

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 pm. Present were Chairman Doug Brown, Barbara Figurski, James Mortensen, Diana Lowe, John McManus and Dean Tengel. Also present were Assistant Township Manager, Kelly VanMarter, and Brian Borden of LSL Planning.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF THE AGENDA: **Motion** by Barbara Figurski and supported by John McManus to approve the agenda with the removal of "Introductions."
Motion carried unanimously.

CALL TO THE PUBLIC: Chairman Brown opened the call to the public at 6:31 p.m. with no response.

OPEN PUBLIC HEARING #1... Review of site plan, special use, and environmental impact assessment for proposed 16,120 square-foot gymnasium and classroom addition for Brighton Nazarene Church, located at 7669 Brighton Road in Section 25, petitioned by Brighton Nazarene Church.

Brent LaVanway with Boss Engineering and Gary Anscombe, member and construction manager with Brighton Nazarene Church were present on behalf of the petitioner. Mr. LaVanway reviewed the project location and the proposed addition. The addition includes a gymnasium and classrooms. The existing gym will be converted to Sunday school classrooms. They are also adding parking to the rear of the existing lot. The existing parsonage is not being used as such at this time. They are providing underground detention for the new parking area. The Livingston County Drain Commission Department has approved that. They have met with the health department for the on-site septic system. They are re-routing the public water to the west side of the building.

Jim Mortensen questions if the garage and playground are being moved or eliminated. Mr. Anscombe states that the garage is being removed and the equipment will be moved into the new building. The playground is going to be

moved forward and reduced in size. It will not be moved closer to the property line.

Brian Borden reviews his letter. This is considered a major amendment to an existing special land use because of the size of the addition. That is why special land use approval is necessary. The project is generally compliant with the standards of the ordinance. The Planning Commission should take into consideration any concerns of the Township Engineer. The applicant should confirm that the addition will match the existing building architecture. He needs to obtain the west elevation drawing because it was excluded from the plans. The shared parking arrangement with the high school across the street should be defined by the petitioner. The Township should know if there is a shuttle and how pedestrians get to the site. Lastly, the amount of parking they are proposing is above and beyond the 120% threshold. The Planning Commission would need to approve this exception based on the ordinance.

Chairman Brown asks the applicant to describe the parking situation. He is concerned with a new kitchen, new seats in the gymnasium, new parking and the health of the on site septic system. Mr. Anscombe states that the high school parking lot is only used twice a year for Christmas and Easter. It is done as a courtesy rather than a need so that visitors can park close to the building. They provide a shuttle for those events. Mr. Brent LaVanway states that the septic system is in the front between the church and Brighton Road. The system needs a dosing tank to manage the peak flows that occur due to the nature of its use. They will be adding a dosing tank and an additional storage tank. Without the approval of the health department the addition would not be allowed.

Chairman Brown asked about intentions for a private school or child day care. Mr. Anscombe states the classrooms are only for Sunday school classes and no schools or day care are planned.

Mr. Mortensen asks to speak about the landscaping comment number 4 in the LSL letter. Mr. Borden explains that they will have long rows of parking with no break up of landscaping. They are adding parking and the Planning Commission may consider adding landscaping islands to break up the long rows of parking.

Chairman Brown would like to see landscaping on the west side of the property to screen the utilities. Once the water main relocation work is done, he would like to see some landscape material added in there. He would like to see more landscaping on the west side of the building and the applicant should work with staff to soften the harsh look of the building from the Jehovah witness property.

Chairman Brown asked the applicant to discuss the comments in the Township Engineer's letter. Brent LaVanway stated that the water main is being re-routed around the building. Al Herndon, is with the Building and Grounds Committee

for the church and he indicated that the existing well on-site was approved by the City of Brighton and they plan to continue using it for irrigation.

In response the Brighton Fire Department review letter, Mr. LaVanway states that the conditions will be complied with. The entire building will be retrofitted to include sprinklers for Fire Protection.

Chairman Brown commends the applicant on a job well done on the Environmental Impact Statement.

The call to the public was made at 7:07pm with the following response:

Frank Des Champs would like to know how far the trees will go down on the west side. He lives at the last home down the gravel drive and in the summer it is pretty well screened, but in the winter it is very unattractive to look at the building and the cars and the payloader. The west side needs more landscaping. He would like to see more pines.

Chairman Brown would like to see the applicant work with staff to add landscaping in this area. Mr. Mortensen is not a fan of a solid wall of evergreens and would prefer to see the pines broken up in clusters.

Mike Barrett, Worden Lake Woods Homeowners Association president disagreed with Mr. Mortensen and stated that the wall of evergreens gives a blockage. In the rear of the subdivision you can see right through to the church property. They want a row of evergreens that totally screen the homes on Aljoann. The existing tree row should be extended all the way back.

Andrea Spanstra, lives in Worden Lake Woods and she stated that the Church was supposed to plant trees and maintain them. The trees are all dead and dying and they were supposed to maintain them. The area where there is brush has trees that have died and those trees fall over their road and they have to clean them up. The church pushes its snow over the landscaping in the winter that further leads to the degradation of the buffer area. The trees are not maintained and something needs to be done. The intersection with the traffic signal is so crazy with the school, church, and Pine Creek traffic plus there is no pedestrian signal. It is very dangerous. The signal at the school is wrong.

Mike Barrett – has had complaints with kids drag racing in the parking lot at night. Speed humps in the parking lot would be nice and it should be considered.

David Tiemann lives in lot 5. He wonders if the new parking lot is going into the existing tree line. The tree line looks really bad. They were supposed to add trees in 2003, 16 to 19 new trees were supposed to be added. We discussed a speed bump in a past meeting. It is used as a motorcycle testing and truck testing. They should have a gate at the front. The requirements and the things

we talked about in previous meetings have not been met. He is trying to sell his home and people want to know what it is like to live next to the church. The kid's music blares at night. The addition will bring more to the parking lot. They should go to the high school to play basketball. More parking means more kids. They should have privacy and they need protection from the church.

Mr. McManus asks about the motorcycle testing. Mr. Tiemann states they use the parking lot for the motorcycling testing class for people getting licenses. They also have Gordon Food, school bus and other CDL license testing on the property.

Mr. McManus asks if the addition will increase use of the facility. Mr. Anscombe states that the addition will relieve the overcrowding but is not expected to increase use.

Mr. Barrett handed the Chairman a copy of the minutes of approval from May 12, 2003. Chairman Doug Brown asked if the church is familiar with the minutes from that meeting. Mr. Brown reviewed the minutes and asked if that was done. Al Herndon stated that they have someone that is there 24/7 to patrol the property. They also planted the 16 trees – Some of them may have died. Chairman Brown tells Mr. Herndon that it appears that your parking lot is a nuisance and we need to mitigate these annoyances to the neighbors.

John McManus states that the Church needs to be responsible to the neighbors in order to make this work. Mr. Herndon responds that he believes great strides have been made. McManus asks if the church is alright with people in the parking lot late at night. Al Herndon states that they do not want people in the parking lot at night either.

Mr. Tengel discussed the parking lot island requirements. He would like to see the applicant add the islands and redesign the parking so there is no long straight stretches so that people can't drag race in the parking lot. They should resubmit a parking lot plan.

Mr. Mortensen would like to see this tabled tonight to look at landscaping, a site plan that shows playground and also the issue of the problems with the neighbors. We need the petitioner to come back with a plan incorporating the comments in the 2003 minutes and also revising the environmental impact assessment.

Mr. David Tiemann states that there are cars on Aljoann but the problem is the kids meet back there. The pastor says to call the police, but the police won't go because it is private. The parking lot is a big concern. There is a lot of noise. The tree line should be planted and it should be maintained. The snow gets pushed and kills the trees. If the parking is going further back you will have more cars, more kids, and more annoyance. They need to protect our neighborhood.

Mr. Barrett agrees the gate for a church is not ideal. The parking lot islands are a good idea. They want to be good neighbors to everyone.

Call to public was closed at 7:35 p.m.

Planning Commission disposition of petition

Motion by James Mortensen to table the petition from the Brighton Nazarene Church to resolve landscaping issues, issues regarding use and misuse of the property in the evening, to resubmit the site plan with revised landscaping, playground location and any redesign of the parking lot and revision of the Environmental Impact Assessment to reflect resolution of concerns raised by the neighbors regarding, noise, and misuse of parking area.

Support by Barb Figurski, Motion carried unanimously.

Administrative Business:

- *Staff report – Mrs. VanMarter indicated that there are 3 items for the August meeting. The Capital Improvement Plan will be coming to a future meeting and the Master Plan was approved for distribution.*
- *Approval of June 10, 2013 Planning Commission minutes. **Moved** by Barb Figurski to approve the minutes as submitted. **Support by Diana Lowe. Motion carried unanimously.***
- ***Moved** by McManus, **Support** by Figurski to adjourn the meeting at 8:22 p.m. **Motion carried unanimously.***

owner/developer's landscape architect in writing, with such certification being delivered to Township staff.

The motion carried unanimously.

4. Request for approval of a special use permit, site plan (02/10/03) and impact assessment (03/03/03) for proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction and discussed by the Planning Commission on May 12, 2003.

