

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION PUBLIC HEARING  
FEBRUARY 10, 2025  
MONDAY  
6:30 P.M.  
AGENDA**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**DECLARATION OF CONFLICT OF INTEREST:**

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

**OPEN PUBLIC HEARING #1...**Discussion of an ordinance amendment to Article 7 “Commercial and Service Districts” in regards to drive through restaurants.

**ADMINISTRATIVE BUSINESS:**

- Staff Report
- Approval of the January 13, 2025 Planning Commission meeting minutes
- Member discussion
- Adjournment

<p>*Citizen’s Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented. Anyone speaking on an agenda item will be limited to 2 minutes.</p>
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**The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner Chouinard, to recommend to the Township Board approval of the Conceptual PUD dated December 16, 2024 to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, with the following conditions:

- A conservation easement shall be added over the western upland areas and not just the wetlands themselves.
- The table on the concept plan will be updated to incorporate the changes made from the original proposal.
- The pathway as shown on the plans is in lieu of the required internal pathways is desirable to the Planning Commission to offer a greater benefit to the community at large and the details will be revisited at the time of final site plan approval.

**The motion carried unanimously.**

The Board took a break from 8:20 to 8:25 pm

**OPEN PUBLIC HEARING #2...Discussion of an ordinance amendment to Article 7 "Commercial and Service Districts" in regard to drive-through restaurants.**

Mr. Borden stated that he and staff have been discussing a text amendment for an additional category for drive thru restaurants. He is suggesting traditional fast food, intermediary restaurants, like fast casual, and drive through coffee shops.

The goal is to ensure the ordinance is keeping up with the way businesses are developing. COVID has caused more requests for drive through service. A particular request has been made recently for a conditional rezoning for a fast casual restaurant with a drive through. It did not meet the zoning standards so a text amendment, instead of a map amendment, could be done.

Commissioner Rassel asked when does a coffee shop become a restaurant. Mr. Borden stated it is not defined in the ordinance. His proposal is to have better definitions and tie that to the amount of traffic they generate.

Commissioner Rauch is glad this is being addressed. He does not want to add a third category. He would like to have the two current categories put into one and focus on the drive through service. The issue isn't what they are serving, it's what amount of traffic the use is generating and the traffic movement on the site. Mr. Borden agrees that the definition can be based on trip generation. Chairman Grajek agrees that traffic generation should be considered.

Commissioner Rauch recommended that the 500-foot requirements between drive throughs be removed from the ordinance.

There was a discussion regarding allowing these types of uses in the General Commercial District because this zoning is in many locations along Grand River. It was suggested to keep the drive through restaurants together so they can use shared driveways and have the more impactful uses as a special use in GCD.

The Commission agreed to have staff and Mr. Borden draft changes based on this discussion and return to the Planning Commission for review.

#### ADMINISTRATIVE BUSINESS:

#### **Staff Report**

Ms. Ruthig stated there may be a second meeting in February. She will be sending out a poll to determine who is available. There is an applicant who is ready to be heard, but the Latson Road PUD is scheduled for the first meeting in February. The Latson Road PUD item cannot be at the same meeting as another item.

#### **Approval of the December 4, 2024 and December 9, 2024 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the December 4, 2024 Planning Commission Meeting as amended. **The motion carried unanimously.**

Commissioner Reiber noted two changes that need to be made on two motions. Ms. McCreary stated that there are other changes that need to be made. There are words and names that are not correct. Ms. Ruthig is not sure if she is able to have the minutes corrected because they were done by a court reporter.

**Moved** by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the December 9, 2024 Planning Commission Meeting as amended, subject to approval of the stenographer. **The motion carried unanimously.**

#### **Member Discussion**

Commissioner Rauch questioned if the Township could beautify the new roundabout at Bauer and Challis. It is an entrance to the community. Ms. Ruthig recommended that Mr. Reiber address this with the Township Board.

