

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
SEPTEMBER 13, 2021
6:30 P.M.
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, Jeff Dhaenens, Jim Mortensen and Marianne McCreary. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager; Brian Borden of Safebuilt Studio; and Shelby Byrne of Tetra Tech. Absent were Eric Rauch, Jill Rickard, and Glynis McBain.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Chairman Grajek advised that the applicant for Item #1 under “New Business” has requested to have their hearing postponed this evening; however, there will still be a call to the public for anyone who wishes to speak tonight.

Moved by Commissioner Dhaenens, seconded 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 with no response.

OLD BUSINESS:

OPEN PUBLIC HEARING # 1...Review of a special use application, environmental impact assessment and site plan for a proposed 28,851 sq. ft. addition for a retreat center which will include overnight stays located at 1391 Kellogg, southwest corner of Kellogg and McClements Roads. The request is petitioned by the Chaldean Catholic Church of the U.S.A.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (3-15-21)
- C. Recommendation of Site Plan (3-15-21)

Ms. Eavan Yaldo of Saroki Architecture, Mr. Vincent Jarbow, Finance Officer for the Chaldean Catholic Church, Mr. Burt Kassab, Chairman of the Our Lady of the Fields Committee, and Mr. Mike Hickey, Camp Administrator and Executive Director of the camp, were present.

Ms. Yaldo provided a review of the proposed project. She stated there have been two major changes to their proposal since their last presentation before the Planning Commission. The

first change is that the center will be limited to Christian retreats only. Non-religious groups will not be using the property. Also, the capacity will be reduced from 80 to 60 participants to help with the concerns regarding the noise and traffic. If they desire to increase the capacity in the future, they would seek approval from the Township.

They have provided an updated operations plan. This is not a hotel or motel and is not defined as such in the zoning ordinance. They will host groups for retreats and not individuals for overnight stays. They have a fence contractor scheduled to make the repairs; however, lead times are long. The property personnel will begin removing the overgrown and dead branches in preparation for this work.

Commissioner Mortensen stated that during previous meetings, the Commissioners requested that there be no outdoor amplification. Ms. Yaldo stated they are wishing to abide by the noise ordinance of Genoa Township. Ms. VanMarter stated that the Township Attorney advised that we cannot put stricter restrictions on the property than what is in the ordinance.

Mr. Borden reviewed his letter dated September 8, 2021.

- The proposal now prohibits use of the Retreat Center by non-religious groups.
- The maximum occupancy for the Retreat Center will be reduced to 60 people. The floor plan depicting 80 beds will be revised accordingly.
- The Operational Plan includes standards for staff to be present and/or available during events, as well as for property maintenance and clean-up after events.

Ms. Byrne stated her comments have not changed since her letter dated April 7, 2021.

- The parking calculations are reasonable.
- The Genoa Township Zoning Ordinance requires that the parking lot be hard surface with concrete curb and gutter. However, an aggregate parking lot may be considered as a Low Impact Development alternative to the zoning requirements. Through the discussions with the Planning Commission, the Petitioner has agreed to pave the parking spaces that are immediately adjacent to the proposed access drive/fire lane. This reduced paving is acceptable from an engineering point of view.

Fire Marshall Rick Boisvert's letter dated September 7, 2021 states that the operations plan does not affect his current approval.

The call to the public was made at 6:45 pm.

Mr. Mike Berean of 1273 Euler asked if the Planning Commission or the applicant knows if Euler Lake is designated as an all-sports lake. Ms. VanMater stated it is a private lake and that it is designated by the DNR. He stated that after the last meeting, someone went on the lake on the applicant's property with a gas-powered speed boat. He asked what is the capacity of all

buildings if they were at full occupancy at one time and does the Impact Study address this to ensure that the septic system can accommodate that amount of people.

Karen, who is building a house near this property stated the property does not have City water or sewage. There will be a lot of people on their water table. Her property is lower than this property and she thinks the sewage may be a problem. She did not get to build the shape or size of what she wanted because of the zoning limits. She knew this information when she started building. The applicant knew the zoning and are asking to change it. This sounds like a hotel and this property is not zoned for a hotel. She asked how the community will benefit from the project.

Mr. James Drouillard of 6781 Felice is again asking the Township to deny approving this request. He did not have an issue with the camp, but he is not in favor of the retreat center. The Planning Commission previously told him that the Livingston County Sheriff sent a letter in support of this project. He has spoken to the Sheriff and he stated that if this is a year-round retreat center, he would withdraw his support letter. He reviewed the letters of support that have been received and 90 percent of the people who wrote these letters live or represent someone 2 to 25 miles away. He has signatures of 23 people who live within $\frac{3}{4}$ miles of the property. Almost unanimously the residents are against the retreat center.

Scott Brock of Cooper and Riesterer is an attorney who was asked by several residents in the area to come speak at tonight's meeting. He reviewed the items that must be satisfied to approve a special land use, per Section 19.03 of the zoning ordinance and how the applicant has not addressed these items. There are too many issues outstanding so the request should be denied.

Ms. Lynn Drouillard of 6781 Felice stated this is a rural area with wildlife. It is a farm community. She has no issue with the summer camp, but is not in favor of the retreat. She does not feel this fits into this neighborhood. She will lose, at a minimum, 10 percent of the value of her home.

Ms. Dory Berean of 1273 Euler Road feels that the expanded use of this property is going to continue to cause nuisance problems. They have retained an attorney and are willing to go to court regarding the nuisance. She asked the Township to stay with the Master Plan.

Ms. Patricia Kopicko of 6843 Felice Drive stated that with the capacity of 60 people every day, that would generate over 21,000 vehicles annually and that is only the retreat and not the camp. This does not fit the rural atmosphere of this neighborhood. From her deck, it will be a two-story brick building and it will look like a hotel. It will be a commercial use and the applicant will make a profit. The packet states there have been no noise complaints over the last three years, but that is false. The applicant has not made changes in the past and she is not sure they will do it going forward.

Mr. Steve Oliveri of 1200 Kellogg Road questioned if a full-time contact for the camp has been chosen and who will monitor that there will only be 60 people at the retreat center and that the noise ordinance will be met. He noted that the applicant's other camps were in commercial areas and this camp is not.

Mr. Charles Saliba of 1829 Kellogg Road stated the changes made by the applicant are for only right now. He is concerned with what will happen in the future and that it can continue to grow.

Mr. Todd Gessert of 1090 Kellogg Road stated the activity will occur on the edges of the property next to the residential areas because the lake is in the middle of the property. This use is not in line with the zoning ordinance. The building size has not changed so they are still able to have the original capacity of 80 participants. The applicant has still not fixed the fence. The applicant is going to continue to grow this use. It does not benefit the community; it is a detriment.

The call to the public was closed at 7:18 pm.

Commissioner Mortensen stated that the Livingston County Health Department must approve the water and sewer capacities before a building permit can be issued. This use is a Public Recreational Facility, and in that zoning, religious uses are rights and do not need a special use. Mr. Borden stated the retreat center is an expansion of the private campground. If it was an expansion of the church, then it would not have required special use approval and would have only required approval of a site plan.

Commissioner Dhaenens advised the public that the Township has no control over the applicant having a boat on the lake. It is their lake and they can use it. He noted that the speakers stated they are ok with the existing camp, which can have over 1,100-day campers. All of the complaints seem to be about the past and how the property was used prior. He said "shame on you for not fixing the fence" to the applicant. The residents have been requesting this for two years. He applauds them for going down in scope, providing an operational plan, and on-site personnel, but he would like to know why the fence hasn't been fixed. He is looking at the criteria for approval and it appears as though this meets them; however, he is concerned why the applicant wasn't neighborly and fixed the fence. He noted that the building has not been made smaller with the reduction in the capacity limit to 60 retreaters.

Commissioner McCreary visited the site last week and the property is beautiful. The facility is beautiful. The dormitories, eating hall, and bathrooms were meticulous. That environment for wanting to relax and be close to nature and God is perfect. She struggles with this being compatible with the surrounding residential area because having a 28,000 square foot building does not align with the surrounding rural environment.

Commissioner Mortensen stated it has been a campground for many years, and even before many of the surrounding residents moved there. The property owner has the right to develop their property; however, he is also concerned with its compatibility with the surrounding neighborhood. He asked Ms. VanMarter how many homes could be built on this site if it was developed as residential. Ms. VanMarter stated it is master planned for two-acre parcels, which would allow for no more than 40 homes to be built on this property although it would likely much less once you accommodate roads and utilities.

Ms. Yaldo addressed the concerns raised by the public and the Planning Commission. She stated that Mr. Hickey has been the camp director for three years and he has worked very hard to improve and maintain the site. She appreciated Commissioner McCreary visiting the site. She agrees that it is a beautiful property and they feel it is a compatible use with the by-right use of the church. They have been clear and have provided all of the information and addressed their plan to move forward. She stated that the camp is on the north side of the lake and this retreat center will be on the south side and that use will be much quieter than the camp. She reiterated that they will not exceed the capacity of 60 participants.

The septic system has been designed and engineered to meet capacity and Livingston County standards.

The perception is that all noise and traffic in the area is always associated with the camp. Who drives on the roadway is not able to be controlled and it is not always due to their property. Their operations plan is their rules and laws; this is what they would abide by. If the concern is with traffic and noise, reducing the capacity would be a solution. They would like to build a building this size in the case that there would ever be a desire to increase the capacity. It would be more cost effective to do it now than add on at a later time.

She stated this is compatible with the surrounding area. This is a different zoning than theirs so there will be some allowable differences. They meet the ordinance requirements. She added that their plan has received approval from both the Township's Planner and Engineer.

Mr. Hickey stated they took over the camp three years ago. They have a lot of neighbors who are in support of this camp. He reiterated that there were two reunions that were held because they were already confirmed. Since they have been there, they have hosted 170 groups and he thinks that the neighbors wouldn't even know they were there. They have also had a lot of campers over the last three years. They have put in a lot of effort to improve and maintain the grounds. They have not had any issues. The uses that were happening before have not happened since they took it over three years ago. He is having difficulty finding a contractor to repair the fence. They need to have the downed trees and extra foliage removed prior to having the fence repaired. It is a large project and they know it is a priority. They benefit the community because they are hosting many teenage groups. They are enjoying being together after the last year and a half.

Mr. Kassab stated that if they violate the 60-participant limit, then their permit can be revoked. He suggested putting this as a condition of their approval. As was noted earlier, since this building and use is connected to the church, does this item even need to be here this evening. The fence will get fixed. They can post a bond if it is requested by the Township. This is not a hotel. It is donation based, and they are not looking to earn a profit. They are hoping that people will come and get closer to Jesus Christ.

Ms. VanMarter noted that there are only four members of the seven-member Commission present this evening, so for an item to be approved, it would need yes votes from three of the four members. If there is a tie, then it is considered a failed motion. All applicants this evening have the option to have their item tabled until there is a full Commission if they so desire. The petitioner indicated they were fine with the number of members present and wanted to proceed.

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board denial of a special use permit for the Prophet Elijah retreat center for the following reasons:

- The proposal is not compatible with the goals, objectives, and policy of the Genoa Township Master Plan.
- The proposal is not compatible with the zoning and existing conditions in the immediate area.
- The site is inadequately serviced by highways to permit such an activity.

The motion carried (Dhaenens - no; McCreary - yes; Grajek - yes; Mortensen - yes).

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board denial of the Impact Assessment dated March 15, 2021 for the Prophet Elijah retreat center for the following reasons:

- The proposal is not compatible with the goals, objectives, and policy of the Genoa Township Master Plan.
- The proposal is not compatible with the zoning and existing conditions in the immediate area.
- The site is inadequately serviced by highways to permit such an activity.

The motion carried (Dhaenens - no; McCreary - yes; Grajek - yes; Mortensen - yes).

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board denial of a Site Plan dated March 15, 2021 for the Prophet Elijah retreat center for the following reasons:

- The proposal is not compatible with the goals, objectives, and policy of the Genoa Township Master Plan.
- The proposal is not compatible with the zoning and existing conditions in the immediate area.
- The site is inadequately serviced by highways to permit such an activity.

The motion carried (Dhaenens - no; McCreary - yes; Grajek - yes; Mortensen - yes).

The Planning Commission took a five-minute recess from 8:06 to 8:11 pm.

OPEN PUBLIC HEARING # 2... Review of an amendment to the previously approved Grand River/Lawson Planned Unit Development, site plan and environmental impact assessment to allow for a drive-through car wash. The proposed project is located on the vacant northeast corner of Grand River and Lawson Drive including parcels 4711-09-200-039, 040, and 041. The request is petitioned by ROC Wash Holdings, LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-28-21)
- C. Recommendation of Site Plan. (7-20-21)

Mr. Bruce Zeinstra of Holland Engineering stated they have addressed the comments from the Planning Commission and consultants discussed at the previous meeting, including the REU calculations. He noted he has not submitted the storm calculations; however, he will provide them as soon as possible.

Mr. Borden reviewed his letter dated September 7, 2021.

- Building materials and color schemes are subject to review and approval by the Planning Commission.
- The Township may require a public sidewalk along Lawson Drive, if deemed necessary.
- The applicant notes grading and drainage concerns as reasons to not install a sidewalk.
- The current submittal does not include the waste receptacle details or lighting plan previously provided.
- The revised landscape plan is still deficient in plantings around the detention pond (5 trees); however, he does not believe there is room in this area to plant more trees.
- There are minor discrepancies between the landscape plan and plant list that need to be corrected.
- The applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by the engineering consultant, or Fire Authority.

Ms. Byrne reviewed her letter dated September 2, 2021.

- The proposed car wash does not have any bypass lane to allow drivers to get out of line after they enter. An emergency bailout lane with a double curb and sidewalk is provided after the area where customers pay to enter the car wash. The Planning Commission may want to require a bypass lane, and the emergency bailout should be designed for car traffic, rather than being designed as sidewalk. Mr. Zeinstra stated it is made of concrete so it looks like a sidewalk; however, it is designed for vehicular traffic. The Planning Commission requested that curbs be placed here.

- The Petitioner must provide calculations that detail how the proposed storage volumes were calculated. Mr. Zeinstra stated he will provide this information.
- Calculations should also be provided to show that the proposed onsite storm sewer is adequately sized.
- The proposed detention pond will outlet to the existing storm sewer off Grand River Avenue. The storm plan should be reviewed and approved by Livingston County Road Commission and MDOT prior to site plan approval.
- The Petitioner has worked with Township staff and the utility director to determine an REU rate for the proposed car wash. They have settled on using the rate provided on the REU table for car washes with recycle, which is 25.2, while using prevailing REU rates, rather than the rates defined in the original PUD agreement.

Fire Marshall Rick Boisvert's letter dated August 31, 2021 states that the applicant has addressed his previous concerns.

The call to the public was made at 8:25 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the PUD Amendment adding a drive-through car wash as a permitted use to the existing agreement and adjusting the connection fees, conditioned upon the addition of the Township Attorney's additions on Page 141 of the Agreement. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated June 28, 2021 for Tommy's Automated Through Car Wash. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board approval of the Site Plan dated July 21, 2021 for Tommy's Automated Car wash, subject to the following:

- The building materials reviewed this evening are acceptable and shall become Township property.
- The landscape plan is acceptable as submitted.
- The applicant shall work with Township Staff on the bypass lane prior to submission to the Township Board.
- The requirements of the Township Engineer's letter dated September 2, 2021 and the Brighton Area Fire Authority's letter dated August 31, 2021 will be met.

The motion carried unanimously.

NEW BUSINESS:

OPEN PUBLIC HEARING # 1...Review of a special use application, environmental impact assessment and site plan for a commercial stable located at 7318 Herbst Road, south side of Herbst Road, east of Hubert Road. The request is petitioned by the Nancy Merlo, Brighton Equestrian Club.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (5-1-19)
- C. Recommendation of Site Plan (7-16-21)

Chairman Grajek stated the applicant requested to have this item tabled this evening; however, a call to the public will be made.

The call to the public was made at 8:32 pm.

Mr. Bill Kapelanski of 2636 Spring Grove Drive does not understand the commercial aspect of this being requested now because they have been in business for over three years. Ms. VanMarter stated that the applicant was building a private stable for her own horses; however, after the building was completed they started having non-equestrian events at the location, such as parties, baby showers, etc. so this makes it a commercial instead of a private use.

Mr. Kapelanski stated he and his neighbors have always thought it was a commercial use. He is concerned with the horse manure seeping into the community kettle pond that they share, hearing gunshots from the property, and the traffic that is on Herbst Road.

Mr. Hugh Rowe of 2550 Spring Grove Drive stated what was built there is not compatible with the surrounding neighbors in the area. If this will be expanded and used for more events, he will be concerned.

Mr. Mark Faulkner of 2496 Spring Grove Drive has approximately ¼ mile of shared property with the applicant. The applicant is spreading manure 10 feet from their property line and their well is also in that area. He is concerned with the quality of the water in the shared kettle pond, the construction equipment that the applicant stores on her property for their cement business, and the traffic on Herbst Road.

Mr. James Rohrer of 7442 Herbst Road objects to this proposal due to the traffic, the construction equipment traffic and its storage on their property. There has been a police response at one of the weddings, and the use of holding weddings where there will be alcohol is not appropriate for the middle of a subdivision. The applicant has contacted a neighbor to request to purchase her property and expand her business.

Ms. VanMarter stated she has received all of the public letters and has forwarded them to the Commission. She has another one from another neighbor and she will be shared with the Commission in the next meeting packet.

The call to the public was closed at 8:47 pm.

Moved by Commissioner Dhaenens, seconded by Commissioner McCreary, to table the review of a Special Land Use, Environmental Impact Assessment and Site Plan for commercial stable located at 7318 Herbst Road until the Tuesday, October 12, 2021 Planning Commission meeting per the applicant's request. **The motion carried unanimously.**

OPEN PUBLIC HEARING #2...Review of a sketch plan for a proposed trash compactor inside the existing Salvation Army building and removal of the existing dumpster enclosure located at 7000 Grand River, Brighton. The request is petitioned by The Salvation Army Southeast Michigan ARC.

A. Disposition of Sketch Plan

Ms. Courtney Rauch of the Salvation Army stated they would like to install a compactor inside the warehouse portion of the store. This would reduce truck traffic and would remove the existing dumpster enclosure. They would like to keep the parking spaces that are located in front of the proposed door for the compactor because the compactor will be changed prior to business hours. The property owner has advised they will improve the landscape as requested by the Township.

Mr. Borden reviewed his letter dated September 8, 2021.

- The only external modification is the inclusion of a new overhead door on the westerly façade.
- We suggest the space in front of the overhead door be signed/striped as no parking. He is not concerned with the parking space remaining per the reasoning noted by the applicant this evening.
- If any existing site landscaping is in poor condition, such plantings should be replaced as part of this project.

Ms. Byrne stated they have no engineering related concerns with this proposal.

Fire Marshal Rick Boisvert's letter dated September 2, 2021 stated that the fire code permits the installation of the compactor and associated dumpster to be installed within the structure as it is protected throughout with an automatic sprinkler system. The existing fire lane markings shall be maintained and evaluated at time of inspection. The fire lanes shall not be obstructed by construction materials, dumpsters, or vehicles. Signs shall be maintained to be legible and unobstructed by vegetation.

Commissioner McCreary asked what items will be put in the compactor and how it will be used. She is concerned about safety. Ms. Envoy Jaqueline stated it is a 16-yard compactor that will be used for everything that cannot be used or sold, with the exception of cloth goods, as well as

trash that is generated by the business. She advised she can provide the Township with the specifications for the compactor. This will significantly decrease their amount of trash truck traffic.

The call to the public was made at 8:58 pm with no response.

Moved by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the sketch plan for The Salvation Army located at 7000 Grand River Avenue for the installation of a new trash compactor and removal of the existing waste receptacle enclosure, conditioned upon the following:

- The parking space located at the door will remain available for use
- The overhead door shall remain closed when the compactor is not being serviced.
- The requirements of the Brighton Area Fire Authority's letter dated September 2, 2021 shall be met.

The motion carried unanimously.

OPEN PUBLIC HEARING #3...Review of an amendment to a site plan in regard to landscaping for the previously approved Birkenstock Planned Industrial Development agreement for a climate control self-storage building located at 2600 Harte Drive, Brighton. The request is petitioned by James Harte.

A. Recommendation of Site Plan Amendment.

Mr. James Harte stated that landscaping supplies are difficult to obtain right now because of COVID and he is not going to be able to get those required by the approval. He is requesting that the number and size of the plantings be reduced so that they can be installed this season. He noted that the trees on the adjacent property are overgrown and block their view of his property.

Mr. Borden reviewed his letter dated September 8, 2021.

- The proposed landscape plan reduces the quantity and size of plantings required for the east, west, and south buffer zones, as well as both detention ponds.
- The proposed plan entails an overall reduction of 402 shrubs from the approved plan.
- All of the required canopy/deciduous trees are to be reduced in size from 2.5" (required) to 1.75"-2".
- The Planning Commission has the authority to waive or modify landscaping requirements, per Ordinance Section 12.02.13.

Mr. Borden noted that 290 of the 402 shrubs are around the detention ponds.

Commissioner Mortensen noted that the landscaping around the detention ponds are only able to be seen by people accessing the site and not the abutting neighbors. Commissioner McCreary agrees.

Ms. Byrne stated they have no issues related to this proposal.

Commissioner Dhaenens can compromise, but he is not in agreement with removing 402 plantings.

Chairman Grajek is in favor of allowing the reduction of the area around the ponds as long as grass is planted and is maintained. There is plenty of foliage around the perimeter of the site.

It was discussed to change the site's requirement from Buffer Zone B to Buffer Zone C as it is more similar to an office use than an industrial use. Additionally, after the site is developed and the requirements of Buffer Zone C are planted, Staff can review the site to determine what the final requirements would be.

The call to the public was made at 9:35 pm with no response.

Moved by Commissioner Mortensen, seconded by Commission McCreary, to recommend to the Township Board approval of the revised landscape plan for Birkenstock Enterprises as follows:

- Reduction in size of canopy and deciduous trees size from 2.5" to 1.75"-2"
- The Planning Commission recommends to the Board that approval for the remaining landscape plan for shrubs be deferred until Township Staff has had a chance to review and potentially change the quantity and location of shrubs depicted on the original plan.

The motion carried all yes, but Jeff.

The Planning Commission took a five-minutes recess from 9:38 to 9:43 pm.

OPEN PUBLIC HEARING #4...Review of an amendment to the previously approved Lorentzen Planned Unit Development, site plan and impact assessment for a proposed drive-through restaurant located at 4207 E. Grand River, Howell. The request is petitioned by Howell Grand Plaza LLC.

- A. Recommendation of PUD Amendment.
- B. Recommendation of Environmental Impact Assessment. (6-11-21)
- C. Recommendation of Site Plan. (8-24-21)

Mr. Eric Williams of Stonefield Engineer and Design Matt Burke, the property manager, were present.

Mr. Williams stated they are proposing to fill one of the vacant units with a drive through restaurant, Lefty's Cheesesteak. They are asking for relief for two items; one is for the drive through and the other is for the parking requirements. He explained the process of determining parking requirements for this use, in this location, and the needs of the other uses in the building and why they are requesting the deviation.

Mr. Burke explained why they are requesting a deviation from the required drive through stacking. Lefty's has a limited menu and they anticipate needing stacking for only three vehicles at one time as only 20 percent of the traffic on that site will use the drive through. Much of their business is curbside pickup, dine in, and the food delivery companies. He added that they have never had a parking problem on this site.

Commissioner Mortensen noted there is one owner for the entire building so the parking can be shared. Also, there was previously a bank with a drive thru in this tenant space. Ms. VanMarter noted that amending the PUD would be to allow for all drive through restaurants, and not just for Lefty's. Any drive through restaurant will be able to be put there if the amendment is approved as written.

Mr. Borden reviewed his letter dated September 7, 2021.

- The dimensional deviations sought need to be enumerated in the amended PUD Agreement. These divisions are as follows:
 - The existing building does not provide the minimum required setback of 50 feet from the east or west lot line.
 - The existing development provides two access points to Figurski Drive, while only one is allowed.
 - The Township should determine whether a sidewalk is needed along Figurski Drive. Mr. Williams stated there is already a sidewalk on the west side of Figurski Drive.
 - The drive-through lane is deficient by six stacking spaces.
 - The site does not provide the two required spaces for RV or semi-truck parking.
- The Commission should discuss the appropriate method of determining the required parking calculations (Shopping center vs. restaurant with drive-through). If it is a shopping center then they have sufficient parking; however, if it is looked at as a drive thru restaurant, then they are deficient. He suggested if it is looked at as a drive thru restaurant in a shopping center with shared parking, then they are within the requirements. It also is dependent on the other uses within the center.
- If any existing landscaping is in poor condition, such plantings should be replaced as part of this project.
- If the project is approved, the applicant must obtain a sign permit from the Township prior to installation of any signage.
- The applicant must address any comments provided by Engineering or Fire.

Chairman Grajek stated that since there are 25 parking spaces in the rear of the building, there are essentially only approximately 65 spaces available.

Ms. Byrne revised her letter dated September 2, 2021

- The proposed drive-through stacking space dimensions and drive aisle dimensions next to the drive-through do not match the requirements from the Township's ordinance, but

the Petitioner has noted this as an existing nonconformity, as this is how the previously operated bank drive-through was designed.

- The previously submitted plans showed 10 stacking spaces for the drive-through. This stacking blocked access to the waste receptacle and loading area and resulted in a non-compliant one-way access drive at the rear of the building at 15-feet wide. The revised plans only show four stacked spaces to eliminate these issues but has not provided any information to demonstrate that four stacking places is typical for the proposed use. Mr. Burke reiterated his explanation for the division request. They tried to comply with the requirements of 10 spaces; however, they did not need it and it caused further issues with the Fire Authority so they are requesting a deviation from the stacking requirements.
- The Petitioner should obtain approval from the Brighton Area Fire Authority prior to approving the proposed use.
- Additional signage should be used near the entrance and at the east end of the parking lot to direct people around the building and to the drive-through.

Chairman Grajek asked the petitioner if he had received Fire Marshall Rick Boisvert's letter dated September 2, 2021. Mr. Williams stated he will address Mr. Boisvert's comments.

Commissioner Dhaenens is concerned with the parking and the drive through stacking; however, he would like to see this go forward since the building is vacant.

The call to the public was made at 10:25 pm with no response.

It was noted that the address is 4173. It was incorrect on the application, agenda and in the Brighton Area Fire Authority letter.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval to amend the Lorenzen PUD Amendment to permit a drive through restaurant at 4173 E Grand River Avenue for a fast-casual restaurant with primarily in-house and carry out dining and limited drive through sales, based on the following conditions:

- Approval of the amendments by the Township Attorney, limiting drive through restaurants to predominantly carryout service
- A drive through restaurant shall be for this tenant space only
- Approval of the following deficiencies:
 - Reduced setbacks from east and west lot lines
 - Two access points to Figurski when only one is allowed
 - Reduction of six stacking spaces for the drive through
 - The requirement of two longer RV spaces

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of Environmental Impact Assessment dated June 11, 2021 to

permit a drive through restaurant at 4173 E Grand River Avenue for a fast-casual restaurant with primarily in-house and carry out dining and limited drive through sales

- Approval by the Township Attorney, limiting drive through restaurants to predominantly carryout service
- The brochure showing the mix of sales of in house, drive through, and carry out shall be attached as part of the Environmental Impact Assessment.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Site Plan for Lefty's Cheesesteak restaurant dated August 24, 2021, subject to the following:

- The requirements of the Township Engineer's letter dated September 2, 2021 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated September 2, 2021 shall be met.
- Any landscaping on the site that is in poor condition or dead shall be refreshed or replaced.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated the next meeting will be on Tuesday, October 12, 2021 and she anticipates having four items for review. She suggested having a special meeting in October to discuss the Master Plan. There will also be open houses scheduled for this in November.

Approval of the August 9, 2021 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the August 9, 2021 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

There were no items to discuss this evening.

Adjournment

Moved by Commissioner McCreary, seconded by Commissioner Mortensen, to adjourn the meeting at 10:48 pm. **The motion carried unanimously.**

Respectfully Submitted,

Genoa Township Planning Commission
September 13, 2021
Approved Minutes

Patty Thomas, Recording Secretary