A. Disposition of special use permit.

Moved by Ledford, supported by Mortensen, to approve the special use permit for the sanctuary in a residential district with the following conditions:

1. The petitioner shall replace the 16 trees that have died or been removed along the east property line.
2. The petitioner will add three additional Austrian Pine trees to the east property line.
3. The petitioner shall maintain the tree line along the east property line.
4. The petitioner shall include the skate park rules on the liability waiver required for admittance.
5. The lights shall be turned off at 11:00 p.m.
6. The petitioner shall maintain not less than two signs prohibiting outdoor skating.
7. No commercial activities shall be allowed in regard to the use of the skate park nor shall such activities be delegated, assigned, or leased by the petitioner.
8. The petitioner shall provide a security guard to patrol the parking lot area on the days the skate park is open between the hours of 9:00 p.m. and 12:00 a.m.

The motion carried unanimously.

B. Disposition of impact assessment.

Moved by Skolarus, supported by Combs, to approve the impact assessment as presented. The motion carried unanimously.

C. Disposition of site plan.

Moved by Combs, supported by Ledford, to approve the site plan with the following conditions:

1. The brick face colors and accents shall be as presented to the Planning Commission at its April 14, 2003 meeting.
2. Architectural colored renderings of the elevations shall be as provided to the Planning Commission at its April 14, 2003 meeting.
3. The petitioner will endeavor to obtain a waiver of the Livingston County Drain Commissioner's fencing requirement for the detention pond area.
4. Absent the petitioner obtaining that waiver, the petitioner shall provide a black ornamental fence around the perimeter of the pond and in front of the fence a hedgerow with the hedges spaced to provide minimal visual impact of the fencing and detention area.
5. The current sign will remain as is with any changes requiring a new sign permit.
6. The proposed new septic system must be approved by the Livingston County Health

Department.

7. The petitioner shall connect the church's facilities to the municipal water supply system provided by the City of Brighton.

The motion carried unanimously.

5. Request for approval of the site plan (04/15/03), sketch review, and impact assessment (05/06/03) to transform existing 2,684 sq. ft. building located at 3768 E. Grand River, Sec. 5, from a daycare center to a beauty salon and office space, petitioned by Michael and Lorri Brown, as discussed by the Planning Commission 05/27/03.

A. Disposition of impact assessment.

Moved by Ledford, supported by Skolarus, to approve the impact assessment as submitted. The motion carried unanimously.

B. Disposition of sketch plan.

Moved by Smith, supported by Ledford, to approve the sketch plan with the following conditions:

1. The petitioner shall re-locate, with the permission of the utility owner, the telephone riser for construction of the 5-foot wide sidewalk from Kentucky Fried Chicken to Cleary College Drive. In the event that the petitioner is unable to satisfy the condition of the riser, the sidewalk shall be erected around the riser.
2. The petitioner may need to obtain appropriate easements from Kentucky Fried Chicken; however, the sidewalk must be extended from Kentucky Fried Chicken to Cleary College Drive.
3. The Planning Commission finds that the supplemental landscaping around the existing building is sufficient and shall be in lieu of the requirement to provide a landscape greenbelt along Cleary College Drive as the Planning Commission recognized the decrease in parking that would occur if such landscaping requirement were complied with.
4. The petitioner shall repaint the exterior of the building an earth tone color within 60 days.

The motion carried unanimously.

6. Request for approval of the impact assessment for a proposed 29,827 square foot addition to an existing building located in Section 5, Grand Oaks Industrial Park, on the east side of Grand Oaks Ave., south of Grand River Ave, petitioned by Schonscheck and Kraft Auto Spa as discussed by the Planning Commission July 8, 2002, with site plan approved by the Genoa Township Board on 10/07/03.

The petitioner advised the board that the Department of Environmental Quality tested the emissions in July of 2002 and found the facility in compliance with their standard for allowable emissions. The stack is determined to be 45' off grade and was approved as part of the previous site plan. McCririe informed the petitioner that the laminate process was installed after the fact and is in violation of the township ordinance. Paul Cavanaugh (representing the petitioner) advised the board that Thermal Oxidizer is the best

4. The tower shall be a maximum of 160 feet tall.
5. There shall be no nighttime strobe lighting on the structure.
6. The color shall match the existing tower on Conference Center Drive in Brighton and shall not change
7. Any other structure to be affixed to the tower shall require site plan approval from Genoa Township.
8. The setbacks as depicted on the drawing are satisfactory.
9. In accordance with the Township Planner, a six-foot high fence surrounding the perimeter, with additional landscaping requirements of 13 Green Colorado Spruce trees, shall be erected.
10. The transformer that is located five feet northeast of the proposed tower shall be screened with landscaping.
11. The developer shall comply with all Township Engineer requirements, which shall include submission of the detailed construction plans of the water tower prior to a Land Use Permit being issued.
12. A shroud will be placed over the tank during painting.
13. The City of Brighton will maintain the tower.

The motion carried (Litogot – Yes; Burchfield – Yes; Pobuda – Yes; Mortensen – Yes; Brown – No).

OPEN PUBLIC HEARING # 2...Review of special use application, site plan, and environmental impact assessment for proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction. (PC 03-08)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.

Mr. Steve Varilone from Brivar Construction Company and Pastor Ben Walls were present to represent the petitioner. They are proposing to add a 17,600 square foot sanctuary to the front of their existing building. They have made the following changes to the site plan based on discussions at the last Planning Commission meeting.

1. The color of the ornamental fencing will be black.
2. The landscape plantings on the south side and southwest corner of the detention basin has been supplemented to provide a "continuous hedgerow" between the new trees.
3. The proposed new sign and associated detail was removed.
4. The Impact Statement was revised to include a description of the use of the activities building.
5. The church will be approximately 172 feet from Brighton Road.

Mr. Varilone noted the discussion that was held at the last meeting regarding the operation of the indoor skate park. They have modified the Impact Assessment

as requested to describe the use of the park. The church has also added a security guard to the existing operation.

Pastor Ben advised that he met with residents on May 3, 2003 and they had a good meeting. There were discussions on how the church can be a better neighbor. The church will make the following improvements:

1. A tree barrier will be planted and maintained. The original developer of the residential subdivision asked the church for permission to plant trees and now the developer is gone from the area and has not maintained the trees. The church will maintain the trees on their side of the fence. They will add three trees to help screen the building as well as replace the 16 trees that have died.
2. A security guard has been hired and will they are in the process of purchasing a security camera to monitor the activity in the parking area 24 hours a day and 7 days a week.
3. The rules of the skate park will be included in the liability statement that the kids sign. The rules include such things as no profanity, no skating in the parking lot, no loitering outside of the building
4. Two signs stating, "no skating" will be erected in the parking lot.
5. The outdoor lighting will be turned out at 11:00 pm in the back of the parking lot.

Mr. Purdy reviewed his letter of May 7, 2003.

1. With regard to the ornamental fencing proposed for the storm water detention pond, it was decided that the fencing will be the same as what is used for the neighboring subdivision.
2. The expanded church is being proposed to be connected to the City of Brighton water supply. This will require an agreement between Genoa Township and the City.
3. The proposed new septic system needs to be approved by the Livingston County Health Department.

Ms. Huntley advised they have met all of their concerns.

The call to the public was held at 9:55 p.m.

Mr. Jamie Todd of 4931 Aljoann asked to speak on behalf of the neighboring subdivision. They are questioning the following:

1. The hours of operation for the skate park have expanded beyond what was originally approved.
2. There is not supposed to be a fee charged for attendance into the skate park. They charge some of the kids to skate and Pastor Walls advised them they may be renting out the center for other activities.
3. The noise in the evening needs to be resolved.

He noted the following discussions and agreements that were made at their meeting with the church.

1. The church will maintain the trees.
2. There will be a security guard there from 9:00 pm until 12:00 am
3. The rules of the skate park shall be included in the liability waiver that is signed by the skaters.
4. They are not sure that they agreed on a time that the lights will be turned off at night.
5. They like the "No Skating" signs that have been erected, however the "zero tolerance" rule that was in place in the past has not been enforced.

Mr. Sam Raguso of 4793 Aljoann noted the stipulation agreement that the church asked the residents to sign, which states that if the church makes all of the previously stated changes, legal action cannot be taken by the residents against them. He does not feel the Planning Commission should approve an additional special use for this site when the petitioner is currently in violation of their original special use and if it is approved, the specific use of the addition should be outlined.

He noted the concerns of the Commissioners at the August 28, 2000 meeting, which was when the activity center special use was originally approved. All of the commissioners were concerned with the proposed use of this building as it does not appear to fit into the use of the church. They were also concerned about the noise, etc. and how it will affect the surrounding neighbors.

Mr. Todd asked the Planning Commission to list the points that they made this evening as conditions of the recommendation for approval, if it is approved.

The call to the public was closed at 10:11 p.m.

Mr. Purdy stated that when the Planning Commission approved the activities center, they made a determination that it was an incidental accessory to the main use and that should not be addressed with regard to this approval.

Pastor Walls advised that he was not aware of the hours of operation for the activities center. He was not at the meeting when the original special use was approved and he did not know that his representative agreed to certain hours of operation. Mr. Varilone noted that the Planning Commission approved the hours of operation as 7 days a week until 10:00 p.m.

Pastor Walls addressed the concern of them renting out the activities center. Some parents want to rent it for birthday parties. Commissioner Litogot feels that as long as it is maintained inside, they have the right to use their activities building. Pastor Walls advised they rent out the sanctuary, gym, etc. all of the

time and have written policies for these purposes. It is a common practice for churches to rent their facilities. Commissioner Burchfield would be opposed to rental of the activities building only outside of the church's current use. He feels the other rentals are within the concept of what a church could be used for.

Chairman Pobuda asked if the charge for the rental is profitable. Pastor Wells advised they only charge what they will need to cover their costs. He added that if this is a problem with the Township, then they will not offer rental of the activities center.

