

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
May 12, 2003
6:30 P.M.
MINUTES

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, James Mortensen, Ken Burchfield, Curt Brown, and Bill Litogot. Also present was Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc., Debra Huntley from Tetra Tech MPS, and Kelly Kolakowski, Township Planner. By the end of the work session, there were approximately 80 people in the audience.

Items scheduled for action during the regular session of the commission were discussed.

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
7:00 P.M.
MINUTES

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:00 p.m.

The Pledge of Allegiance was recited and a moment of silence was observed.

Moved by Litogot, seconded by Mortensen, to approve the Agenda with the following changes:

1. Item #4 has been tabled until the May 27, 2003 Planning Commission meeting.
2. Item #5 has been tabled indefinitely.
3. Item #6 will become Item #4.

The motion carried unanimously.

The call to the public was made to discuss items not on the agenda. There was no response and the call to the public was closed at 7:03 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Review of site plan application, site plan, special use, and impact assessment for an elevated water storage tank to be connected to the City of Brighton water system, located south of Hamburg/Brighton Lake Road, west of Northern Ridge Drive, Sec. 36, located on the Township line with

Brighton and Hamburg. The special use is for an essential public service structure, petitioned by River Place/Abbey Homes. (PC 00-35)

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

Mr. Larry Goss of Burton-Katzman Development and Mr. Mike Polmear from Giffels-Webster Engineers were present to represent the petitioner, River Place/Abbey Homes.

Chairman Pobuda asked Mr. Purdy why this was before the Planning Commission again. It has already been approved by the Township Board. Mr. Purdy advised that this is part of the Pine Creek PUD and the Township is reviewing it because water towers are permitted in this zoning, but subject to Special Land Use approval, so the Planning Commission and Board need to take action on that item.

Mr. Polmear advised this proposed water tower site is in the extreme southeast corner of the site. He advised this process began 14 years ago. This tank is being proposed as part of a public health, safety, and welfare requirement from the State to supplement the existing City of Brighton water system. It will provide the necessary fire flow protection and water safety for this system. It was required by the MDEQ as part of several permits that have been issued. The need was not valid until now. The system has reached its threshold and the tank is now needed. IN 1999 there was an agreement between the applicant and developer of North Ridge Condominiums to provided access to this site from North Ridge Condos, which pre-dated the development of this condominium development. He advised that homes to the north, south, and east are 200 feet away from the tank. Other sites were looked at but this is the required site. It needs to be on the south side of the water system as well as at a certain elevation to provide the best service to the City of Brighton's water system.

There were no comments from the commissioners.

Mr. Purdy reviewed his letter of April 29, 2003. He reviewed the general criteria for a Special Land Use.

- a. The use must be compatible and in accordance with the goals, objectives, and policies of the Master Plan, which it does.
- b. It must be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing character of the general vicinity. The color, shape, minimal lighting, minimal visits for maintenance, etc. is designed to minimize impact on the surrounding area.
- c. The use shall be served adequately by essential public facilities and services. The tower will have no impact on highways, streets, police

protection, sewage, etc. and will enhance the capability of the public water system and provide additional areas with municipal water as well as increase the Township's and City's fire fighting ability.

- d. The use shall not involve activities, processes or materials detrimental to the natural environment, safety or welfare, or other nuisances in the area. The tower will be unmanned so there will be minimal traffic and other nuisances.
- e. It shall provide mitigation necessary to minimize or prevent negative impacts. The Township can attach such conditions necessary to protect the public health, safety, and welfare of the surrounding area.

Ms. Huntley reviewed her letter of May 1, 2003.

- 1. The site plan has been submitted to the FAA for review and they have determined there is "no hazard to air navigation" and does not exceed obstruction standards. Marking and lighting is not necessary however, it may be marked and lighted on a voluntary basis and such lighting is subject to Township approval.
- 2. Approval from the City of Brighton may be required for connection of the driveway to Northern Ridge Drive.

They have addressed all of their other concerns.

The call to the public was made at 7:19 p.m.