**Table 7.02 Schedule of Commercial Uses**

		OSD	NSD	GCD	RCD	Req.
Restaurants, taverns, bars, delicatessen, food carryout, coffee shops, and similar establishments serving food or beverages	Standard restaurants and coffee shops, except as provided below	S	P	P	P	
	Restaurants and bars serving alcoholic beverages	S	S	P	P	
	Bars providing dancing and live music	--	--	P	P	
	Restaurants with open front windows	--	S	S	S	7.02.02(i)
	Restaurants with outdoor seating	--	P	P	P	7.02.02(i)
	Drive-through restaurants	--	--	<del>S</del>	S	7.02.02(j)
	Drive- in restaurants	--	--	S	S	7.02.02(j)
	Carry-out restaurants	--	P	P	P	
	Coffee Shop with drive-through	--	--	S	S	7.02.02(j)
	Brewpub	--	--	P	P	
Micro-brewery, small distillery and small winery	--	--	S	S	7.02.02(y)	

7.02.02 **Use Conditions:** Uses noted above shall only be allowed where the following requirements are complied with:

- (j) Restaurants or coffee shops with drive-in or drive-through facilities shall comply with the following requirements:
  - (1) Principal and accessory buildings shall be setback a minimum of fifty (50) feet from any adjacent public right of way line or property line.
  - (2) The establishment of a new drive-through, excluding a drive-in-restaurant, shall require the lot be separated a minimum of five hundred (500) feet from any other lot containing a drive-through ~~restaurant.~~ The Planning Commission may waive this requirement for uses with vehicular access to an internal service drive (and not directly to/from the main roadway), where access to the main roadway is via a shared driveway or signalized intersection, or where the use is expected to generate 50 or fewer trips during the a.m. or p.m. peak hour.
  - (3) Only one (1) access shall be provided onto any street.
  - (4) Such ~~restaurants-uses~~ constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
  - (5) The use, including any lighting associated therewith, shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of said residential land use.
  - (6) Clear identification and delineation between the drive-through lane and parking lot shall be provided.

- (7) Each drive-through shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- (8) The drive-through lane and window shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.

## **Sec. 14.06 OFF-STREET PARKING SPACE DESIGN STANDARDS AND SETBACK REQUIREMENTS**

**14.06.05 Stacking Spaces.** Businesses that provide drive-through facilities are required to provide spaces for vehicles waiting in line. The Planning Commission shall have the discretion to increase or decrease the number of stacking spaces required by Section 14.04 above. Use of such discretion shall be based on data contained in the traffic study or data provided by an applicant or collected by Township staff. Required stacking spaces shall be a minimum nine (9) feet wide and twenty (20) feet in length with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

### **18.07.09 Traffic Impact Study.**

- (c) The contents of the traffic impact study shall include:
  - (7) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan, including actual trip generation data (a.m. and p.m. peak hour and average day) for local or national chains and franchises. The Township may require inclusion of actual data for local or national chains and franchises in the study.

<b>Table 7.02 Schedule of Commercial Uses</b>						
	OSD	NSD	GCD	RCD	Req.	
Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting facilities or restaurants These uses may include the residence for the owner/manger's family	--	P	P	P		
Hotels and motels with more than 25 rooms including accessory convention/meeting facilities and restaurants	--	--	P	P		
Laundromats	S	S	P	--		
Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments	P	P	P	P		
Dry cleaning drop-off stations with drive-through service	S	S	S	S	7.02.02(b)	
Restaurants, taverns, bars, delicatessen, food carryout, coffee shops, and similar establishments serving food or beverages	Standard restaurants and coffee shops, except as provided below	S	P	P	P	
	Restaurants and bars serving alcoholic beverages	S	S	P	P	
	Bars providing dancing and live music	--	--	P	P	
	Restaurants with open front windows	--	S	S	S	7.02.02(i)
	Restaurants with outdoor seating	--	P	P	P	7.02.02(i)
	Drive-through restaurants	--	--	--	S	7.02.02(j)
	Drive- in restaurants	--	--	S	S	7.02.02(j)
	Carry-out restaurants	--	P	P	P	
	Coffee Shop with drive-through	--	--	S	S	7.02.02(j)
	Brewpub	--	--	P	P	
Micro-brewery, small distillery and small winery	--	--	S	S	7.02.02(y)	
Studios of photographers and artists	P	P	P	P		
Tattoo parlors	--	--	P	P		
Tool and equipment rental, excluding vehicles	--	--	P	P		
Kennel, commercial			S	S	7.02.02(h)	
Pet day care center			S	S	7.02.02 (w)	
Climate-controlled indoor commercial storage	--	--	S	S	7.02.02(z)	
<b>Auto Service Uses</b>						
Minor auto repair establishment	--	--	S	S	7.02.02(k)	
Auto/gasoline service station	--	--	--	S	7.02.02(k)	
Automobile wash, automatic or self serve	--	--	S	S	7.02.02(l)	
Leasing and rental of automobiles, trucks and trailers	--	--	S	--		

- (7) The application shall include a floor plan for the facility that indicates noise insulation measures.
  - (8) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains for washing with water pressure.
  - (9) The applicant shall provide a waste management plan detailing both indoor and outdoor waste management procedures to ensure animal waste is not discharged to surface or storm water. Outdoor animal areas shall be designated and shall consist of properly maintained lawn, special canine grass or other methods as approved by the Planning Commission following a recommendation by the Township Engineer.
  - (10) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements).
  - (11) Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan and written operating procedures including waste and noise management methods, such as those recommended by the International Boarding and Pet Services Association (IBPSA). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.
  - (12) All animals shall be kept indoors between the hours of 10:00 PM and 8:00 AM. (as amended (02/18/18))
- (i) Open front restaurant (window service) and restaurants with outdoor seating shall comply with the following requirements:
    - (1) All trash containers shall be provided outside. Both recycle bins and trash receptacles shall be provided.
    - (2) For open front restaurants with window service, all signs for an open front window placed on the building shall be flat; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area.
    - (3) Additional parking shall be provided for outdoor seating and standing areas.
    - (4) Outdoor noise shall not be greater than that commonly associated with a restaurant. The Township Board may place restriction on outdoor speakers or hours of operation to control the noise.
    - (5) The Zoning Administrator shall approve a land use permit for any outdoor seating including a sketch plan illustrating seating areas, enclosures/railings, sufficient off-street parking and lighting. (as amended 12/31/06)
  - (j) Restaurants or coffee shops with drive-in or drive-through facilities shall comply with the following requirements:
    - (1) Principal and accessory buildings shall be setback fifty (50) feet from any adjacent public right of way line or property line.

- (2) The establishment of a new drive-through restaurant shall require the lot be separated a minimum of five hundred (500) feet from any other lot containing a drive-through restaurant.
  - (3) Only one (1) access shall be provided onto any street.
  - (4) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible. (as amended 3/5/10)
- (k) Automobile service stations and maintenance establishments (including those accessory to another use) shall comply with the following requirements:
- (1) There shall be a minimum lot area of one (1) acre and minimum lot frontage of two hundred fifty (250) feet.
  - (2) Pump islands shall be a minimum of twenty (20) feet from any public right of way or lot line, and at least forty (40) feet from any residential lot line.
  - (3) Access driveways shall meet the standards of Article 15; turning movements may be restricted in consideration of traffic conditions. Only one driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be consistent with the purpose of Article 15.
  - (4) Where adjoining residentially zoned or used property, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may approve a landscaped berm as an alternative.
  - (5) All repair work shall be conducted completely within an enclosed building. Garage doors shall not face any public roadway except as approved by the Planning Commission under the following circumstances:
    - a. For through garages where doors are provided on the front and rear of the building;
    - b. Garages located on corner or through lots; and,
    - c. Where the Planning Commission determines that a rear garage would have a negative impact on an abutting residential district.

Under these circumstances the Planning Commission may require additional landscape screening above and beyond what is required for street frontage landscaping.
  - (6) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.



14.06.03 **Access.** Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

14.06.04 **Dimensions.** All parking spaces and maneuvering aisles shall be designed and marked with dimensions described below.

	Parking space dimension		Aisle width	
	Width	Length	Two-way	One-way
76-90 degree	9 ft.	18 ft.	24 ft.	18 ft.
30-75 degree	9 ft.	21 ft.	24 ft.	15 ft.
Parallel pkg.	9 ft.	23 ft.	24 ft.	15 ft.

(as amended 12/17/10)

14.06.05 **Stacking Spaces.** Businesses that provide drive-through facilities are required to provide spaces for vehicles waiting in line. Required stacking spaces shall be a minimum nine (9) feet wide and twenty (20) feet in length with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces. (as amended 3/5/10)

14.06.06 **Parking Abutting Sidewalk.** Where a parking space abuts a sidewalk, the minimum parking space depth shall be measured from the edge of the curb. Where parking spaces overhang a seven (7) foot wide sidewalk or a curbed landscape area, two (2) feet may be deducted from the required length of the parking space.

14.06.07 **Parking Space Striping.** All parking spaces shall be marked with double (or loop) stripes at three (3) to four (4) inches wide and spaced 18 to 24 inches apart.

14.06.08 **Illumination.** All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. Parking lot lighting shall comply with the requirements of Section 12.03.

14.06.09 **Front Setbacks.** Parking lots and related maneuvering aisles shall meet the minimum setbacks from adjacent street right-of-way as shown in the Schedule of Regulations. Parking lot landscaping shall be provided in accordance with Section 12.02.

14.06.10 **Side and Rear Setbacks.** Parking lots shall have a minimum rear and side yard setback, which shall include either berming, and landscaping or a wall to screen headlights, designed according to the standards of Section 12.02.

14.06.11 **Waiver of Parking Lot Setbacks with Shared Access.** Side or rear parking lot setbacks may be reduced or waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided.

Sec. 14.07 **PARKING LOT CONSTRUCTION AND MAINTENANCE**

14.07.01 **Plans.** Plans and specifications for parking areas shall be submitted to the Zoning Administrator prior to the issuance of a Building Permit. These plans shall include:

- (a) Existing and proposed grades;

from the site, including runoff control during periods of construction. For sites served with or expected to be served with public sanitary sewer or public water systems, calculations for pre- and post development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in equivalents to a single family home. Where septic systems or private individual water supply systems are proposed, final approval from the Livingston County Health Department shall be provided. The discharge of sump pumps or backwash from water conditioning devices shall not be discharged to the sanitary sewer system. All sites are required to utilize a potassium based softening agent; salt or sodium based regenerates are prohibited. Other utilities serving the site shall be identified. The method of solid waste disposal shall be documented. (as amended 3/5/10)

18.07.08 **Storage and handling of any hazardous materials.** A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshal Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division. All necessary permits shall be included within the appendix of the Environmental Impact Assessment.

18.07.09 **Traffic Impact Study.**

- (a) Traffic impact studies shall be required as follows:
  - (1) A Traffic Impact Assessment that evaluates current and future traffic operations at site access points shall be required for projects which could generate 50-99 directional trips during a peak hour.
  - (2) A traffic Impact Statement that evaluates current and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Statement shall be established by the Township Engineer.
- (b) Traffic Impact Statement or Assessment shall also be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually); or for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project.
- (c) **The contents of the traffic impact study shall include:**

- (1) Illustrations and a narrative which describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
- (2) For a rezoning, a description of the potential uses which would be allowed, compared to this allowed under current zoning. For a site plan review, mobile home park, condominium project, a subdivision tentative preliminary plat, or specified Special Land Uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
- (3) Existing traffic conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Commission or its staff/consultants shall be provided for projects requiring a Traffic Impact Statement. Traffic count data shall be collected using accepted practices and shall not be over two (2) years old.
- (4) The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
- (5) The traffic study shall include traffic generated by other projects in the vicinity which have been approved or are under construction.
- (6) For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved.
- (7) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- (8) Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township and applicable road agency. The community may elect to reduce the trip reduction rates used.

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
January 13, 2025**

**MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Tim Chouinard, Glynis McBain, Marianne McCreary, Greg Rassel, Eric Rauch, and Bill Reiber. Also present were Planning Director Amy Ruthig, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

ELECTION OF OFFICERS:

**Moved** by Chairman Grajek, supported by Commissioner Rassel, to nominate Marianne McCreary for secretary. **The motion carried unanimously.**

**Moved** by Commissioner Rassel, supported by Commissioner Rauch, to nominate Chris Grajek for Chairman. **The motion carried unanimously.**

**Moved** by Commissioner McCreary, supported by Commissioner Chouinard, to nominate Eric Rauch for Vice-Chairman. **The motion carried unanimously.**

**The motion carried unanimously.**

APPROVAL OF AGENDA:

**Moved** by Commissioner Rauch, supported by Commissioner McCreary, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

None

CALL TO THE PUBLIC:

The call to the public was made at 6:32 pm.

Mr. Jeff Dhaenens of 5494 Sharp Drive stated that social media can be a slippery slope with the Township. Tonight's agenda item is an example of this. An item went on social media, then there was a negative comment, so the Township had to respond. He would like the Township to deal in facts and not respond to these types of comments.

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

**OPEN PUBLIC HEARING #1...** Consideration for a rezoning application, PUD agreement, environmental impact assessment, PUD conceptual and preliminary site condo plan to rezone 127.57 acres from Agriculture (AG) to Low-Density Residential (LDR) to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road. The proposed rezoning is for the following parcels: 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003. The request is submitted by Pulte Homes of Michigan.

- A. Recommendation of Rezoning to LDR and PUD application for RPUD
- B. Recommendation of PUD agreement
- C. Recommendation of Environmental Impact Assessment (9-27-24)
- D. Recommendation of Conceptual PUD (12-16-24)

Mr. Mike Noles of The Umlor Group, the engineering firm representing Pulte Homes, was present. This is their third public meeting for this project, they also had a meeting with the homeowner's association of the Mountain View neighborhood and spoke with some individual homeowners who contacted them. He is grateful for the letter in support for the project that was in the packet this evening.

He reviewed their proposed project and described the changes they have made since the previous meeting. They are now proposing to build 55 homes instead of 58, they reduced the length of the cul-de-sac so there is less impervious service, reduced the proximity of the homes to the railroad tracks, and doubled the landscaping around the detention pond.

He stated that the traffic study that was done includes the trips that will be generated by the Grand River & Dorr Road development. Additionally, when the roundabout was designed, the LCRC included the original Legacy Hills concept plan, which was for 129 units, and since this development is for only 55 units, the roundabout was over-designed.

Additionally, based on public comment, they will be installing a public path along Challis Road in two directions: from their development to the Mountain View Development and to the roundabout.

Mr. Borden reviewed his letter dated January 7, 2025.

He stated this is the first step in this process. If the Planning Commission recommends approval and the Township Board votes to approve the items on tonight's agenda, the petitioner will have to return to the Township for final site plan review and approval, which will include public hearings.

1. PUD Qualifying Conditions (Section 10.02):
  - A. The proposal requires approval by the Township in accordance with the cluster development option of Section 10.03.01(d) for residential units of less than one acre that are not served by public sewer or water.

2. Rezoning Criteria (Section 22.04):
  - A. The proposed zoning designation of LDR/RPUD is consistent with the Future Land Use Plan and goals/objectives of the Township Master Plan.
  - B. Use of the cluster development option under the RPUD overlay results in greater open space/natural feature protection than would otherwise be required, which is 58.1 percent.
  - C. The only use identified in the RPUD is detached single-family, which is generally reasonable and compatible with the area.
3. Conceptual PUD Plan and PUD Agreement (Section 10.03.01):
  - A. The pathway options provided warrant additional discussion. He noted that the applicant is proposing to install the public walkway along Challis Road, so that should be noted on the plans.
  - B. Dimensional deviations are sought for lot area, lot width, and one side yard minimum setback/combination of side yard setbacks.
  - C. Cluster option. The items below are still outstanding and there are some small typos on the plans that need to be corrected.
    - I. The road connection to Units 13-16 encroaches into the Township's natural feature setback area and the wetland itself, thus requiring State and Township approval. The applicant has added the encroachment to the list of dimensional deviations sought via the RPUD.
    - II. The applicant must include a preservation and maintenance plan with the final PUD site plan submittal.
    - III. The Township may include reasonable conditions to ensure protection of public facilities and services, protection of the natural environment, compatibility with adjacent land uses, use of the land in a socially and economically desirable manner, and to implement the Master Plan.
  - E. The applicant must address staff and/or Township Attorney comments on the PUD Agreement.
  - F. The applicant should identify the Challis and Bauer Road frontages of Units 32-45 as the rear yard since they will be double-fronted lots.
  - G. Signage identifying areas not to be disturbed, specifically natural feature setback and landscape easement, should be included.

For all items, the applicant must address any technical comments provided by the Township Engineer, Brighton Area Fire Authority and Utilities Director.

Ms. Byrne reviewed her letter dated December 23, 2024. Her comments will need to be included and addressed in the final site plan.

#### DRAINAGE AND GRADING

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

#### WATER AND SANITARY SERVICE

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

The Brighton Area Fire Authority Fire Marshal's letter dated January 7, 2025 states that all his previous concerns have been addressed.

Commissioner Reiber stated these homes will cost approximately \$800,000 and asked if the developer has shown that there is a need for them. Mr. Noles stated there is a section of the Impact Statement that shows there is a demand for homes in this area. It does not break it down by price range. He noted other developments in the surrounding area that have homes that are selling for these prices.

Commissioner Reiber asked how the open space is calculated. Mr. Noles stated open space is determined by the ordinance. He reviewed the site plan showing the different open space areas and how they are calculated, noting this project is far in excess of the minimum requirement. Commissioner Reiber asked if the upland area can be used by the residents. Mr. Noles stated it is protected land in that it will be kept in its natural state and cannot be developed.

Commissioner Chouinard asked about Lot 30 and how it became smaller. Mr. Noles stated it was 600 square feet too small, so lots 29, 30 and 31 were shifted so they all meet the one-acre requirement.

Mr. Noles noted that the front yard designations are shown on the site plan.

Commissioner McCreary questioned the wide area on the shared driveway for Lots #13-16. Mr. Noles stated that is there to allow fire trucks to turn around. It meets all the requirements of the international fire code. She asked who maintains that private road. Mr. Noles stated it will be the responsibility of the HOA and will be noted in the master deed and by-laws.

Commissioner Rauch asked about the designated open space shown in yellow behind certain lots. Is it maintained by the property owner? Mr. Noles stated it is a limited common element that is maintained by the homeowner as it is their yard. The HOA has a responsibility to maintain the required buffered plantings.

Commissioner McBain asked for clarification on the limited common elements. Mr. Noles explained that it is part of the property owner's property to maintain and enjoy; however, within that area is a required landscape buffer, which will be maintained by the HOA.

Ms. Ruthig requested that the front yard designation for the lots that abut Challis and Bauer be added to the PUD Agreement.

Commissioner McCreary asked about tree removal on the site. Will it be clear cut? Mr. Noles stated that there are 70 acres of this site that have over 5,000 trees that will not be removed. There are also trees being saved along Challis Road, Bauer Road, and the rear yards of the properties that abut the neighboring development.

Commissioner Rauch stated that the items for consideration this evening are rezoning, PUD, and Concept PUD. There will be an opportunity to discuss details of the plan. He thanked the applicant for listening to the public and the Planning Commission and making the changes, specifically the reduction of the seven lots to four.

The call to the public was opened at 7:50 pm

Mary Jane Hebert of 6899 Lyle Lane stated that the original plan showed that all the trees were going to be cut down. She does not want the dirt part of Bauer to be used for construction traffic. She would like it to be accessed from Challis Road. The current residents of Genoa Township will not benefit from this development. Their property taxes will increase and make it difficult for seniors to age in place.

Ms. Debra Beattie of Pineview Trail commends the builder. She appreciates that there is buffering, and that half of this property will be preserved as natural. She is not sure if anyone is looking for homes of this price. She questioned the application that was submitted. It does not seem that the applicant is taking it seriously. It should be answered with real answers.

Mr. Mortensen of 6475 Grand Circle asked if this is the new people that were just voted in. Chairman Grajek stated that this Board is appointed by the Supervisor; however, one of the



members is a new trustee who is a liaison to the Board. Mr. Mortensen is concerned with the retention pond. If the pond fills up, it will drain, and he wants to be sure that it will drain where it is supposed to.

Ms. Debra Hall of 2165 Webster Park has lived in Livingston County since 1976 and has owned this property since 1987. She does not understand \$800,000 homes. Her grown children cannot afford to live in Livingston County, and she thinks that is a shame.

The call to the public was closed at 8:06 pm.

Ms. Ruthig stated that a letter from Christine Cross of 6984 Challis Road was received at 6:00 pm today and was not included in the packet. Chairman Grajek read the letter into the record.

Commissioner Rauch addressed the issue of attainable housing in Livingston County that was stated by a member of the call to the public. As a township, we are working to make strides towards this. The project at Dorr and Grand River and other new developments are more attainable than what is being proposed this evening. He added that during the site plan review process, detailed engineer drawings will be submitted and there are regulations and approvals that are required to be met. The site plan presented this evening is just conceptual.