Chairman Pobuda advised that the agreement between the homeowners and the church is not a concern of the Planning Commission or the Township.

There was a discussion regarding the security guard and the security camera. All commissioners would like to have the security cameras in place.

Moved by Burchfield, seconded by Brown, to recommend to the Township Board approval of the Special Use Application for a proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction with the following conditions:

1. The petitioner shall replace the 16 trees that have died or been removed along the east property line.
2. The petitioner will add three additional Austrian Pine trees to the east property line.
3. The petitioner shall maintain the tree line along the east property line.
4. The petitioner shall include the skate park rules on the liability waiver required for admittance.
5. The lights shall be turned off at 11:00 p.m.
6. The petitioner shall maintain not less than two signs prohibiting outdoor skating.
7. No commercial activities shall be allowed in regard to the use of the skate park nor shall such activities be delegated, assigned, or leased by the petitioner.
8. The petitioner shall provide a security guard to patrol the parking lot area on the days the stake park is open between the hours of 9:00 p.m. and 12:00 a.m.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment with a revision date of April 29, 2003 for a proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction subject to the following changes:

1. Appendix A will be modified to indicate that with regard to the paid security person patrolling the parking lot from 9:00 p.m. until 12:00 a.m., the

petitioner may seek a waiver of this condition upon providing satisfactory evidence to the Planning Commission and Board that alternative surveillance and security measures are adequate to assure quiet and peaceful enjoyment of the area.

2. "The activities building use will end at or before 10:00 p.m." shall be added.
3. The last sentence in the fifth paragraph shall be changed to "Parking lot lighting will be turned off at 11:00 p.m."

The motion carried unanimously.

Moved by Burchfield, seconded by Mortensen to recommend to the Township Board approval of the Site Plan for a proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction subject to the following conditions:

1. Township Board approval of the Special Use Permit as recommended by motion this evening.
2. Township Board approval of the Impact Assessment as amended and recommended by motion this evening.
3. The brick face colors and accents shall be as presented to the Planning Commission at its April 14, 2003 meeting.
4. Architectural colored renderings of the elevations shall be as provided to the Planning Commission at its April 14, 2003 meeting.
5. The petitioner will endeavor to obtain a waiver of the Livingston County Drain Commissioner's fencing requirement for the detention pond area.
6. Absent the petitioner obtaining that waiver, the petitioner shall provide a black ornamental fence around the perimeter of the pond and in front of the fence a hedgerow with the hedges spaced to provide minimal visual impact of the fencing and detention area.
7. The current sign will remain as is with any changes requiring a new sign permit.
8. The proposed new septic system must be approved by the Livingston County Health Department.
9. The petitioner shall connect the church's facilities to the municipal water supply system provided by the City of Brighton.

OPEN PUBLIC HEARING # 3...Rezoning application, environmental impact assessment, conceptual PUD plan, and PUD agreement to rezone 73.1 acres located west of Chilson Road, north of Coon Lake Road in Section 20 and Section 29. The request is to rezone property from CE (country estates) to RR (RPUD) (rural residential PUD) petitioned by Chestnut Development. (PC 03-09)

• **Planning Commission disposition of petition**

- A. Recommendation regarding PUD rezoning application.
- B. Recommendation regarding conceptual PUD plan.
- C. Recommendation regarding PUD agreement.
- D. Recommendation regarding impact assessment.

This motion for denial is not based upon the property owner, developer, engineer, architects, or product. It is strictly based on the land use plan, the density being too high, and only one means of access to a public road. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 5. Review of special use application, site plan, and environmental impact assessment for proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction. (PC 03-08)

- **Planning Commission Disposition of Petition**

- A. Recommendation regarding special use application.
- B. Recommendation regarding Impact assessment.
- C. Recommendation regarding site plan.

Mr. Steve Varilone of Brivar Construction, the Pastor of the Brighton Nazarene Church, and the co-chairs of the building committee for the church were present to represent the petitioner.

They are proposing to add a 17,600 square foot addition, including adequate parking. Mr. Varilone showed building materials and colored elevations.

Mr. Purdy reviewed his letter of April 9, 2003.

The storm water detention pond is located in the front yard and will require fencing; however, the Planning Commission discourages front-yard fencing. Mr. Varilone advised they have a "lay of the land" problem with this site. This is the only location for the detention pond. They have tried to accommodate for the fencing by adding extensive landscaping around it. They feel it is an improvement to what is currently there. He showed examples of proposed fencing. Commissioner Figurski asked if the detention pond could be put underground. Ms. Huntley stated the possibility of an underground detention pond is not appropriate for this site.

Commissioner Burchfield stated he likes the project, however, he does not like the fencing. He feels it detracts from the building. He feels that the proposed landscaping will alleviate the aesthetic impact of the pond. Mr. Purdy feels the amount of landscaping could be increased in the front of the pond, but Commissioner Burchfield noted that the fence will still be there. Commissioner Litogot wants to ensure that the pond will be property landscaped to screen the fence.

Commissioners Figurski, Mortensen, and Brown are comfortable with the proposed landscaping as amended by Mr. Purdy.

Commissioner Cahill suggested asking the Drain Commissioner if they could do without the fencing requirement and if he denies that, then the landscaping could be enhanced to screen the fence.

Ms. Huntley stated they have addressed all of their issues satisfactorily.

The call to the public was made at 10:00 p.m.

Mr. Sam Raguso of 4793 Al Joann was present to speak on behalf of their association. They have the following concerns:

1. The church has developed a commercial use on their site with the activity center and skate park. This is not appropriate for this zoning.
2. They have had problems with loitering, noise, trash, etc. from the children that use the skate park.
3. The proposed addition is very close to Brighton Road. There are 10 acres to the rear of the existing building and he feels they could add on to the back of the building.
4. There are concerns with the safety of the detention pond. There are kids in the neighboring area.

Mr. James Todd of 4931 Aljoann agrees with Mr. Raguso. He does not agree with the size and the height of the building as well as it being so close to Brighton Road. They have had problems with the children at the activity center and the skate park at all times of the day and night. He feels additional screening as well as enforcement of the curfews and existing rules needs to be done. He also asked how the new part of the building will be used.

Mr. David Tieman of 4827 Aljoann agrees with what was said by his neighbors. He asked if the church has any guidelines for keeping the privacy of the neighbors.

The Raguso feels the church needs to prove the size of their congregation and their need for this expansion.

The call to the public was closed at 10:09 p.m.

Mr. Purdy stated this site is zoned single-family residential, and churches are a special land use in this zoning. The accessory structure, which is the activity center, is also permitted.

Commissioner Mortensen feels the hours of operation, the lighting, noise, etc. should be addressed with the Impact Assessment before this item is acted on this evening.

The Commissioners nor the petitioner were aware of these concerns from the neighbors prior to this evening's meeting. The pastor addressed the neighbors

concerns. Their hours of operation are specified in the Impact Assessment, however, the parking lot is open and anyone can drive back there. He feels the children that are there after hours are not members of the church and it is like any other parking lot and the complaints should be directed toward the police. He added that they do not charge for the skate park. If children attend the Saturday service, they can skate for free and if they do not attend, they have to pay \$5.00. Approximately 75% of the children that skate do not pay.

The lights currently go off at approximately 12:00 am, but they can change that to assist the neighbors.

He advised the addition is only for a sanctuary and will not include an activity center. The future plan for the existing sanctuary is to expand their Sunday school classrooms. He added that there is no room on the back of the site to put the sanctuary.

Commissioner Burchfield feels the special land use permit should be granted if the skate park is taken out as it has a negative impact to the surrounding areas.

Commissioner Figurski feels the addition is very large and it will stick out far from the existing building close to Brighton Road.

Commissioner Mortensen is concerned about the impact this is having on the neighbors.

Chairman Pobuda asked if the addition of the skate park has increased the amount of children that attend services. The pastor stated it has a very positive impact on the children attending service. They have approximately 100 kids that come to Saturday service and then they can skate for free. He advised that they have just hired an outreach minister to spend his entire 40 hours a week attending to the skate park and the kids.

The pastor added that the skate park and their request for a new sanctuary are two separate issues. They have grown their congregation and they need the space, the skate park is not going to grow. He is willing to sit down with the neighbors and address their issues with regard to the skate park.

Commissioner Cahill is concerned about what he has heard from the neighbors. He would like to review the minutes from when the skate park was approved. He feels these issues need to be addressed by the church.

Chairman Pobuda agrees that the sanctuary and the skate park are two separate issues.

Commissioner Litogot stated that if the church is in violation of the skate park, they should not be granted an addition to the special land use.

Commissioner Figurski feels the commissioners need to visit the site and see how close this building will be to Brighton Road. Chairman Pobuda noted that this building is within the setback.

Mr. Varilone feels the issues of the skate park and the proposed addition are separate. The petitioner is surprised that his problem exists because they were not aware of the extent of the problem. He would like the commissioners to view these as two separate issues.

Moved by Figurski, seconded by Mortensen, to table Open Public Hearing #5, a special use application, site plan, and environmental impact assessment for a proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction, at the petitioner's request. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 6...Rezoning application, environmental impact assessment, conceptual PUD plan, and PUD agreement to rezone 73.1 acres located west of Chilson Road, north of Coon Lake Road in Section 20 and Section 29. The request is to rezone property from CE (country estates) to RR (RPUD) (rural residential PUD) petitioned by Chestnut Development. (PC 03-09)

- **Planning Commission Disposition of Petition**

- A. Recommendation regarding PUD rezoning application.
- B. Recommendation regarding conceptual PUD plan.
- C. Recommendation regarding PUD agreement.
- D. Recommendation regarding impact assessment.

This item was unable to be heard due to the hour of the evening. They will be the first item on next meeting's agenda.

Moved by Figurski, seconded by Mortensen, to approve the minutes of March 24, 2003. **The motion carried unanimously.**

Member Discussion

Commissioner Mortensen stated he does not like having paper and/or review letters delivered to him the night of the meeting. Ms. Kolakowski advised that she is working on streamlining the process. The day after the meeting, the petitioners will receive a fax notifying them of the action that was taken the previous evening and it will include a deadline for when the next information is due.

From: [Jay Johnston](#)
To: [Kelly VanMarter](#)
Subject: Tree line with NAZ
Date: Tuesday, September 05, 2017 10:35:32 AM
Attachments: [pana view trees](#)
[close dead](#)
[park](#)
[more dead](#)
[ATT00001.txt](#)

Kelly,

Rob, Laura (fiancé) and I met with Ben and Jim at the church and will be meeting with the neighbors this weekend to discuss our thoughts. First and foremost, I am not happy with the plan to fix the dead trees. Their plan to remove 16 trees and replace with 5 does not constitute maintaining the tree line as required by the Board as approved in the 5-12-03, 9-9-13, 8-3-15 and 7-20-15 PC meeting minutes. I do appreciate the fact that they are communicating the plans but the concept of the new plan saying more planting would be bad does not match the initial "park" area planting approved via Boss plans submitted in the 7-20-15 meeting. I understand there is a crowding issue and that there has been needle issues and as such plans need altering. However, the photos submitted in the request do not reflect as to the true situation we are facing. I would like to submit the attached photos and ask the board to physically drive down the road to see for themselves. I would like to board to consider the fact that the agreement to maintain the tree lines dates to 2003 and was restated in 2015. That 12 year window allowed adequate time to solve any landscape challenge that existed. "The maintain the tree line direction" was given by the PC board over more than a decade of trying to keep the enlarged facility from infringing on our right to have a quality environment in which to live. I asked Ben and Jim in the meeting to drive down our road and reevaluate all the dead trees and replacement plan. I am supposed to be going on a vacation next week and as such may not be attending the meeting. Please pass this to the board to review.

Jay Johnston
810-772-1128









From: [Rob Stogdill](#)
To: [Kelly VanMarter](#)
Cc: [Sandy Stogdill](#); [Gmail](#)
Subject: Worden Lake Woods/Naz
Date: Tuesday, September 05, 2017 1:42:16 PM

Hi Kelly,

I am the current President of the Worden Lake Woods HOA. I echo much of Jay's email to you from earlier today.

Thank you for your time reading my concerns. I am writing with my personal opinion and do not speak for all residents of Worden Lake Woods. Jay and I have reached out to ALL residents in the sub and are seeking consensus and comments from them.

In my opinion, I see Zero justification why the Brighton Church of the Nazarene should be relieved or absolved of the duties laid out in previous agreements with the Township. It is their agreed upon duty to not only make the barrier between the church facility and our neighborhood visually appealing (or at least not an eyesore), safe, and attempt to limit what we see and hear on a daily basis. Nowhere do I see in any minutes that this has changed. Nor have they completed this fully and I believe they should not be given relief at this time.

My neighborhood has not changed or expanded, added a skate park, we don't host drivers education training, rent gymnasiums, host truck driving classes, or have classrooms. Nor have we reneged on prior landscaping/maintenance agreements with the township.

I simply seek privacy, a quiet enjoyment of my home and nearby surroundings, a peaceful relationship with all neighbors, and increasing property values.

I firmly believe the Naz should be held accountable to remove ALL dead and dying trees and not shift this expense to our subdivision of only 10 homes. Also the Naz should be forced to reconsider whether 5 trees is enough "new" plantings for an aesthetically pleasing and effective buffer once ALL the actual dead and dying trees are removed. The Naz needs to finish what they agreed to, especially in light of the new school probably going in.

The proposed Landscape design change from the Church shifts all responsibility for removing dying trees and regular maintenance of the buffer from a large congregation with several 100's of active members to an Association with 10 homes. The NAaz was originally required to undertake the plan for valid concerns What has changed now?

In addition, The Naz needs to commit to maintaining their property on BOTH sides of the fence. Currently there are 3-5 foot tall weeds growing between the fence and the dead tree line by the Worden Lake Woods private drive area which Pastor Ben Walls

indicated was Church property.

I want to be a good neighbor to the Church and I feel most of the homes in Worden Lake Woods do as well. However, I cannot agree to the current landscape design change as it is currently devised. The Church is simply ignoring much of its agreed upon responsibilities and shifting cost to our Subdivision.

The fencing is great and I'm thrilled that it has been installed for safety reasons. I am not sure the impact of removing the security guard but I will be happy to take a wait and see approach to that.

My chief concern is the Landscape Design Change proposal. It doesn't go far enough and it isn't fair to Worden Lake Woods.

Kind Regards,

Rob Stogdill
4793 Aljoann Road
Brighton, MI 48116

Rob Stogdill
President

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2000 MAR -11 P 2:38

2001 MAR -71A 11:31

~~45~~
~~45~~
45/2

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI.
48843

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI.
48843

WORDEN LAKE WOODS SUBDIVISION

DECLARATION OF COVENANTS AND BUILDING AND USE RESTRICTIONS

THIS DECLARATION is made and executed on this 21st day of January, 2000, by Frances Serkian, hereinafter referred to as "Declarant", whose principal offices are located at 38743 Plumbrook, Farmington Hills, Michigan 48331, designated as Declarant, who is the owner of certain real property located in Genoa Township, County of Livingston, State of Michigan.

WHEREAS, it is the present intention of Declarant to hold Lots 1, 2, 3, 4, 5, 6 & 7 along with Parcels F1, F2, F3 & F4, designated in the attached Exhibit "A" for sale to third parties, and

WHEREAS, Declarant desires to sell said lots and parcels as building sites, subject to certain protective restrictions, conditions, limitations and covenants, in order to insure the most beneficial development of said area into a residential community and to prevent any such use as might tend to diminish the valuable or pleasurable enjoyment thereof, and

WHEREAS, the protective restrictions herein shall be in addition to the restrictions imposed by the terms of the Genoa Township Zoning Ordinance, as presently adopted and hereafter amended, and any other restrictions imposed by a governmental body having jurisdiction over the use and development of said property.

NOW THEREFORE, Declarant hereby declares that Lots 1, 2, 3, 4, 5, 6 & 7 along with Parcels F1, F2, F3 & F4 as described in the attached Exhibit "A" shall be held, sold, conveyed, and occupied subject to the following covenants, restrictions, easements, and assessment liens, which are for the purpose of protecting the value and desirability of the land, which shall run with the land and each part thereof and which shall be binding on all parties having any right, title or interest in the land and their respective heirs, successors and assigns. The protective restrictions are as follows:

ARTICLE I

All improvements made within any lot or parcel including construction of a residence and garage shall comply fully with the following building and use restrictions.

1. These Building and Use Restrictions which shall be deemed covenants and conditions and shall run with the land and shall be

LIBER 2925 PAGE 0073

RE-RECORDED FOR CORRECTION OF
TYPOGRAPHICAL ERRORS.

binding upon the parties hereto and upon all persons claiming under them until January 1, 2010, at which time the covenants, conditions and restrictions shall be automatically extended thereafter for successive periods of ten (10) years, unless within 6 months prior thereto of each successive ten (10) year period, by action in writing of a minimum of nine (9) of the then owners of said lots, it is agreed to change, abrogate or modify the said covenants, agreements and restrictions in whole or in part, except which shall be observed in perpetuity.

2. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one (1) detached single family dwelling consisting of no more than two (2) stories in height and an attached side entrance private garage for not less than three (3) cars. The garage architecture shall conform to that of the residence.

3. No dwelling constructed on any lot shall have an area of less than thirty four hundred (3,400) square feet for a story and one half residence and no less than 3,700 square feet for a two story residence exclusive of open porches and garages. At no time shall basements be calculated in the determination of square footage as it applies to said dwellings.

4. There shall be no future subdividing of any building lots which would utilize individual onsite sewage disposal and/or water supply systems.

5. "Worden Lake Woods" Subdivision has been approved for 7 individual lots as described in Boss Engineering's site plan Job #98011 dated November 16, 1998. The septic shall be located in the exact area as indicated on the preliminary plat as submitted.

6. The reserve septic locations as designated on the preliminary plan on file at the Livingston County Health Department must be maintained vacant and accessible for future sewage disposal uses.

7. There shall be no underground utility lines located within the areas designated as active and reserve septic system areas.

8. The onsite sewage disposal systems for Lots 3, 4, 5 and 7 will require the excavation of slow permeable soils to a more permeable soil ranging between 3.5 - 6 ft. in depth. Due to the fact that unsuitable soils will be excavated in the area and replaced with a clean sharp sand, the cost of the system may be higher than a conventional sewage disposal system.

9. Lot 1 will require the top soil and fill soils to be removed and backfilled with a clean sharp sand to the original grade. The bottom of the stone be no deeper than the original grade or 924.4 elevation.

APPROVED
Livingston County Health Department
Name: [Signature]
LTS 1-7
S. [Signature]
A-14
12500

10. Lot 1 will require an enlarged system due to the heavy soil structure witnessed on this lot. Please refer to the soil conditions on file at the Livingston County Health Department.

11. The Engineer must give written certification that any additional grades, filling, and/or land balancing that has taken place as part of the construction of the development has not affected the placement for either the active or reserve sewage disposal systems. This certification must be given stating that there have been no changes on any lots affected prior to issuance of any permits. This will include, but not be limited to, Lot 1.