Mr. Dana Foster, Manager for the City of Brighton, stated that the City supports the approval of this plan and granting of the Special Use Permit. He advised that this is not a City of Brighton water utility project and it is not located on City of Brighton property, however, the petitioner will deed this water tower and the property to the City of Brighton after it is complete. There have been long-standing agreements and commitments with regard to the erection of this tower. He added that the implementation of this tower is critical to address the City of Brighton's overall water utility needs, including meeting the maximum pump demands, water supply reliability, backup water supply, and fire suppression. The City Engineer has approved various construction projects in the City knowing that this storage tank will be built. The original site for this tower was located in Hamburg Township and would have met the City's needs; however, the Hamburg Township Board rejected the proposal so in order to fulfill the agreements, the developer needed to find a new location on his own property. He suggested the City's Engineer, DPS Director, and Brighton Area Fire Chief address the Commission as well.

Ms. Linda Basista of TTMPs, The City's Engineer, assists the City of Brighton with their water utility system. She reviews site plans for developments. She has personally worked with the City since 1999 and TTMPs has been the City's Engineer since the early 1980's. They have based decisions on infrastructure needs and developments on the implementation of this tank. She feels this is an

important and necessary asset to Brighton Township, Hamburg Township, Genoa Township, as well as the City of Brighton.

Mr. Matthew Schindewolf, DPS Director for the City of Brighton, stated the location of the site is critical based on its location to other tanks in the system as well as population density and how it will benefit the entire system. He reiterated Ms. Basista's points of this being a critical need for the City to provide constant water pressure and water supply during high peak hours and times of drought. This tank will ensure that consistent water pressure and supply will be equalized in the area where the tank is being proposed as well as to all users within the City of Brighton.

Mr. William Haller of 5918 Brighton Lake Road advised that he sent written comments to the Planning Commission on May 7, 2003. He was never shown the developer's plans when he built his home in this area.

Ms. Maryellen Laird of 6116 Chad Court sent written comments to the Planning Commission on May 12, 2003. She lives within 300 feet of this site and was not notified of the proposal. She read her letter to the Commissioners and stated she objects to the erection of this tower.

Mr. Tom Halm, an attorney representing residents who live within 300 feet of the proposed structure. He noted the following points:

1. The homeowners were not notified of this item being presented for review.
2. A special requirement for this proposal is that it be located on three acres, this site is only 1.5 acres.
3. The setbacks need to equal the height of the structure. There are residents whose homes are within the setbacks that are being proposed.
4. This will impact their property value by approximately 25 percent.
5. He asked why Hamburg Township requested the proposal in October of 2000.
6. He feels that other possible sites for this tower in the surrounding area need to be provided to the Township.
7. He feels the incorrect ordinance is being used. This section addresses essential public services and there is another one that addresses water towers. He feels the latter is the one that should be used.

Mr. Chris Thelander of 6021 Kevin Valley represents the local homeowners in the area. He distributed a Local Homeowners' Issue Statement for the Commissioners to review. All of the residents in the area agree that a tower is needed for the City of Brighton's system, but they feel a different site should be chosen. He reviewed his letter dated May 12, 2003.

1. There are safety concerns regarding the tower collapsing, debris falling off of the tower (i.e. ice in the winter), damage caused by the construction of the tower, etc.
2. The design-build construction method will allow the development of this structure with minimal oversight by a third party engineering firm.
3. Property values can be decreased by as much as 25 percent.
4. The tower is being implemented to service the Pine Creek subdivision, but it is not being placed in that subdivision.
5. He noted several concerns regarding the Township Planner's site plan review letter
 - a. It states that the site is wooded, however, the grading of the site that will be needed will remove the majority of trees and any landscaping that will be done, will not hide the large bell portion of the tower
 - b. It is stated that the tower be setback 160 feet on all sides, which is equal to the tower; however, the tower is set back 118 feet from Brighton Road and 84 feet from Northern Ridge Drive.
 - c. It states that the tower is located in a fairly low-density residential area. The area across Northern Ridge Drive is zoned High Density Residential and there are four homes and one building lot within 160 feet of the proposed structure.
 - d. It states the water storage tank is necessary to support the City of Brighton municipal water system. A large number of the residents that will be negatively impacted by this tower are not serviced by the City of Brighton water system.
 - e. The letter states the proposed water storage tank is a single-pedestal structure with a sleep design and pleasing contours. The residents do not feel there is anything sleek or pleasing about the tower.

Mr. Gary McCririe, Genoa Township Supervisor, stated this tower was originally planned to be erected in Hamburg Township and it is not located there because Hamburg Township could not come to an agreement with the City of Brighton over ownership. Genoa Township does not have that problem as it is already agreed that the City of Brighton will own the tower. He stated the spirit of the requirements of the Special Land Use have been met and the planner has advised why a positive recommendation be made. He added that the Planning Commission and Township Board have all deliberated all of these issues in the past and have voted in favor of the tower.

Mr. Mike Knoll of 883 Persimmon stated they purchased a condominium in this area. There are 18 condos currently built and 106 proposed. He feels that people will turn away from purchasing in this development when they discover what is being proposed. They were not notified of this prior to building their condo. He feels it is not fair to do this to the neighbors. It will be an eyesore in his backyard.

Mr. Don Booth of 1384 Seward asked the Commissioners how they would feel if this tower was being proposed in their backyard. He lives within 300 feet of the site and was not notified. This will definitely negatively impact his property value. He asked who failed to inform him as a prospective property owner that this was being proposed. A lot of people are going to be negatively impacted. The City of Brighton is not representing his needs.

Mr. John Wilhelmsen of 62109 Kevin Valley feels this tower will change the character of the neighborhood and decrease property values. He asked if other sites are available. He feels the granting of the setback variance should not be granted. He would like to see clear written reasons for the Planning Commission's decision addressing the concerns stated this evening.

Ms. Kim Ray owns two homes in the area; one at 5962 Brighton Lake Road and one at 1333 Brighton Lake Road. She asked why the tower couldn't be placed at the high school.

Mr. Darrin Keener of 1089 Lincoln Drive is opposed to this. Other towers in the area are not placed in high-density areas, they are in fields. It should be put in the subdivision where the need for the water supply is located.

Ms. Ruth Shriver of 6156 Chad Court will no longer be able to walk on Brighton Lake Road as her son is afraid of walking next to very high structures.

Mr. Jarrod Burch of 1083 Lincoln Drive does not feel they should be placing this close to homes due to safety concerns.

Ms. Laird asked if this tower will be similar to the one on Conference Center Drive. She advised that Hamburg Township did not turn down the site plan, but were removed from the negotiations by the City of Brighton and the developer.

Mr. Thelander stated that the last time this proposal was approved, the residents were not notified.

The call to the public was closed at 8:29 p.m.

The items addressed during the call to the public were addressed.

Chairman Pobuda asked if the PUD stated that any developments being built in the area need to notify prospective residents of the proposed tower. Mr. Goss advised that the PUD is a recorded document and the information would be on the title work. They have no control over how the developers market their property.

Mr. Foster advised that the tower is not going to only benefit the residents of Pine Creek Ridge. It is the City of Brighton's opinion that this tower will directly benefit housing developments within the City of Brighton's Northern Ridge subdivision, Brighton Lake subdivision, as well as other nearby residential areas and the high school. The primary purpose of this tower is to improve water pressure.

Ms. Basista stated the fire protection will be increased at the high school and other homes in the area and will maintain water pressure if such an emergency should occur.

Chairman Pobuda asked if the City currently experiences fluctuations in water pressure. Mr. Schindewolf stated they do not experience fluctuations currently, however, he is not sure what would happen if the area continues to grow.

Chairman Pobuda asked if the area has mutual aid in place. Larry Lane, the Brighton Area Fire Department Chief, stated that if there was a fire in this area, the Brighton Area Fire Department and the Hamburg Fire Department would be dispatched. He added that this tower will benefit the entire area with regard to water pressure, services, fire protection, etc.

Mr. Polmear addressed the setback issue. The tower will be set back 140 feet from the Northern Ridge right-of-way and the homes have a setback of 25 feet. To the north, the tower is set back 186 feet from Hamburg Road and the homes have a setback of at least 40 feet. To the south, the property line is 120 feet and these homes have a setback of 80 feet from the property line. Mr. Purdy advised that the Planning Commission has discretion regarding setbacks and when a decision is being made, surrounding land uses, adjoining property, topography of the site and highway location should be taken into account. Chairman Pobuda noted that this was discussed in the previous meeting when the PUD Agreement was originally approved by the Planning Commission and the Township Board.

Mr. Foster addressed the design-build concern. The design of the tank has been done between the City of Brighton Engineer and the developer. The contractor only designs the steel and not the tower. There are only a few qualified steel tank contractors in the United States. Also, the construction oversight will be done by the City of Brighton Engineer and Genoa Township can review these plans. He added that the tower on Conference Drive is 700,000 gallons and this proposed tower will be 250,000 gallons.

With regard to the gentleman's comment asking how the Commissioners would feel if this was put in their backyard, Commissioner Mortensen stated he lives near the Conference Drive tower and "his life didn't end" when it was erected. Chairman Pobuda agrees. He lives and worked where there was construction of a water tower.

With regard to Ms. Laird's comment stated all utilities should be placed underground, Mr. Purdy responded that applies to new developments and concerns telephone, cable, and electric utilities.

Mr. Purdy stated Genoa Township relied on adjacent townships and municipalities to provide addresses of residents within 300 feet of the area and that is possibly why residents were not notified.

Mr. Goss had no information regarding the effect the tower will have on surrounding property values. Mr. Foster agrees. He does not have any information and would not be able to comment on this.

With regard to the question as to why Hamburg Township and the City of Brighton could not agree, Mr. Foster stated that Hamburg wanted to be the owner of the tower and Brighton City Council was not in agreement with that. They feel it should be under City ownership.

Were alternate sites considered? Mr. Goss advised that they were directed by the engineers to find the highest possible site. The areas in Pine Creek that seem to be available are platted so the tower could not be built there. They believed it would be built on the site in Hamburg Township and now they are using the last part of their development to build the tower. Mr. Foster advised that the City did not contact the school as a possible site. Also, the City of Brighton DPS site is not a possibility as several years ago when cell towers were first being built, there was one proposed at this site and it was met with stiff resistance from neighbors and subsequently an ordinance was enacted that eliminated this area as a possibility.

Ms. Basista advised that the highest ground is chosen to maintain a certain elevation within the City of Brighton water system and so the tank does not have to be built higher. She advised that the high school location is too north. The area that they are concerned with is south of Brighton Lake Road and that is where the tower should be placed to benefit the overall system. She added that overseeing of the construction of the tower will be done by the City of Brighton Engineers as well as an independent steel contractor inspector. With regard to maintenance, AWWWS standards have to be met, which is done by outside consultants and not City of Brighton staff.

Mr. Schindewolf addressed the concern regarding falling debris and the tower falling. The interior of the tank will freeze in the winter, but the exterior will not so no ice will fall.

Commissioner Burchfield asked Jeff to respond to the attorney's inquiry about the wrong ordinance being used. Mr. Purdy stated that the ordinance actually used to evaluate the special land use permit was specific as to water tower placements and that historically the same ordinance had been used to evaluate

other water tower placements in the Township. The other ordinance is used for utility services such as DPW garages, etc.

Commissioner Brown questioned what the problem was with regard to Hamburg Township. Mr. Foster stated it was a question of liability. The City needs to own the tower since they own the water supply and Hamburg Township wanted to own the tower. Commissioner Brown feels that the original site in Hamburg Township appears to be the best place for this tower.

Supervisor McCririe stated the Township will have the same agreement with the City with this tower as they do with the tower on Conference Center Drive. The Township allows the City to build the tower in their Township and the City agrees to supply water to Genoa Township residents. This tower is to bring water service to Pine Creek and that is where the tower should be located. Mr. Foster reiterated that the City needs to own the tank to ensure that the water will continue to be supplied to these residents.

Mr. Goss advised that when the PUD was originally approved, the plan was conceptual and the Hamburg site was the first choice, and the proposed site was secondary.

As all of the public comment appeared to be addressed, the Chairman asked for a motion.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Special Use Application for an elevated water storage tank to be connected to the City of Brighton water system, located south of Hamburg/Brighton Lake Road, west of Northern Ridge Drive, Sec. 36, located on the Township line with Brighton and Hamburg. The special use is for an essential public service structure, petitioned by River Place/Abbey Homes citing the following reasons:

1. This will provide essential public services to users of the City of Brighton water system.
2. It meets the conditions of Section 12.08 of the zoning ordinance.

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

Moved by Litogot, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment for an elevated water storage tank to be connected to the City of Brighton water system, located south of Hamburg/Brighton Lake Road, west of Northern Ridge Drive, Sec. 36, located on the Township line with Brighton and Hamburg. The special use is for an essential public service structure, petitioned by River Place/Abbey Homes, with the following changes:

1. Page 2, Item J, #2, shall be changed to read “The high water elevation height and the top of the tank height are not to exceed 142.5 feet and 160 feet above the ground elevation.....”

2. Page 2, Item J, #3, shall be changed to read “The color shall match the existing tower on Conference Center Drive and shall not change”
3. Page 2, Item J, #5 shall be added to read “No printing, logos, advertisements, drawings, illustrations, lettering or any other like depictions shall be on the tower at any time”.
4. Page 2, Item J, #6 shall be added to read, “The tower shall be a maximum of 160 feet tall”.
5. Page 2, Item J, #7 shall be added to read, “There shall be no night time strobe lighting on the structure”.
6. Page 2, Item J, #8 shall be added to read, “Any other structure to be affixed to the tower shall require site plan approval from Genoa Township”.

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

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board approval of the PUD Agreement for an elevated water storage tank to be connected to the City of Brighton water system, located south of Hamburg/Brighton Lake Road, west of Northern Ridge Drive, Sec. 36, located on the Township line with Brighton and Hamburg. The special use is for an essential public service structure, petitioned by River Place/Abbey Homes, with the following conditions:

1. Approval by the Township Board of the Special Land Use Permit Application as recommended for approval this evening.
2. Approval by the Township Board of the Impact Assessment as modified and recommended for approval this evening.

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

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Site Plan dated April 22, 2003 for an elevated water storage tank to be connected to the City of Brighton water system, located south of Hamburg/Brighton Lake Road, west of Northern Ridge Drive, Sec. 36, located on the Township line with Brighton and Hamburg. The special use is for an essential public service structure, petitioned by River Place/Abbey Homes, with the following conditions:

1. Approval by the Township Board of the Impact Assessment as modified and recommended by approval this evening.
2. Review and approval from the FAA
3. No printing, logos, advertisements, drawings, illustrations, lettering or any other like depictions shall be on the tower at any time.
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 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 skate 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.

The motion carried unanimously.

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.

OPEN PUBLIC HEARING # 4...Consideration of a request for an increase in permitted pylon sign area for the Country Corners Shopping Center located on the south side of Grand River east of Latson Road pursuant to Footnote 3 of Table 16.1 of the Genoa Township Zoning Ordinance.

- **Planning Commission disposition of petition**
 - A. Disposition regarding pylon sign area for the Country Corners Shopping Center.

Item #3 and Item #4 were unable to be heard this evening as the Planning Commission will not begin any new business after 10:00 p.m.

Moved by Mortensen, seconded by Burchfield, to approve the minutes of April 14, 2003. **The motion carried unanimously.**

Moved by Litogot, seconded by Mortensen, to approve the minutes of April 28, 2003. **The motion carried unanimously.**

The meeting adjourned at 10:50 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary