

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
AUGUST 10, 2015
6:30 P.M.
MINUTES**

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Upon motion by John McManus and support by Barbara Figurski, the agenda was approved as submitted. **Motion carried unanimously.**

CALL TO THE PUBLIC:

OPEN PUBLIC HEARING #1... Review of a rezoning (OSD & IND to MUPUD), Planned Unit Development Agreement, environmental impact assessment, and site plan for property located at 3750 Cleary Drive, Howell, Michigan 48843, involving parcels #11-05-400-012, 024, 062; 11-05-301-004; 11-05-302-005, 011. The request is petitioned by Cleary University.

Mr. Gary Bachman of Cleary University and Brent LaVanway of Boss Engineering addressed the Planning Commission on behalf of the petitioner. At the recommendation of Township staff, Cleary University is requesting that zoning districts on campus be consolidated. This would combine the industrial property along Grand Oaks Drive and with the OSD zoned properties. They are making this request in anticipation of growth in classrooms, housing, and athletics.

Mr. Mortensen asked how close Grand Oaks Drive would be to the eventual athletic fields. How might woodlands on campus be affected by future projects? Mr. LaVanway indicated the athletic fields are currently being considered for property on Grand Oaks Drive. Mr. Bachman indicated that woodlands will likely be affected by the multi-phase student housing project.

Mr. Borden addressed the Planning Commission. Qualifying conditions within the ordinance, such as minimum lot size and public benefit, appear to be met. Conditions support the idea of a MUPUD. It appears there would be a positive impact on the Township overall. The petitioner would approach the Township as each conceptualized project grew closer to implementation. Residential, office, retail, recreational, institutional uses are proposed. Each fits well in a college campus.

Mr. Brown asked about why all of the uses would be needed. Mr. Bachman stated that he included an exhaustive list within the application as he wished to cover many potentialities based on 20-year growth potential and the arrival of new president. Mr. Brown asked how this zoning might be utilized if the university sold the property at

some time in the future. Mr. Bachman stated that the intention is that the property will remain a university. Mr. Mortensen stated that the resolution might state a condition that the MUPUD applies as long as the property remains a university. Mr. Borden stated that any future property owner would have the opportunity for modifications.

Mr. Borden continued saying that Section 10.03 has requirements for open spaces. The request complies with the open spaces paragraphs of the ordinance. Parking needs to support any phases of future growth but it does appear that the proposed plans will accommodate the requirements. Lighting, landscaping, and signage details would be reviewed with follow-up site plan applications. The Township attorney might look at the PUD Agreement to make sure that he is comfortable. There are references to increases in lighting intensity and building heights, with specifics not yet known. There might be deviations requested at a future time for athletic offerings and student housing. Materials are laid out in the draft agreement and appear to comply with ordinance requirements. Mr. Brown asked if the size of the baseball field is known. Mr. Bachman stated that college baseball associations have specific space requirements. Lighting requirements might be needed more for soccer than baseball. Baseball is a spring sport and longer days factor into that season. Mr. Borden stated that perhaps a limit could be placed in the agreement, a type of cap, kept general, a statement that ensures that these areas are not limitless. There is a height exception for school and institutional settings which does permit additional height. There was consensus that decisions would be made as future projects are presented to the commission and that decisions could be made at that time.

Mr. Markstrom addressed the Planning Commission. This project meets a threshold in water/sewer of 100 REUs, meaning additional infrastructure needs are likely. Local pump station might need to be upgraded. A small master plan might be done at the next site plan approval stage to determine what might need to be done upstream and downstream. The costs of this accommodation would be the responsibility of the petitioner. It is approximately a 30-day process to complete the study and the study is usually approximately 15 pages. Water problems are not anticipated. Sewer usage is more of a concern. MHOG would commission the study. The petitioner usually pays for the study through an escrow.

Mr. Bachman said that approx. 70 additional REU's are needed to complete the build out. Less than 100 are proposed in addition to what already exists.

Mr. Markstrom stated that they are looking at it as an entire development as meeting the 100 REU threshold. Completing the study would eliminate future surprises. The cost of the study is likely within the \$5,000-10,000 range. This is a group of continuous uses. It includes what is already there. Mr. McManus asked if it is 100 REU total or 100 REU more which triggers the threshold. Mr. Markstrom stated that it's about planning for the impact on the system. Mr. Brown asked whether the cost of the study would be onerous for the university. Mr. Bachman stated that if the study is not necessary at this time, the university would prefer not to spend the money. However, if the study is mandated, it's mandated. The existing REU is 53. There is less than 100 REUs which is new. At this time the real future development is unknown.

Mr. Mortensen stated that Cleary University is asking the Township to agree to a major change within the Township. Mr. McManus asked what projects are clearly taking place. Mr. Bachman stated that the dormitory under construction is 21 REU. The university is

currently 53. The university would still be under the 100 REU mark. The next project would be some or all of the athletic fields. Mr. McManus asked whether the agreement could state that over and above a certain number of REU's, then the study would need to be completed. Mr. Markstrom stated that conducting the study now would prevent future construction delays as the study requires 30-45 days.

Mr. Rauch stated that the PUD forms a framework for the future and the infrastructure which is able to support that is a major part of the plan. This is a significant component of understanding the available framework. Increasing load on the system could incur significant costs and knowing those potential costs will help the university understand the real financial impacts that would occur as they choose projects to roll out.

Mr. Bachman stated that the future is unknown and that each project should be based on its own merit as the university sees need to implement each project. Mr. Bachman stated that Genoa Township staff requested that the PUD be applied for so that the entire campus could be put under one multi-use zoning to facilitate future development and future site plan approvals. Ms. VanMarter indicated that perhaps the study would be completed with the next site plan approval and/or the application for the second student housing building. Mr. Markstrom indicated this was the recommendation in his letter.

Mr. Markstrom stated that sharing easements will be a consideration in future projects and that an adjacent property, Livingston Commons, is also zoned PUD.

Mr. Brown read the Brighton Area Fire Department letter and asked Mr. Bachman if he understood their requirements. Mr. Bachman indicated that he did.

Mr. Brown asked about statements made in the PUD agreement. Mr. Borden indicated that the phrases match the ordinance. Mr. Rauch asked if there was a Grand River Corridor plan. Ms. VanMarter stated the plan was done years ago and has now been incorporated into the ordinance.

Commissioners drew attention to various phrases within the PUD document, agreeing:

1. On page one, paragraph five, the word "approved" should read "recommended."
2. On page four, paragraph two, before the words "currently under construction" the phrase "one of which is" should be added. The words "and proposed" should be removed.
3. In section 5.1, the word "Commission" should read "Commissioner."
4. In section 6.3, the word "services" should read "serviced."
5. In section 7.1, the last sentence should be removed.
6. In section 7.3, the phrase should read "routes of approach *to a building*." And the last sentence of that section should be removed.
7. In section 8.1, the phrase "Each commercial and residential parcel/use must" should read "All buildings must." At the end of the paragraph, add the sentence "The Township does not guarantee public utility availability without adequate planning and approval of the Township engineer."
8. Remove section 8.2.
9. In section 8.3 (now 8.2), remove "which may be" and add "Table as applicable and as may be."
10. In section 9.5, the phrase "MSA 125.286(d)" should read "Michigan Compiled Law 125.3503." This section will be reviewed by the Township Attorney.

Mr. Brown gave opportunity for the Impact Assessment to be discussed. Ms. VanMarter indicated that one tax code was incorrect. It should read 302-005 not 301-005.

A call to the public was made with no response.

Planning Commission recommendation of petition

- A. Recommendation of Rezoning
- B. Recommendation of Planned Unit Development Agreement
- C. Recommendation of Environmental Impact Assessment (07-23-15)
- D. Recommendation of Site Plan (07-22-15)

Mr. Bachman asked about next steps on the PUD agreement. Ms. VanMarter indicated that the Cleary attorney will make any changes recommended by the planning commission then the Township attorney would review the PUD Agreement.

Motion by Mortensen to recommend approval of the request from Cleary University for a rezoning (from OSD & IND to MUPUD) of property located at 3750 Cleary Drive, Howell, Michigan 48843, involving parcels #11-05-400-012, 024, 062; 11-05-301-004; 11-05-302-005, 011, that the request is found consistent with section 10 of the Township ordinance, the master plan, and local zoning and consolidates a variety of uses into one consolidated zoning.

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

Motion by Mortensen to approve the Planned Unit Development (PUD) Agreement, subject to the following conditions:

1. Approval by the Township Board of rezoning, environmental impact assessment, and concept PUD plan.
2. Approval by the Township Attorney.
3. Language changes recommended in this evening's discussion.
4. Items 4 and 6 of the LSL consultants review letter related to parking calculations and landscape/site details shall be required.
5. The Township ordinance regarding building height and lighting shall be complied with providing for any deviation to be requested at the time of site plan review as development progresses.
6. The Township makes no guarantee at this time that public utilities will be available.
7. In connection with the next site plan application request, a utility impact determination study will be conducted and paid for by the petitioner.
8. The Township makes no guarantee that an easement will be obtained from neighboring property, relative to a water main connection.

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

Motion by Ms. Figurski to recommend the environmental impact assessment dated 07-23-15, with the revised tax code number from 301-005 to 302-005, subject to approval of the rezoning, PUD Agreement, and site plan by the Township board.

Support by Jim Mortensen. **Motion carried unanimously.**

Motion by Mr. Mortensen to recommend the conceptual site plan dated 07-22-15, subject to approval of the Township Board of the rezoning, PUD Agreement, and environmental impact assessment.

Support by Barb Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of a sketch plan application for parking lot improvements at Riverbend office complex, located at 7743 Grand River Avenue, Brighton, Michigan, parcel # 4711-13-400-020. The request is petitioned by Lion Investment Group.

Mr. Moses Fram addressed the Planning Commission on behalf of the petitioner. The property in question is a two building office complex, just south of the hospital on the east side of Grand River. Complaints were received from tenants and the snow removal and waste disposal companies, indicating that a nuisance was present. Communication was lost with contractors and an island has been removed, the dumpster pad relocated, and five parking spaces have been added. Subsequently, the waste removal company has found it easier to remove waste. Mr. Fram indicated that he acquired the property in 2012. No other work has been completed. Existing shrub beds are being cleaned and mulch is being added.

Mr. Borden addressed the Planning Commission. Commission has approval authority. This is an after-the-fact approval. The work has already been completed. The improvements do bring the site better into compliance. There appears to be a slight encroachment into the minimum 24' wide drive aisle on the plan.

Mr. Fram indicated that he spoke with the contractor who did the work. The contractor did say that the measurement is 25' which exceeds the ordinance. Mr. Borden recommended that the parking space be verified by Township staff and if it is not in compliance, they make it a non-parking zone. Currently, the landscaping requirements are not met and requirements for landscaping is at the discretion of the Planning Commission.

Mr. Grajek recommended sending staff out. Mr. Borden indicated that the largest issue appears to be that the new location of the waste receptacle does not meet location requirements. Because it is residential zoning next door it could be a variance issue. The receptacle is not to be less than 20 feet adjacent to the residential area. It is currently approx. 12 feet. Outdoor storage was discussed. Mr. Mortensen asked about placing the dumpster near the storage buildings.

Mr. Fram indicated that the current placing of the dumpster provides for safer movement of the waste management trucks. Mr. Borden indicated that when parking spaces are occupied, the waste pick up is more complex. If waste is picked up after hours, it is a non-issue. The dumpster may or may not be an existing non-conformity. Was a land use permit issued? Was it approved to go there? It would require staff review.

Mr. Markstrom addressed the Planning Commission. Storm water increase is less than one percent. There is a retention basin already. There are no engineering related concerns with the sketch plan.

Mr. Brown reviewed the fire department letter. There was no issue with the site plan; however, Mr. Brown noted that an accessory building exists which is not on the site plan. The accessory building is extremely close to the building and includes a garage door. Mr. Fram indicated that he believes there is drywall on the inside of the garage door and the garage door is not usable.

Mr. Rauch asked if cross striping is required within a painted outline. Mr. Borden indicated that it is not required in the ordinance.

A call to the public was made with no response.

Planning Commission disposition of petition

A. Disposition of Sketch Plan (07-08-15)

Motion by Mortensen to approve the request from Lion Investment Group for a sketch plan, dated 07-08-15, for parking lot improvements at Riverbend office complex, located at 7743 Grand River Avenue, Brighton, Michigan, parcel # 4711-13-400-020, subject to the following conditions:

1. Township staff will examine the drive aisle to ensure 24' width.
2. Township staff will work with petitioner on improving landscaping up to or near Township requirements.
3. Township staff will examine the history of the site to determine whether the location of the dumpster was approved and if not, whether a submittal to the Zoning Board of Appeals will be considered.
4. The accessory building will be added to the site plan.

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

Administrative Business:

- *Staff report. There are no agenda items confirmed yet for the September meeting. Ron Akers, the Genoa Township Zoning Official, has accepted a new position as Community Development Director in another community. The Township is currently recruiting for his replacement. A change has been made to packet so that sections are more easily delineated for readers. Culver's was approved by the Township Board.*
- *Approval of July 13, 2015 Planning Commission meeting minutes. Motion by Barbara Figurski to approve the minutes of June 8, 2015 as corrected. Support by Diana Lowe. **Motion carried unanimously.***
- *Member discussion*
- *Adjournment. Motion by Barb Figurski to adjourn at 8:52 p.m. Support by Diana Lowe. **Motion carried unanimously.***