12. A 1500 sq. ft. area has been designated on each lot for the active and reserve sewage disposal systems to accommodate a typical four bedroom single family home. Proposed homes exceeding four bedrooms must show that sufficient area exists for both active and reserve sewage systems which meet all acceptable isolation distances.

13. There shall be no activity within the regulated wetlands unless permits have been obtained from the Michigan Department of Environmental Quality.

14. All restrictions placed on "Worden Lake Woods" Subdivision by the Livingston County Health Department are not severable and shall not expire under any circumstances unless otherwise amended or approved by the Livingston County Health Department.

15. All dwellings must fully consist of exterior brick construction with stone and stucco accents.

16. No parcel shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any parcel other than one (1) detached single family dwelling consisting of no more than two (2) stories in height and an attached side entrance private garage for not less than three (3) cars. The garage architecture shall conform to that of the residence.

17. No dwelling constructed on any parcel shall have an area of less than thirty four hundred (3,400) square feet for a story and one half residence and no less than 3,700 square feet for a two story residence exclusive of open porches and garages. At no time shall basements be calculated in the determination of square footage as it applies to said dwellings.

18. There shall be no future subdividing of any building parcels which would utilize individual onsite sewage disposal and/or water supply systems.

19. A 1500 sq. ft. area has been designated on each parcel for the active and reserve sewage disposal systems to accommodate a typical four bedroom single family home. Proposed homes

APPROVED

Livingston County Health Department

Name

1-7

1-26-00

SEWER 4-14

exceeding four bedrooms must show that sufficient area exists for both active and reserve sewage systems which meet all acceptable isolation distances.

20. No existing buildings or houses may be moved on to the subdivision and no used material shall be permitted in the construction of new buildings.

21. No dwelling shall be occupied prior to completion of construction. Once commenced, construction shall be diligently pursued to completion. No dwelling shall be occupied until the final occupancy inspection has been made by the building department and a certificate of occupancy issued.

22. All plans of homes to be constructed must be submitted to the Developer, its successors or assigns for inspection prior to beginning construction. Construction shall not be commenced unless and until the Developer or its successor shall have approved the plans by writing endorsed thereon. A duplicate copy of the plans shall be left with the Developer for its records.

23. The roofs of all buildings shall be asphalt shingles, slate, or other materials approved by the Developer. All exteriors, except brick or natural stone, shall be finished with two coats of paint, stain or varnish, unless otherwise approved by the Developer. Approval by Developer, its successors or assigns, shall be in writing under terms and conditions provided in paragraph 17 above.

24. No truck in excess of 3/4 ton capacity shall be parked on any lots. Any truck less than 3/4 ton capacity must be housed in a garage, and not more than three (3) automobiles may be parked consistently on any lot. No trucks over 3/4 ton pickups shall be parked or stored in this subdivision.

25. Lots and parcels in said subdivision are also subject to the zoning and other ordinances of Genoa Township.

26. All building grades must comply with applicable Genoa Township ordinances.

27. Minimum Yard Requirements - All dwellings in the Subdivision shall be erected in compliance with the front, side and rear lot lines as set forth in the Genoa Township Zoning Ordinances and shall be in compliance with existing Ordinances and/or restrictions.

Approval of a variance by the Genoa Township Board of Appeals shall be deemed a valid waiver of this restriction.

28. No structure of a temporary character, trailer, tent, shack, barn, or other outbuildings shall be placed on any lot or parcel at any time either temporarily or permanently, except a

structure to be used by builders for storage of materials during construction period.

29. No basketball post, basketball hoop or any substitute thereof shall be placed on any building or on any lot or parcel. This is inclusive of portable units.

30. No noxious or offensive activity shall be carried on upon any lot or parcel, nor shall anything be done thereupon which may be or may become an annoyance or nuisance to the neighborhood.

31. No sign of any kind shall be displayed to the public view on any lot or parcel except for such professional signs required by a builder to advertise the property during construction and sales period. Signs may also be displayed by a real estate company upon re-sale of any of the said homes and shall be of the size common in any ordinary standard practice of real estate salesmanship and have no greater area than allowed by the Genoa Township Ordinances.

32. Antenna. The Developer, during the construction and sales period, and the Association after control of the Association is assumed by the Co-owners, may approve the height and location on a lot or parcel of:

(a) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or

(b) An antenna that is designed to receive video programming service via multipoint distribution service, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or

(c) An antenna that is designed to receive television broadcast signals,

The approval of the request for the style and siting of an antenna shall not be unreasonably delayed, it shall not unreasonably prevent installation, maintenance or use, unreasonably increase the cost of installation, maintenance or use or preclude reception of an acceptable quality signal. No antenna, other than as described in (a), (b) and (c) shall be allowed.

33. No building shall be constructed without the prior written approval of the Developer as to the architectural and structural design and materials to be used in the construction in order to insure reasonable uniformity in quality and appearance of each dwelling in the Subdivision.

34. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot or parcel, except that dogs, cats or other domestic household pets are permitted provided that they are not kept, bred or maintained for any commercial purpose.

35. No lot or parcel shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. The use of any incinerator shall be a type which will not discharge offensive odors or ash when burning.

36. No fences or walls in lieu of fences of any form, height or location shall be erected on any lot or parcel within the subdivision, except in conjunction with a privately owned "in ground" swimming pool, it being the intention to maintain the open character of this residential area by discouraging yard enclosures. Cyclone fences and wooden fences are not permitted.

Swimming pools are deemed a structure and only permanent "in ground" swimming pools will be allowed in the subdivision. Fences not exceeding five (5) feet in height from the ground around any privately owned, in-ground swimming pool will be permitted. Fences shall be constructed in accordance with Genoa Township ordinances controlling the construction and use of in-ground swimming pools and shall be subject to the review and approval of the Board of Directors or such architectural committee as established by the Board as set forth below.

Above-ground swimming pools are specifically not permitted for safety and aesthetic reasons. An above-ground pool is defined as being a swimming pool which projects eighteen (18) inches or more above ground on any side. However, children's wading pools of less than one hundred twenty-five (125) square feet of surface area, of a type readily emptied, requiring no filtration equipment, and less than eighteen (18) inches in height shall be permitted.

For purposes of this section, hot tubs/whirlpools/spas shall not be considered in-ground pools and, therefore, no fences enclosing them shall be allowed.

37. No business, trade, profession or commercial activity or calling for home occupation, of any kind shall be conducted in any building or on any portion of the property, except a builder's sales office may be used and maintained until all of the lots and parcels in the subdivision have homes constructed thereon and shall be occupied as a place of residence.

38. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for the Worden Lake Woods Homeowners Association or any person or persons owning any real property situated in said development to prosecute any proceedings at law or in equity against the persons violating or attempting to violate any such covenants and either to prevent him or them doing so or to recover damages, legal fees, or other dues for such violations.

39. All utilities such as water mains, sanitary sewers, storm sewers, septic tanks, gas mains, electric and telephone local Subdivision distribution lines and all connections to same, either private or otherwise, shall be installed underground; provided, however, that above-ground transformers, pedestals, street lighting stanchions and other above-ground electric and telephone utility equipment associated with or necessary for underground utility installations and distribution systems shall be permitted. Surface drainage channels and surface drainage facilities shall also be permitted.

*F3 40. No inoperative vehicles or commercial vehicles, house trailers or mobile trailers, boats and boat trailers shall be permitted to be parked or stored on any lot or parcel in said Subdivision unless such vehicles are parked or stored in a garage on said lot or parcel which conforms to the requirements pertaining to the construction of garage as set above with the exception of Parcels F1, F2, and ~~F3~~, which are permitted to park one boat with trailer on each parcel from April 1 through September 30.

41. Each owner/occupant shall, within sixty (60) days of taking occupancy, install or cause to have installed seed and mulch or sod or other vegetative growth covering all exposed earth; provided, however, if such fee simple title shall be received between October 1, in any year, and April 15 of the next succeeding year the obligations as above set forth shall be completed no later than May 15 of the succeeding year.

42. No well, for any purpose, shall be permitted on any lot or parcel. This provision cannot be altered or modified as long as Worden Lake Woods Subdivision is being provided with water by the City of Brighton or any other municipality.

*F3 43. Wetlands have been identified and delineated on lots 1, 2, 5, 6, and 7, as shown on the recorded Plat. Also, Parcels F1, F2, and ~~F3~~ have frontage on Worden Lake. These areas are protected by State law, as provided in the Wetland Protection Section (Section 303 of the Michigan Natural Resources and Environmental Protection Act (1994 P.A. 451)). The Property Owner shall refrain from altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from, constructing or placing any structure on, plowing, tilling, cultivating, or otherwise developing the wetland areas without first receiving approval from the Michigan Department of Environmental Quality.

44. Trash pick-up may be made by a contractor retained by Genoa Township so long as the conditions and duration of such trash pick-up is solely at the discretion of Genoa Township. An additional fee may be required to be paid for by the Homeowners' Association for trash pick-up for homes serviced by the private driveway namely parcels F1, F2, F3, and F4. Should Genoa Township discontinue the pick-up of trash for any reason, the Homeowners'

Association shall immediately retain the services of a contractor for trash removal.

45. Worden Lake Woods Drain Drainage District.

A. Attached as Exhibit B is an Agreement establishing the Worden Lake Woods Drain Drainage District, pursuant to Section 433 of Act No. 40 of the Public Acts of 1956, as amended. A copy of the 433 Agreement is recorded in the Livingston County Register of Deeds at Liber 2690, Pages 098-0203.