**Moved** by Rauch, supported by McCreary, to recommend to the Township Board approval of the Rezoning to LDR and PUD Application for RPUD to rezone 127.57 acres, Parcels 4711-23-400-008, 4711-23-400-007, 4711-23-400-001 and 4711-23-300-003, from Agriculture (AG) to Low-Density Residential (LDR) to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road as this commission finds that the conditions of Sections 22.04 have been satisfactorily met. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner Chouinard, to recommend to the Township Board approval of the PUD Agreement to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, with the following conditions:

- The front yard designations shown on the site plan shall be added into the PUD Agreement.
- The changes shown in the Agreement in tonight's packet are approved.
- The PUD should show 55 lots.

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner McCreary, to recommend to the Township Board approval of the Environmental Impact Assessment Dated September 27, 2024 to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, with the following condition:

- The Environmental Impact Assessment shall show 55 lots.

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, supported by Commissioner Chouinard, to recommend to the Township Board approval of the Conceptual PUD dated December 16, 2024 to allow for a proposed 55-unit single-family site condominium development located at the northwest corner of Challis Road and Bauer Road, with the following conditions:

- A conservation easement shall be added over the western upland areas and not just the wetlands themselves.
- The table on the concept plan will be updated to incorporate the changes made from the original proposal.
- The pathway as shown on the plans is in lieu of the required internal pathways is desirable to the Planning Commission to offer a greater benefit to the community at large and the details will be revisited at the time of final site plan approval.

**The motion carried unanimously.**

The Board took a break from 8:20 to 8:25 pm

**OPEN PUBLIC HEARING #2...** Discussion of an ordinance amendment to Article 7 "Commercial and Service Districts" in regard to drive-through restaurants.

Mr. Borden stated that he and staff have been discussing a text amendment for an additional category for drive thru restaurants. He is suggesting traditional fast food, intermediary restaurants, like fast casual, and drive through coffee shops.

The goal is to ensure the ordinance is keeping up with the way businesses are developing. COVID has caused more requests for drive through service. A particular request has been made recently for a conditional rezoning for a fast casual restaurant with a drive through. It did not meet the zoning standards so a text amendment, instead of a map amendment, could be done.

Commissioner Rassel asked when does a coffee shop become a restaurant. Mr. Borden stated it is not defined in the ordinance. His proposal is to have better definitions and tie that to the amount of traffic they generate.

Commissioner Rauch is glad this is being addressed. He does not want to add a third category. He would like to have the two current categories put into one and focus on the drive through service. The issue isn't what they are serving, it's what amount of traffic the use is generating and the traffic movement on the site. Mr. Borden agrees that the definition can be based on trip generation. Chairman Grajek agrees that traffic generation should be considered.

Commissioner Rauch recommended that the 500-foot requirements between drive throughs be removed from the ordinance.

There was a discussion regarding allowing these types of uses in the General Commercial District because this zoning is in many locations along Grand River. It was suggested to keep the drive through restaurants together so they can use shared driveways and have the more impactful uses as a special use in GCD.

The Commission agreed to have staff and Mr. Borden draft changes based on this discussion and return to the Planning Commission for review.

#### ADMINISTRATIVE BUSINESS:

#### **Staff Report**

Ms. Ruthig stated there may be a second meeting in February. She will be sending out a poll to determine who is available. There is an applicant who is ready to be heard, but the Latson Road PUD is scheduled for the first meeting in February. The Latson Road PUD item cannot be at the same meeting as another item.

#### **Approval of the December 4, 2024 and December 9, 2024 Planning Commission meeting minutes**

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the December 4, 2024 Planning Commission Meeting as amended. **The motion carried unanimously.**

Commissioner Reiber noted two changes that need to be made on two motions. Ms. McCreary stated that there are other changes that need to be made. There are words and names that are not correct. Ms. Ruthig is not sure if she is able to have the minutes corrected because they were done by a court reporter.

**Moved** by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the December 9, 2024 Planning Commission Meeting as amended, subject to approval of the stenographer. **The motion carried unanimously.**

#### **Member Discussion**

Commissioner Rauch questioned if the Township could beautify the new roundabout at Bauer and Challis. It is an entrance to the community. Ms. Ruthig recommended that Mr. Reiber address this with the Township Board.

Commissioner McCreary stated that there is a lot of mud on Latson Road caused by the Mr. Car Wash development.

Commissioner McBain suggested that since the meetings are now televised, it would be helpful to not use acronyms when discussing zoning, etc. The full names should be used.

### **Adjournment**

**Moved** by Commissioner Rassel, seconded by Commissioner McCreary, to adjourn the meeting at 9:01 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT