

GENOA CHARTER TOWNSHIP BOARD

Regular Meeting

August 3, 2015

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following members were present constituting a quorum for business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford, Linda Rowell, Jim Mortensen and Todd Smith. Also present were: Township Manager Michael Archinal; Township Assistant Manager Kelly VanMarter; Township Attorney Frank Mancuso; and approximately 40 persons in the audience.

A Call to the Public was made with the following response: Kurt Skarjune (president of the Lake Edgewood Condominium Association) addressed the board concerning recent crimes within the township. Petitions were provided asking the township to research the possibility of establishing a fixed law enforcement presence in the township.

Terry Croft – The office was closed today because of the storm and loss of power. The board should look into a generator for the future for a safe haven or shelter in case of disaster.

Approval of Consent Agenda:

Moved by Ledford and supported by Mortensen to approve all items listed under the consent as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: July 20, 2015

3. Request for approval of annual rate adjustments for Lake Edgewood Water and Pine Creek Sewer and Water customers as recommended by Greg Tatara, Utility Director.

4. Consider approval of a contract services proposal from the Livingston County Economic Development Council.

Approval of Regular Agenda:

Moved by Hunt and supported by Rowell to approve for action all items listed under the regular agenda. The motion carried unanimously.

5. Clarification of previous action related to the Livingston Christian School special use application at Brighton Church of Nazarene.

A call to the public was made with the following response: Pastor Ben Walls addressed the board and read a statement on behalf of the Church of the Nazarene concerning unintentional mistakes that were made with regard to their request for a school within their facility. Julie Singer – Please follow federal, state and local laws and allow us to extend our church’s mission by approving this school as your ordinance requires.

Moved by Rowell and supported by Smith to deny the Special Land Use request by the Church of the Nazarene as provided by Section 19.02.04 (f) (5) for use by the Livingston Christian School. This action is based upon the finding that the proposed use is inconsistent with the standards of Section 19.03.01, 19.03.02, 19.03.03, 19.03.04, and 19.03.05 of the Township Zoning Ordinance and specifically finds that:

- 1.) The expanded use of the church to include a K-12 school will exacerbate the existing and historical negative impacts of the church on the adjacent neighborhood. The need for active traffic management and restricted egress from the facility provides that the site cannot accommodate the use properly and it increases the potential for negative off-site traffic impacts.
- 2.) The proposed use is not consistent with the following goals of the Master Plan:
 - a. “Achieve well-planned, safe, balanced, and pleasant residential neighborhoods.”
 - b. “Promote harmonious and organized development consistent with adjacent land uses.”
- 3.) The project is contrary to the statement of purpose for the Single Family Residential Zoning in regard to items 3.01.02(e.) and (g.) and (i
- 4.) .) as follows:
 - a. 3.01.02(e.) – “Discourage any use of land which may overburden public infrastructure and services and the areas natural resources.”
 - b. 3.01.02(g.) – “Discourage land use which would generate excessive traffic on residential streets.”
 - c. 3.01.02(i.) – “Prohibit any land use that would substantially interfere with the development, utilization or continuation of single family dwellings in the District.”
- 5.) The proposed use significantly alters the existing or intended character of the general vicinity.
- 6.) The need for traffic management personnel and the potential off-site impacts created by forced right-turn only exiting will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic. The proposed “D” condition on exit from Church grounds during pick-up and drop-off provides a detriment to the existing walking path, other neighborhoods/buildings for turn-around, in addition to an impact on neighborhood travel including traffic from Worden Lake, Pine Creek, and travelers from the west towards Brighton. In addition, current conditions of this area also include the primary hub for the Brighton Area Schools, with Hornung (elementary), Maltby (intermediate), Scranton (7/8th grade) and Brighton High School. While not all students attending Scranton will flow through Brighton Road, Scranton was not taken into consideration. It is reasonable

to suggest parents with students at both schools drop off at the High School and then proceed to Scranton which starts school at 7:50 a.m.

- 7.) The potential negative impacts to be created by the use will not be sufficiently mitigated by the conditions of the proposal.
- 8.) The Nazarene Church has a history of non-compliance with past site plan and ordinance requirements resulting in a negative impact on surrounding neighborhoods, notably found in Planning Commission minutes from August 28, 2000, May 12, 2003, July 22, 2013 and April 2015 through current. Historical and consistent behavior suggests further non-compliance from petitioners. Specific issues include the following:
 - a. The applicant has not yet fully implemented the project approved by the Township in 2013. Of particular note are the installation of additional landscaping and parking lot islands;
 - b. The applicant has continued to allow a driver's testing operation, despite being informed that it is an illegal nonconforming use of the property; and
 - c. The applicant has demonstrated disregard for existing approvals by making significant changes to their building design contrary to the approved 2013 plans and without necessary permits or approvals to do so.

The motion carried with McCririe asking Ledford to restate her position on the motion. Ledford stated that she was opposed to the school. The motion passed as follows: Ayes – McCririe, Rowell, Smith and Ledford. Nays – Skolarus, Hunt and Mortensen.

6. Consideration of an environmental impact assessment and site plan for a proposed 3,954 square foot Culver's Restaurant, located on a vacant lot south of Grand River Avenue and west of Latson Rd., Howell, Michigan, parcel #4711-05-400-066. The request is petitioned by Metro Design & Build, Inc.

A. Disposition of Environmental Impact Assessment received on 07-24-15
Moved by Smith and supported by Rowell to approve the impact assessment conditioned upon deliveries occurring at off hours and using small trucks. The motion carried unanimously.

B. Disposition of Final PUD Site Plan dated 07-24-15
Moved by Smith and supported by Rowell to approve the site plan as submitted with all conditions of the planning commission having been completed. The motion carried unanimously.

7. Request to approve the order of the Hearing Officer for removal of the dangerous building located 1112 Chemung Drive.

The homeowner was not present for this petition. Archinal advised the board that a building permit was not secured by a licensed contractor before July 4, 2015. Moved by Skolarus and supported by Rowell to allow the owner 60 days to demolish the building or the township will pursue removal of the dangerous building. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None.

Member Discussion

- Ledford asked that a letter of support for the concept of the North-South Commuter Rail Service be sent by the township to the Ann Arbor Area Transportation Authority.
- Archinal was approached concerning a Brighton Schools logo on the water tower near the Cracker Barrel. Original requests from 20 years ago were denied at the request of adjacent homeowner. The board took no action.
- Easements have been secured from the Midway Party Store to Wildwood for construction of a bike/walk path with construction commencing this summer.
- Smith reminded the board of the Melon Fest scheduled for August 14, 15 and 16 which will include close to 300 vendors.

The regular meeting of the Genoa Charter Township Board was adjourned at 7:10 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township

Gary McCririe, Supervisor
Genoa Charter Township