B. Easements. There shall exist easements over all lots, parks and common areas for purposes of construction, maintenance and improvement of storm water drainage and detention. The easements are granted in favor of the Worden Lake Woods Drain Drainage District. The Drainage District shall have the right to sell, assign, transfer or convey this easement to any other governmental unit. The Livingston County Drain Commissioner, and his agents, contractors and designated representatives shall have the right of entry on, and to gain access to, the easement property.

No lot owner shall disturb the grade or otherwise modify the areas within the easements in any way inconsistent with the Drain. No lot owner shall install, maintain, repair or replace landscaping materials located within the Drain easement areas lying within such lot owner's area in any way inconsistent with the use by the Drainage District. All lot owners shall release Grantee and its successors, assigns or transferees from any and all claims to damages in any way arising from or incidental to the construction and maintenance of the Drain, or otherwise arising from or incidental to the exercise by the Drainage District of its rights under said easements. All lot owners covenant not to sue the Drainage District for any such damages.

C. Assessments for the Worden Lake Woods Drain. All costs relating to the maintenance and improvement of the Worden Lake Woods Drain shall be borne by the Drainage District, and assessed to the lot owners pursuant to Act No. 40 of the Public Acts of 1956, as amended.

ARTICLE II

*F3

COVENANTS RELATING TO RIPARIAN PARCELS F1, F2, AND F3*

1. No parcel shall be increased or decreased by altering the natural shoreline, through filling or excavation, unless it is the result of natural erosion. Provided, however, this provision shall not be construed so as to preclude dressing of the shoreline, or prevent deposit of sand upon the bottom and/or the shoreline for the purpose of improving the lake bottom and/or the shoreline. A written proposal shall be submitted for approval to the Michigan Department of

Environmental Quality for any alteration of the natural shoreline and for any depositing of sand for any reason.

2. No dock or structure of any kind or description whatsoever shall be erected, constructed and/or installed from the shoreline into the lake for any purpose whatsoever without first obtaining approval from the Michigan Department of Environmental Quality.
3. Diving rafts, swimming or floating structures of any kind, shall be limited to one (1) per household, the location and specific number of any additions or deletions shall be subject to a majority vote of the owners of Parcels F1, F2, and F4.

*F3

Boats, or other similar small craft (with the exception of canoes) not to exceed fourteen feet (14') in length, may be used on Worden Lake provided that no power and/or electric motor or engine of any type or description, either inboard or outboard, is used on said boats or canoes.

4. No parcel subject to this agreement shall be used or permitted by the owner or owners thereof to provide or permit access to and/or use of Worden Lake by any person or persons other than: (1) the owner or owners of parcels who are residing on designated lake parcels subject to this agreement; (2) the immediate family of said owner or owners; and (3) the domestic servants and invited guests of such owner or owners. No commercial activity of any kind shall be permitted on Worden Lake.
5. The drawing from and/or utilization of water from Worden Lake for the purpose of watering lawns and/or other domestic or commercial use is prohibited.
6. Members, their household and guests shall refrain from casting, pouring or in any manner allowing foreign materials to be deposited in Worden Lake.
7. Life-saving equipment shall be situated and easily-accessible on each parcel owner's property. This life-saving equipment shall be kept on the property year-round.
8. The road extending from the northern end of Aljoann Road shall be designated as a private driveway solely for exclusive use by owners of parcels F1, F2, F3 and F4 along with members of their immediate families, domestic servants and invited guests of the immediate families. The cost of repairing and maintaining of said private driveway, inclusive of snow removal, shall be borne by the Homeowners' Association.
9. No other construction of a private road or easement grant allowing access to Worden Lake, to the existing private drive adjoining Aljoann Road, or to Aljoann Road from any properties adjoining Worden Lake Woods shall be allowed.

ARTICLE III

WORDEN LAKE WOODS HOMEOWNER'S ASSOCIATION BY LAWS

SECTION I
Definitions

1) "Developer" shall mean and include Frances Serkian or her assigns.

2) "Association" shall mean and refer to the Worden Lake Woods Subdivision Homeowner's Association.

3) "Properties" shall mean and include Lots 1-7 and Parcels F1, F2, F3 and F4, both inclusive, of Worden Lake Woods Subdivision described above.

4) "Owners" shall mean and refer to the record owner whether one or more persons or entity of the fee simple title to any lots and parcels above-described including land contract vendees, but not including any mortgagee, unless and until such mortgagee shall have acquired fee simple title pursuant to foreclosure or any proceeding of conveyance in lieu of foreclosure. When more than one person or entity has an interest in the fee simple title of any lot, the interest of all such persons collectively shall be that of a single owner.

5) "Owner/Occupant" shall mean the same as "Owner" only at such time as a certificate of occupancy shall be issued by the Livingston County Department of Building and Safety for a dwelling upon a lot or parcel and not prior thereto.

6) "Member" shall mean and refer to all those owners who are or qualify as members of the Association as hereinafter set forth.

SECTION II
Name

The name of the association shall be called Worden Lake Woods Homeowner's Association, a non-profit organization, and shall be composed of Lots 1 through 7 and Parcels F1, F2, F3 and F4. Parcels F1, F2, and ~~F3~~ are riparian parcels adjoining Worden Lake.

*F3

SECTION III
Object

1. To promote wholesome and attractive conditions for the property owners that form a part of the Worden Lake Woods Homeowner's Association. This includes the maintenance and upkeep of the Subdivision park, front entrance, landscaping along the ~~west~~ property boundary adjoining the Church of the Nazarene, and the entrance to the private drive leading to parcels F1, F2, F3, and F4.

west

2. To maintain the beauty and usefulness of Worden Lake.

SECTION IV
Membership and Dues

1. All homeowners of all eleven (11) properties hereinafter called "lots" in Worden Lake Woods Subdivision must be a member of the Association. An annual membership fee of \$150.00 is required from each homeowner the first year and the membership fee will be adjusted, if necessary, on a yearly basis based on the amount of actual expenses thereafter.
2. The annual dues shall be payable between September 1 and October 30. Any member in arrears will have his/her voting privileges suspended after due notice until such time as back dues have been paid. The funds in the treasury shall be used for the sole purpose of fulfilling the object of the Association in accordance with the established by-laws. It is recognized that the funds in the treasury at any given time may not be sufficient to cover the cost of certain desirable endeavors in maintaining the upkeep of the Worden Lake Woods Subdivision. Therefore, it may become necessary to have special assessments in accordance with the established by-Laws.
3. Each owner of any lot within the properties, by acceptance of any lot within the properties, or by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay to the Association annual dues, assessments, or charges and the annual charges, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be charged on the lot and shall be a continuing lien upon the lot against which each such assessment is made. Each such assessment, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall also be the personal obligation of the person(s) who was the owner of such lot at the time when the assessment fell due.
4. Effect of Non-Payment of Dues or Assessments: The Personal Obligation of the Owner: The Lien: Remedies of the Association- If any dues or assessments are not paid on the date when due, then such amounts shall become delinquent and shall, together with such interest thereon and costs of collection thereof as hereinafter provided, thereupon become a continuing lien on such lot which shall bind such lot in the hands of the then owner, his heirs, devisees, personal representatives and assigns. The personal obligation of the then owner to pay such assessment(s), however, shall remain his personal obligation for the statutory period and shall not pass as a personal obligation to his successors in title unless expressly assumed by them but shall run with the land. If the charges are not paid within thirty (30) days after the

delinquency date, the charges shall bear interest from the date of delinquency at the rate of nine (9%) percent per annum, and the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the lot, and there shall be added to the amount of such charges the costs of preparing and filing the complaint in such action, or in connection with such foreclosure, and in the event a judgment is obtained, such judgment shall include interest on the charges as above provided and reasonable attorney's fee to be fixed by the court together with the costs of the action.

5. Subordination of the lien to mortgages - The lien of the dues or assessments provided for herein is and shall be subordinate to the lien(s) of any mortgage or mortgages now or hereafter placed upon any lot subject to assessment hereunder; provided, however, that such subordination shall apply only to the charges which have become due and payable prior to sale or transfer of such lot pursuant to foreclosure of such mortgage(s) or prior to any other proceeding or conveyance in lieu of foreclosure. Such sale, transfer or conveyance shall not, however, relieve such lot from liability for any dues or assessment thereafter coming due, or from the lien of any such subsequent assessment.

SECTION V
Meetings

1. An annual meeting shall be held each October with the precise date to be determined by the executive committee. Written notice of any meeting must be mailed to each lot owner at least ten (10) days prior to the date of such meeting. Additional meetings may be called by the executive committee if deemed necessary.
2. Representatives from five (5) households (at least 10 people) two (2) of whom are officers, shall constitute a quorum for the transaction of business in any regular meetings.
3. Each household shall have one vote for each lot within the properties of which it is an owner within the association; however, at the regular yearly meetings, only the members present shall be entitled to cast a ballot. If any special meetings are called, and a vote is required, absentee ballots will be allowed.
4. Business shall be conducted by motions and seconds from the floor with a majority vote of members present required for passage.
5. All expenditures must be approved by majority vote of the Executive Committee.

SECTION VI
Officers

1. The Officers of this Association shall be: A President, Recording Secretary and Treasurer. In addition, there shall be two (2) Board Members.
2. Officers and Board Members shall be elected annually during the meeting of the fourth (4th) quarter and assume their offices on the first day of the following month.
3. The Officers and the Board Members will be considered to be the Executive Committee.
4. Executive Committee meetings shall be held at 3 month intervals, and the President may schedule additional meetings, as needed, following notice to all Executive Committee members.
5. Any vacancy of office shall be filled by appointment of the Executive Committee until the next annual election.

SECTION VII
Duties of the Officers

1. The President shall preside at all Meetings, shall be a member Ex-official of all committees and shall appoint all committee heads.
2. The Treasurer shall be an aide to the President and shall preside in the absence of the President. The Treasurer shall be responsible for a meeting place and its notification.
3. The Recording Secretary shall keep an accurate record of all meetings of the Association.
4. The Treasurer shall receive all monies of the Association; shall keep an accurate record of receipts and expenditures. All checks or expenditures shall require signatures of any two (2) of the officers. The Treasurer shall present a financial statement at every meeting and at other times when requested by the Executive Committee.
5. Executive Committee decisions will require a majority vote of all those members in attendance.
6. The Executive Committee is empowered and obliged to enforce the Building and Use Restrictions.

SECTION VIII
Procedure

By-Laws may be brought up for introduction or amendment at a meeting of the Association held for this purpose. The amendment

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
June 12, 2017
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, and Barbara Figurski. Absent were James Mortensen and Jill Rickard. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Gary Markstrom from Tetra Tech, Brian Borden from LSL Planning and an audience of 15.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Ms. VanMarter stated there is a correction for Open Public Hearing #1. A “Recommendation of the PUD Amendment” should be added. **Moved** by Commissioner Figurski, seconded by Commissioner McManus, to approve the agenda as corrected. **The motion carried unanimously.**

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

PRESENTATION BY LIVINGSTON COUNTY PLANNING REGARDING THE COUNTY MASTER PLAN PROCESS.

Ms. Kathleen Kline-Hudson, Director of the Livingston County Planning Department, and Ms. Sylvia Kennedy-Parasco, a County Planning Commission member, were present. Ms. Kline-Hudson stated they have a new Planning Commission Chair since November of 2016 and one of his priorities is to have a staff member and a commissioner attend each of the county’s Planning Commission meetings to give an update of their commission. There are three staff members in Ms. Kline-Hudson’s department; however, there is almost 30 years of institutional knowledge with those three. There are seven members of the Planning Commission and each of them are long-time commissioners.

Sylvia Kennedy-Carrasco stated she lives in Marion Township and was a kindergarten teacher for many years. She started off on the Commission as representing education and now she has transferred to representing transportation. She has lived in the County for 50 years.

Ms. Kline-Hudson stated they are working on a new master plan for the county. The last one was completed in 2003. It has been updated since then; however, they are

going to do a complete rewrite to get up to date with the most recent changes to the State planning laws. When the draft is complete, they will send it to Genoa Township for their review and input.

Additionally, they would like to have a representative from each of the Townships at their Planning Meetings, which are held on the third Wednesday of the month at 6:30 p.m.

OPEN PUBLIC HEARING #1... (Tabled 10-11-16) Review of site plan application, PUD amendment, environmental impact assessment and site plan for a proposed multi-tenant commercial center to include a 2,117 sq. ft. restaurant with drive-thru, a 2,819 sq. ft. restaurant space with an attached 1,501 hair salon located at the northwest corner of the Grand Oaks Drive and Latson Road intersection. The property is located within the Livingston Commons Phase 2 PUD on Parcel #11-08-200-017. The request is petitioned by USA 2 GO. (16-20)

Planning Commission disposition of petition:

- A. Recommendation of the PUD Amendment
- B. Recommendation of Impact Assessment (5-3-17)
- C. Recommendation of Site Plan (5-3-17)

Mr. Brent LaVanway of Boss Engineering and Mr. Kevin Banham of USA 2 GO were present. Mr. LaVanway gave a review of the project and noted the changes that were made to address the Planning Commission's concerns regarding the traffic flow on the site.

They have now made the west drive two-way. They have added concrete islands to direct the traffic through the drive-thru area.

They have also reduced the rear-yard setback to three feet, which has prompted an amendment to the PUD Agreement.

He showed colored renderings of both buildings, noting the changes that were made to address additional concerns of the Planning Commission.

Mr. Borden reviewed his letter of June 6, 2017.

- He suggested that the amended PUD note the three-foot rear-yard setback is specifically for the drive aisle and not the site itself. It should also be clarified to state that it will be a right-in or right-out access to Grand Oaks and not both.
- Details must be provided for the wall-mounted light fixtures.
- The applicant must provide a clean landscape plan to ensure consistency between the plan and the plant list.
- Permits will be required prior to installation of any tenant signs.
- The entranceway signage easement must be recorded and dedicated to the Township.

Mr. LeVanway and Mr. Banham will comply with Mr. Borden's requests.

There was a discussion regarding adding additional signage to the entrance off of Grand Oaks to direct traffic to travel counterclockwise through the site.

Mr. Markstrom stated that the applicant has addressed most of his concerns; however, he has three outstanding issues.

- The proposed sanitary sewer connection is shown to make a 90 degree turn. This needs to be amended so that it continues south to the existing sanitary main and a new manhole installed to connect the proposed to the existing sewer just west of the access drive on Grand Oaks Drive.
- The storm water weighted runoff coefficient must be verified.
- The access drive from Grand Oaks should be the minimum radius required per the fire department in order to limit unauthorized access. The applicant can consider removing some parking spaces, if allowed, and adding a right-turn lane into the site to further prevent left turns into and out of the site.

Commissioner Rauch questioned the sidewalk on the south of the building to the north that does not connect to another sidewalk. He suggested that the barrier-free access point across Grand River should line up with the one across Grand River. Mr. LaVanway agrees to make that change.

He suggested a bollard be placed the western “point” of the building to the south. Mr. LaVanway agrees.

He noted that the applicant is suggesting more parking spaces than what is required by the Township. He questioned if all of those spaces are needed. He is concerned about the three spaces on the west side of the site just to the south of the outdoor patio area as well as the walkway in that area. He suggested taking the spaces and the walkway out and perhaps adding some green space.

Mr. LaVanway stated those spaces would be employee parking spaces and the walkway would allow access to them. Commissioner Rauch stated that if they will be marked employee parking then he believes they should stay.

Mr. Banham stated their proposed tenant will require very little parking so removing those three will not be a problem.

Commission Grajek is concerned where vehicles will park when their order at the drive-thru is not ready and they need to park to wait. Mr. LaVanway stated they can designate spaces for these situations.

Ms. VanMarter asked if the Planning Commission would allow each tenant in the southernmost building two signs, one on each side of the building, as they could both be considered corner spaces. The Commissioners agreed to allow this.

Chairman Brown reviewed the letter from the Brighton Area Fire Authority date May 31, 2017.

The Call to the Public was made at 7:19 pm with no response.

Moved by Commissioner McManus to recommend to the Township Board approval of the PUD Agreement for a proposed multi-tenant commercial center to include a 2,117

sq. ft. restaurant with drive-thru, a 2,819 sq. ft. restaurant space with an attached 1,501 hair salon located at the northwest corner of the Grand Oaks Drive and Latson Road intersection with the following conditions:

- The PUD Agreement should specifically state that the three-foot setback is specifically for the drive through aisle.
- The access drive from Grand Oaks shall be a right-in only to force traffic to go counterclockwise on the site.

Commissioner Grajek still has concerns with the circulation and there is only one way out of this site. He feels that 57 parking spaces is too many. He appreciates all of the work that has been done by the applicant; however, he feels much more needs to be done. There is far too much being tried to be put on this site than there should be.

Commissioner Rickard agrees. She does not feel comfortable voting for this.

Mr. LaVanway stated that the two proposed tenants on this site will have very different peak hours. The coffee shop will be visited mostly in the morning. He showed how they anticipate the traffic to flow. He explained why the Livingston County Road Commission was concerned with an egress from the drive on the south side of the site. Grajek understands why the LCRC did not want traffic to be able to exist from this drive.

Commissioner McManus feels this is a good site plan for this piece of property. He likes the architecture.

Commissioner Rauch feels that the signage discussed this evening will help with the traffic flow on the site. Also, the two proposed tenants have different peak hours of operation.

The motion was seconded by Commissioner Grajek and carried unanimously.

Moved by Commissioner Figurski, seconded by Commissioner McManus, to recommend to the Township Board approval of the revised Impact Assessment dated May 3, 2017 for a proposed multi-tenant commercial center to include a 2,117 sq. ft. restaurant with drive-thru, a 2,819 sq. ft. restaurant space with an attached 1,501 hair salon located at the northwest corner of the Grand Oaks Drive and Latson Road intersection. **The motion carried unanimously.**

Moved by Commissioner McManus, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Site Plan dated May 3, 2017 for a proposed multi-tenant commercial center to include a 2,117 sq. ft. restaurant with drive-thru, a 2,819 sq. ft. restaurant space with an attached 1,501 hair salon located at the northwest corner of the Grand Oaks Drive and Latson Road intersection with the following conditions:

- Details must be provided for the wall-mounted lights.
- A clean landscape plan shall be provided to ensure consistency between the plan and the plant list.
- All signage shall comply with the Township Ordinance.

- The building to the south will allow for three wall signs for one tenant and if there are two tenants, they will be allowed two signs each.
- The recommendation by the Township Engineer in their letter dated June 6, 2017 regarding the sanitary sewer routing and connection shall be met.
- The PUD Agreement shall specify right-in only access off of Grand Oak Drive.
- There shall be “Keep Right” signs on both the south Grand Oaks entrance and the north entrance off of the Lowes Service Drive to keep traffic flowing in a counterclockwise direction.
- The sidewalk at the south of the site along Grand Oaks shall be stopped at the access point into the project; however, the sidewalk shall be installed when deemed appropriate by the Township, and the funds for its construction shall be kept in escrow by the Township.
- The handicap access across Latson Road shall line up with the access on the other side.
- The three parking spaces on the west side of the concrete area shall be labeled “Employee Parking Only”.
- The applicant shall comply with all requirements of the Brighton Area Fire Department’s letter dated May 31, 2017.
- The colored renderings for the buildings are acceptable to the Planning Commission.
- A bollard shall be placed at the southwest corner of the southernmost building.
- Drive thru waiting spaces shall be designated across from the drive thru exit
- The walkway and curbcut located southwest of the proposed north restaurant will be eliminated.

The motion carried (Rauch – yes; McManus – yes; Brown – yes; Figurski – yes; Rickard – no; Grajek – yes).

OPEN PUBLIC HEARING #2... (Tabled 3-13-17) Review of site plan application, environmental impact assessment and site plan for a proposed 101-room, 4-story “Hampton Inn and Suites” hotel located southwest of the Grand Oaks Drive and Latson Road intersection. The property is located within the Livingston Commons Phase 2 PUD on Parcel #11-08-300-020. The request is petitioned by Howell Hospitality, Inc. (17-01)

Planning Commission disposition of petition:

- A. Recommendation of Impact Assessment (5-1-17)
- B. Recommendation of Site Plan (5-24-17)

Mr. Andy Andre of Bud Design & Engineering and Bo Gunlock, of RG Properties were present.

Mr. Gunlock gave a review of the PUD agreement. This was developed in two phases. Phase I has already been approved and Phase II is being developed since the new

interchange has been completed. He gave a review of the projects that that he has developed in the Township, such as Pet Smart (which replaced the vacant Staples store), USA 2 GO and Tim Hortons, Red Olive, Culvers and Panera Bread, Gilden Woods Day Care, and the project that they are proposing this evening, Hampton Inn.

He stated that he gave 17 acres of property and \$250,000 to help the interchange get built.

He showed the changes that were made to the original Phase II portion of this PUD based on what users were interested in these sites. The second access drive was requested by the Brighton Area Fire Authority. The primary access to Hampton Inn is to from the driveway proposed. He noted Mr. Markstrom's concerns regarding the western most drive and the possible stacking that will be caused when people are exiting the site. That solves the problem for the traffic; however, it will be difficult for him to sell the other piece of property because the only way to access them would be through Hampton Inn. They revised the western most drive to be the access drive; however, when the north or west parcels are developed this can be abandoned and become the secondary access for the BAFA.

He presented the most recent revised Site Plan. He noted that the site plan presented with the PUD Agreement was only conceptual; however, interested users have caused the needed changes.

He would like the Hampton Inn to begin to be developed and then determine what others users would be interested in the parcel to the north and to the west.

Chairman Brown thanked Mr. Gunlock for the explanation and the revised site plan. He now understands the plan for this site.

Mr. Borden reviewed his letter dated June 6, 2017. The applicant has addressed most of his concerns. He has two outstanding items:

- Portions of the southerly buffer zone are deficient in width and the required wall or berm is not provided; however, the Township can waive or modify these requirements.
- A separate permit/approval will be required for the proposed signage.

Mr. Andre cited the discussion from the March 2017 Planning Commission meeting whereas it was agreed that due to the narrowness of the greenspaces, a wall or berm will not be possible.

Mr. Markstrom stated he has spoken to Mr. Gunlock in depth regarding the access points for this site. He would like to ensure than when either the north or west parcels are developed and the access points are constructed, the west driveway will be closed off and used only for secondary access.

He has some outstanding items regarding the utilities; however, they can be addressed during the construction phase of the project.

They have addressed all of the concerns from the BAFA.

The call to the public was made at 8:20 pm with no response.

Moved by Commissioner Figurski, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Impact Assessment dated May 1, 2017 for a proposed 101-room, 4-story "Hampton Inn and Suites" hotel located southwest of the Grand Oaks Drive and Latson Road intersection. **The motion carried unanimously.**

Moved by Commissioner McManus, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Site Plan dated May 24, 2017 for a proposed 101-room, 4-story "Hampton Inn and Suites" hotel located southwest of the Grand Oaks Drive and Latson Road intersection with the following conditions:

- The buffer zone of 10 feet on the southeast portion of the parking lot is acceptable.
- All signage all shown on the renderings are approved and must comply with the Township Ordinance in terms of size.
- The applicant shall grant easements for water and sewer and cross access prior to a land use permit being issued.
- The concept plan submitted this evening shall become part of the Site Plan package and shall be amended to show the proposed west access drive off of Grand Oaks Drive may be abandoned once drives to the northern or west parcel are constructed.
- All requirements of the Brighton Area Fire Authority's letter of May 31, 2017 shall be met.

The motion carried unanimously.

OPEN PUBLIC HEARING #3... Review of special use application, site plan application, environmental impact assessment and site plan for a proposed 30,000 sq. ft. warehouse/storage addition to the existing A&F Wood Products located at 5665 Sterling Drive, Howell. The request is petitioned by Schonscheck, Inc. (17-06)

Planning Commission disposition of petition:

- A. Recommendation of Special Use Application
- B. Recommendation of Impact Assessment (5-1-17)
- C. Recommendation of Site Plan (5-24-17)

Craig Zokas of Schonscheck, Inc. and Steve Korte of Korich, Inc. were present. They presented the site plan, showing the building and parking lot additions.

Mr. Borden stated that this is a Special Land Use because of the size of the building. It is generally consistent with the special use standards of Section 19.03. He had the following comments.

- The Planning Commission has the authority to approve the building elevations, including materials and colors. While the amount of metal siding as allowed by ordinance, it is consistent with the existing building and the Planning Commission has the discretion to waive or modify this requirement.
- The applicant is requesting that the Planning Commission waive the landscape requirement because of the present of existing vegetation and the nature of the

surrounding land uses. Mr. Korte stated that he believes the existing vegetation is more than what is required by the ordinance and more than he would be able to install.

Mr. Borden noted that the site is comprised of three individual parcels and as part of the project the applicant is proposing to reconfigure them into two parcels. The resulting undeveloped triangular-shaped parcel to the northeast does not have street frontage so there should be an access easement shown on the site plan for this property.

Mr. Markstrom stated that the applicant has addressed all of the items from his first review letter.

Commissioner Rauch stated that if future additions are made that bring the building closer to the highway, he would like to see different building materials.

The call to the public was made at 8:59 pm.

Mr. Gary Mitter of Wonderland Marine agrees with the project; however, he believes that adding the access drive as required by the BAFA will cause more theft from his business than he has already experienced.

He does not agree that this road is required. The applicant has a driveway throughout his entire site and has added fire hydrants. A fire truck would not even be able to drive down Gray Road because of the large trees and the curve.

A&F Wood Products has been a great neighbor to him and a great neighbor to the community.

The call to the public was closed at 9:04 pm.

Moved by Commissioner McManus, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Special Use Application for a proposed 30,000 sq. ft. warehouse/storage addition to the existing A&F Wood Products located at 5665 Sterling Drive, Howell with the following conditions:

- The existing vegetation is acceptable and no new plantings are required.
- The building materials are acceptable as it is the same material as the existing building and not visible from the main road.
- The applicant shall comply with all requirements of the Brighton Area Fire Authority; however, based on the theft at Wonderland Marine and the fact that there seems to be ample circulation on the property and there will be additional fire suppression on the entire property, the Planning Commission requests that the Brighton Area Fire Authority reconsider their requirement for a second access point.
- Approval of the Site Plan by the Township Board.

The Planning Commission believes that the project is generally consistent with the special land use standards of Section 19.03 of the Township Ordinance.

The motion carried unanimously.

Moved by Commissioner Figurski, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Impact Assessment dated May 1, 2017 for a proposed 30,000 sq. ft. warehouse/storage addition to the existing A&F Wood Products located at 5665 Sterling Drive, Howell with the following changes:

- “Dust control measures shall be used during construction” will be added to Item D.
- Hazardous Materials are addressed in both Items G&H. One shall be removed.

The motion carried unanimously.

Moved by Commissioner McManus, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Site Plan dated May 24, 2017 for a proposed 30,000 sq. ft. warehouse/storage addition to the existing A&F Wood Products located at 5665 Sterling Drive, Howell with the following conditions:

- If the three parcels are consolidated into two, an access easement will be recorded prior to issuance of a land use permit.
- The applicant shall comply with all requirements of the Brighton Area Fire Authority; however, based on the theft at Wonderland Marine and the fact that there seems to be ample circulation on the property and there will be additional fire suppression on the entire property, the Planning Commission requests that the Brighton Area Fire Authority reconsider their requirement for a second access point.
- Per the Township Engineer’s letter dated June 5, 2017, the applicant shall consult with the Brighton Area Fire Authority to determine the appropriate water main size and configuration per the fire flow chart.

The motion carried unanimously.

Administrative Business:

- Staff Report

Ms. VanMarter stated she is continuing to work on the Zoning Ordinance Update.

There will not be a Planning Commission in July.

- Approval of the May 8, 2017 Planning Commission meeting minutes

Moved by Commissioner Figurski, seconded by Commissioner McManus, to approve the minutes of the May 8, 2017 Planning Commission Meeting as presented. **The motion carried unanimously.**

- Member Discussion

None

- Adjournment

Moved by Commissioner McManus, seconded by Commissioner Figurski, to adjourn the meeting at 9:17 pm. **The motion carried unanimously.**

DRAFT