

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JANUARY 12, 2015
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, James Mortensen, Barbara Figurski, Eric Rauch, Diana Lowe, and Chris Grajek. Absent was John McManus. Also present were Kelly VanMarter, Township Community Development Director and Assistant Township Manager; and Brian Borden of LSL.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Ms. Figurski moved to approve the agenda. The motion was supported by Mr. Mortensen. **Motion carried unanimously.**

ELECTION OF OFFICERS: Chairman Brown asked whether the election of officers should be postponed with the absence of Mr. McManus. It was decided that Ms. VanMarter would call for a motion. Ms. VanMarter made a call for a motion for a chair, vice chair, and secretary. Mr. Mortensen made a motion that the incumbents be elected as officers: Doug Brown as Chair, Diana Lowe as Vice Chair and Barbara Figurski as Secretary. Diana Lowe seconded. **Motion carried unanimously.**

CALL TO THE PUBLIC: A call to the public was made with no response.

OPEN PUBLIC HEARING #1... Review of sketch plan for a proposed 12,439 sq. ft. church and coffee shop to occupy space within the multi-tenant building located at the northwest corner of Grand River Avenue and Genoa Business Park Drive (2394 Genoa Business Park Drive), Brighton, Michigan 48114, parcel # 4711-13-103-001. The request is petitioned by The Well c/o Lindhout Associates.

Ms. Holly Osterhout of Lindhout Associates addressed the Planning Commission on behalf of the petitioner. The Well currently resides at 7191 Grand River Ave. In line for ownership of the retail center at 2394 Genoa Business Park Drive, they are looking to relocate to this building with current tenants remaining. The church is interested in the empty portion of the building. The Grand River Grill and The Well church will need shared use of the parking area on Sundays which was the impetus for the sketch plan review. Currently, a mortgage company and dental office are also housed at the location. The floor plan was reviewed.

There is a parking agreement under development with the neighboring Cross Pointe office building, which currently contains eight tenants, one tenant is open on Sundays, an urgent care. Therefore a large area of parking is available on Sunday. Staff members are to park in designated parking in the back of the church building. Chairman Brown asked about worshippers who arrive late on Sundays, potentially parking in the restaurant spaces. Is there parking available at PDQ parking? People will park where

they feel like parking. Ms. Osterhout indicated that the congregation is aware of the parking needs and the worshippers will park in good faith.

Mr. Mortensen indicated that the parking calculation appears to include existing uses plus the worship service. The church is now the restaurant's landlord and will not want an unhappy tenant. Mr. Grajek indicated that the biggest issue might be that once parking spots fill up, there may be traffic flow issues.

Ms. Osterhout indicated that the engineer review requested a copy of an impact assessment; however, Ms. VanMarter indicated to her that an impact assessment is not usually required for a sketch plan. The utilities REU square footage calculation is less for a church than it would be for retail. Regarding ADA compliance, the sidewalk is in a private easement and is not required to be a barrier free sidewalk. The site is required to have six barrier free spaces and that is already provided. The church does not want to encourage wheel chair worshippers to cross the parking lot. The parking lot could be re-stripped if additional wheel chair access is needed.

Mr. Rauch asked how many barrier free parking spaces are required on the Cross Pointe property? Ms. Osterhout indicated that their total includes the Cross Pointe parking area.

Chairman Brown indicated that previous environmental impact assessments should be available through the Township which would help to complete that project if needed. Mr. Markstrom indicated that pedestrian flow was the concern in the review. Some designation of a crosswalk there would be helpful to alert drivers of increased pedestrian flow. Mr. Markstrom encouraged white striping on the pavement.

Mr. Borden indicated that the ordinance does permit shared parking and that to satisfy the ordinance there is a requirement for a signed document between property owners. Also additional details should be spelled out demonstrating to the Commission that the shared parking will actually work; for instance, how shared usage by both property sites might occur during weekday hours.

Chairman Brown asked about additional metrics. How many parishioners are there and what other uses might the church have during the week? Ms. VanMarter asked about weddings and funerals.

Pastor Jeff Waterman was present to address the Commission. Sunday mornings have approximately 200 people who attend across two services. During the week there is a Wednesday night service and a Thursday night group which meets. Youth and college age student groups meet and these events include about 25 attendees. There is also a fitness class. Regarding weddings and funerals, these activities are generally outsourced to other facilities that are better equipped to handle them. An Agreement exists with Cornerstone Presbyterian.

Mr. Rauch asked about a parking team. Pastor Waterman indicated that there is an active team. Coning is done. Also, early morning band members are encouraged to park in more inconvenient spaces. The church envisions that this will be a temporary location and that expansion is planned into a different facility at some future date. The building is a gift from someone and use is planned for a few years. With no plan to expand use at this location, the footprint is expected to remain the same.

Ms. VanMarter asked about the ADA standards and how someone in a wheelchair who is at Cross Pointe might make it over to the restaurant. Ms. Osterhout indicated that the intention is to not encourage wheelchair use through the parking lot area. It would be encouraged that someone would get in their car at Cross Pointe and then park again nearer the restaurant. Ms. VanMarter indicated that good weather might encourage folks to attempt to cross the parking lot and asked about existing ramps and whether or not a ramp might be installed. Ms. Osterhout stated that the current proposal is in compliance with the ADA, meeting barrier-free code and building code. Mr. Markstrom indicated that ramps eliminate a trip hazard and cost a few hundred dollars more. Ms. Osterhout indicated the church is on a strict budget for the build-out.

Pastor Waterman indicated that the church would do whatever the commission and the architectural firm believes is right. Ms. Osterhout indicated that a ramp may reduce the parking lot by one space. Pastor Waterman reiterated that the code is being met.

Chairman Brown indicated that the fire department is interested in 6" high letters and the lockbox. Ms. Osterhout indicated that this would be complied with. Chairman Brown asked if the petitioner was fully aware of the connection fees. The Pastor indicated that the connection fees have been noted.

A call was made to the public with no response.

Planning Commission disposition of petition

A. Disposition of Sketch Plan. (12-18-14)

Mr. Mortensen moved to approve the sketch plan dated December 18, 2014 for a church and coffee shop at 2394 Business Park Drive, subject to the following:

1. The applicant will provide a shared parking agreement for 68 spaces in a form satisfactory to Township staff prior to the granting of the land use permit.
2. Should the use of this facility change or expand beyond the existing parking limitations, a site plan review may be required by the Planning Commission and possibly the Township Board.
3. Because of the parking limitations, the church will appoint a parking team from the congregation to facilitate parking in the safest manner possible.
4. Appropriate markings will be applied to the southern end of the crosswalk to the neighboring property such as white striping to improve safety of pedestrians.
5. The requirements of the Township engineer will be complied with, excluding the addition of a ramp, and a copy of the environmental impact assessment prepared originally for the site will be reviewed jointly by the applicant and Township staff to ensure its' applicability.
6. The requirements of the Brighton Area Fire Authority spelled out in their letter dated December 29, 2014 will be complied with.
7. Signage will be in accordance with the Township sign ordinance and will require Township staff approval.
8. Township staff will review existing landscaping, dumpsters, and lighting to ensure that they are in compliance with existing standards.

Supported by Ms. Lowe. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of a site plan, environmental impact, and PUD amendment for a proposed redevelopment of an existing outparcel to demolish the existing Bennigan's Restaurant and construct a new 12,000 sq. ft. multi-tenant building, located at 3950 E. Grand River Avenue, Howell, Michigan 48443, parcel # 4711-05-400-047. The request is petitioned by RG Properties, Inc.

Mr. Jim Blair of RG Properties addressed the Planning Commission on behalf of the petitioner. Bennigan's is closing its doors and as a result RG Properties will be getting the property back, which leads to this evening's proposal. This brings changes to the Phase 1 PUD, including incorporating the new Red Olive restaurant building. RG Properties will also become the sub-lessee of the adjacent Walmart owned parking area, which permits improvements to be made to that area as well.

The proposed building is primarily brick and masonry with some EIFS, which includes wood-grain tile on the front façade to provide for the corporate branding of a Panera Bread Restaurant. Two rows of parking in the front are also part of the PUD amendment. Another change includes an entry feature which acknowledges the Township. RG Properties has worked exhaustively with Township staff to find a location for this feature. MDOT and the Livingston County Road Commission indicate they will not allow the sign within the right of way.

Ms. VanMarter stated that the original PUD called for Latson Road to be shifted to the West. This permitted a gateway entry sign. Then when the Phase 2 PUD came in, the sign was proposed to be included near the I-96 ramp. However, the final grading is much lower than anticipated and the sign could be put there but would be too low to be visible.

Mr. Mortensen indicated that another proposal of equal value might be required of the petitioner. Mr. Blair indicated that no cost estimates were assumed previously.

Mr. Grajek indicated that the Commission is interested in seeing a gateway sign. Ms. VanMarter explained the original proposal in Phase 1 was that the sign would exist on Lot A. Lot A is currently owned by RG Properties. The original Phase 1 rendering of the sign was shown.

Chairman Brown asked about the amount of land the original sign might have required. Mr. Blair indicated that due to the lack of scale, an estimate is difficult. Ms. VanMarter indicated that RG Properties was to build the sign. Genoa Township was to maintain it. Phase 2 moved the sign nearer the ramp. In Phase 1, the sign was in the Lot-A vicinity. Mr. Blair indicated the recently proposed sign could be dressed up with endcaps and landscaping with uplighting to illuminate it in the evenings as shown in the original Phase 1 rendering.

Chairman Brown indicated that it was his belief that both signs would be provided. Mr. Blair indicated that RG Properties is obligated to provide one.

Referring to the building façade, Mr. Borden indicated that the wood grain tiles are a bit unusual and there is a lot of EIFS. The requirement is 80 percent natural materials. The front of the building does not meet 80 percent though the entire building does appear to

meet it. The rear façade will be highly visible. Perhaps wrapping the façade around the building is a possibility. The front of the building should be upgraded to increase appeal.

Mr. Blair indicated that the cornice could be brought to the back of the building to the parapet height. Some shadow lines, a transom window effect could also be included. The building currently meets the natural materials requirement. The overall building exceeds the 80 percent outlined in the agreement.

Mr. Mortensen indicated that at issue is the artistic part of the building. Mr. Blair indicated that material samples were not available for tonight's meeting. Mr. Rauch indicated that the EIFS might mainly be covered by signage and asked about the drive thru. Mr. Blair indicated that the drive thru has been moved to the back of the building to maintain the proper stacking for the drive thru. Mr. Rauch asked whether roof-top units would be hidden. Mr. Blair indicated roof top units would not be visible except one. The one could be concealed. Mr. Rauch indicated that the back of the building is an issue. Mr. Blair indicated that the middle of the parapet in the back could be raised. Mr. Rauch asked if there was consideration for metal canopies instead of cloth. Mr. Grajek indicated that the aesthetic needs of the façade are not satisfied. The parapets certainly help. More architectural character is desirable.

Mr. Borden stated he would like to see both signs, if possible. The Genoa sign feature at the corner of Latson and Grand River would enhance the corridor. There is also a question about proposed drive thru use.

Mr. Mortensen indicated that the amendment for Phase 2 did allow a drive thru as a special use. Isn't that a change in the language for the rest of the PUD? The concern with a drive thru at the neighboring Red Olive location is safe access to Grand River.

Mr. Borden asked whether it is necessary to retain the Grand River curb cut at the Red Olive site. A drive thru might be provided if internal access was provided.

Chairman Brown indicated that the space is not available for a drive thru. It's too close to other driveways. Other Red Olive Restaurants do not have this feature. Why is this right-in, right-out desired?

Mr. Jim Barnwell of Desine, Inc. addressed the Commission on behalf of Red Olive. The original intent was to use the Grand River access point as the main access to the property. The drive way is 50 feet in length. There are mature trees present on the property. Most customer traffic will be coming from Grand River. Mr. Mortensen asked who owns the drive. The driveway is part of an easement on the bank's property which predates the bank ownership. The bank does not utilize the driveway. Chairman Brown indicated that the curb cut may be dangerous.

An aerial of the property was presented and the trees were identified.

Mr. Carl Volmer of the Pucci & Volmer architectural firm addressed the commission on behalf of Red Olive, stating that one of the reasons for the purchase of the property was the curb cut.

Mr. Borden indicated that additional considerations for the Bennigan's Lot 4 re-development include the double row parking at the front of the building. Mr. Blair

indicated that inconvenient parking will turn customers away. People do not want to walk far. They just won't go. Half of one row is patio area for a potential restaurant owner. Chairman Brown asked what happens in off season. Mr. Blair stated that it would be a raised concrete patio. Ms. Figurski asked if Panera Bread was requesting a drive thru. Mr. Blair indicated that Panera Bread is making that request.

Mr. Rauch asked if consideration was given to making the building L-shaped. Mr. Blair indicated that the building was considered and it didn't layout well at that site.

Mr. Borden indicated that there are parking setbacks in the ordinance. However, the ordinance does permit the Commission to waive the setback. It will need authorization by the Commission. Also, the three wall signs being requested for tenants are not permitted by the ordinance. We need to be clear that the Township is not granting a third sign. Further, there are three outdoor patios proposed. This requires additional features such as tables, trash cans, umbrellas, chairs, which might benefit from administrative approval in the future. Ms. VanMarter indicated that this is a requirement in the ordinance.

Mr. Borden cautioned that some consideration might be given for product advertising which could be placed on outdoor umbrellas in the future. Mr. Rauch asked about what flags would fly on the proposed Genoa gateway feature. Mr. Blair indicated that the American flag is flying at all other RG Properties locations and it will be good to add this one.

Discussion took place regarding the Red Olive site. Ms. VanMarter indicated that the original PUD prohibits the use of Grand River access if internal access to the PUD takes place. Chairman Brown asked if there is an economic reason to have the driveway available to Grand River. Mr. Barnwell indicated that the Grand River curb cut is a convenience issue for customers. The Ann Arbor Red Olive access is internal and it is one of the slower selling stores.

Mr. Mortensen asked about the driveway easement for Red Olive. Ms. VanMarter indicated that driveway exists on an exclusive easement on property owned by the bank. An attorney would need to weigh in but it is the property of the bank. Mr. Barnwell indicated that the applicant was originally planning a standalone parcel not an annexation into the PUD.

Mr. Mortensen acknowledged that the Lot 4 multi-tenant building site is an important corner in the Township. And it might be important that building materials match the existing buildings in the PUD.

A call was made to the public with no response.

Planning Commission disposition of petition

- A. Recommendation regarding PUD Agreement Amendment.
- B. Recommendation of Environmental Impact Assessment. (12-01-14)
- C. Recommendation of Site Plan. (12-23-14)

Mr. Mortensen moved to table the site plan dated December 23, 2014 and the environmental impact assessment dated December 1, 2014, for a redevelopment of the

existing Bennigan's Restaurant to construct a new 12,000 sq. ft. multi-tenant building, located at 3950 E. Grand River Avenue, based on the following:

1. Requests by Commission of upgrade of materials and to the building.
2. Revisions to the submitted PUD Agreements to address issues regarding the lack of entrance sign to the Township in the vicinity of the Latson Road interchange crossing
3. Concerns in the PUD Agreement regarding continuation of the access to Grand River for the Red Olive property.
4. Improve the look of the building on this marquee corner and dress up the back of the building.

Supported by Ms. Figurski. **Motion carried unanimously.**

Mr. Grajek indicated that as a marquee location in our community, there are many ways that this corner could be featured. The back of the building is something that could benefit from negotiation. The front façade is a big concern. Mr. Mortensen indicated that a staff meeting might take place with three members of the Planning Commission present.

OPEN PUBLIC HEARING #3... Review of a rezoning, PUD amendment, site plan, and environmental impact assessment for a proposed 3,848 sq. ft. Red Olive Restaurant, located at 3838 E. Grand River Avenue, Howell, # 4711-05-400-025. The request is petitioned by PKJJ, LLC.

Mr. Jim Barnwell of Desine, Inc. addressed the Planning Commission on behalf of the petitioner. The existing building was built in the middle of a farm field in the 1990s. Current conditions were caused by others and not the property owners. The current owner's intent behind the recent purchase was to not become part of the PUD. The petitioner recognizes the desire of the Township and RG Properties to incorporate the parcel into the PUD. The petitioner would like to keep a right-in right-out access to Grand River and join the PUD. The existing building will be removed. The petitioner would like to preserve the existing landscaping as much as possible. The proposed building is approx. 1,000 sq. ft. larger than the existing building, predominantly brick and stone. There is no drive-thru proposed. The petitioner is asking for a sign in the front and in the rear. The engineer and fire department concerns are readily complied with. Proposed parking provides what is required. Larger vehicles are not expected at this sit-down restaurant. Vegetation is grown and substantial on both sides. The intent of the ordinance is met though the landscaping requirement is not quite met.

Mr. Borden indicated that point number one in his letter can be stricken regarding use calculations. Also, there are some parallel parking spaces in the parking lot. Parallel parking is difficult for most people and is somewhat unusual. The southerly space would be difficult to use. Mr. Barnwell indicated that employees would be parking in the parallel spaces. The possibility of angled parking was discussed. Snow storage would be in the corners of the lot.

Mr. Borden indicated that becoming part of the PUD will permit shared parking within the PUD. There are some deficiencies in the landscaping plan but the applicant's intent is to preserve what is there which helps accommodate those deficiencies. New

plantings are proposed within the easement areas with authorization needed by the owner of the easement, unless the easement already provides for this. The proposed waste receptacle requires authorization of the Commission due to side yard encroachment. There are two signs being requested.

Mr. Markstrom indicated that the petitioner has addressed a number of items already on the site plan. One issue with a fire hydrant is being addressed.

Mr. Grajek commended the petitioner for creating a workable and acceptable plan in a tough spot. Mr. Mortensen indicated that language should be added to the effect that there would be no drive thru on this site. Ms. VanMarter indicated that the PUD can be approved to indicate that items apply to Red Olive only.

A call was made to the public with no response.

Planning Commission disposition of petition

- A. Recommendation regarding Rezoning from RCD to NR-PUD.
- B. Recommendation of PUD Agreement Amendment.
- C. Recommendation of Environmental Impact Assessment. (04-25-14)
- D. Recommendation of Site Plan. (12-17-14)

Mr. Mortensen moved to approve the rezoning, site plan dated December 17, 2014, and environmental impact assessment dated April 25, 2014 for a 3,848 sq. ft. Red Olive Restaurant, located at 3838 E. Grand River Avenue, formerly Prairie House, from RCD to NR-PUD for the following reasons:

- 1. The Commission finds this rezoning is compatible with the PUD zoning of the neighboring properties and is an improvement of the site.
- 2. The request is consistent with requirements in Article 10.

Supported by Ms. Figurski. **Motion carried unanimously.**

Mr. Mortensen moved to approve those paragraphs within the PUD Amendment which specifically apply to the Prairie House location with the addition of a restriction that this particular site will not be eligible for a drive thru. Seconded by Diana Lowe. **Motion carried unanimously.**

Ms. Figurski moved to recommend approval of the environmental impact assessment dated April 25, 2014. Seconded by Ms. Lowe. **Motion carried unanimously.**

Mr. Mortensen moved to recommend to the Township Board approval of the site plan based on the following:

- 1. The off street parallel parking spaces will be marked "Employee Only."
- 2. Discrepancies in the landscape plan will be fixed.
- 3. The applicant will supply the Township with written proof regarding planting trees on the property to the east.
- 4. Plans will be modified to clarify where the ornamental lighting will be installed.
- 5. The requirements of the Township engineer dated January 6, 2014, regarding the proposed hydrant and the water main easements will be complied with.

6. Brighton Area Fire Authority has concluded their requirements have been complied with in their letter dated December 29, 2014.
7. The signage as requested on the site plan are recommended for approval by this Commission.

Seconded by Mr. Rauch. **Motion carried unanimously.**

OPEN PUBLIC HEARING #4... Request to table site plan, special use, and environmental impact assessment for a proposed new 22,600 sq. ft. industrial building used to sort, warehouse, and distribute batteries, located at 5900 Brighton Pines Court, Howell, Michigan 48443, parcel # 4711-15-200-031. The request is petitioned by Brivar Construction Company.

Planning Commission disposition of petition

- A. Table request to February 9, 2015 meeting.

Ms. Figurski moved to table this public hearing at the request of the applicant.

Supported by Mr. Grajek. **Motion carried unanimously.**

Administrative Business:

- *Staff report: Battery Solutions is proposing an addition and Chestnut Properties is proposing an office complex. These are currently planned for the February meeting agenda.*
- *Approval of December 8, 2014 Planning Commission meeting minutes. Motion by Ms. Figurski to approve the minutes as amended. Support by Ms. Lowe. **Motion carried unanimously.***
- *Member discussion*
- *Adjournment: The meeting adjourned at 9:26 p.m.*