

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 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, Jim Mortensen, Marianne McCreary, Eric Rauch, Glynis McBain, and Tim Chouinard. Absent was Jeff Dhaenens. Also present were Joe Seward, Township Attorney; Kelly VanMarter, Community Development Director/Asst. Township Manager; Brian Borden of Safebuilt Studio; and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner McCreary, seconded by Commissioner Mortensen, 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 6:31 pm

Mr. John Palmer of 560 Black Oaks Trail questioned how the Master Plan was changed for the Latson Road Interchange to allow for the proposed asphalt plant. Chairman Grajek advised that the Master Plan has not been changed. That property was always zoned industrial. The PUD and/or PID provide a developer the opportunity to work with the Township for certain changes to the project to meet their needs. Ms. VanMarter stated that she would be willing to meet with any resident to discuss the process that is followed when a developer approaches the Township. Mr. Palmer asked how an asphalt plant is good for the community or the Master Plan. He then asked the process for approval of the asphalt plant, and Commissioner Mortensen provided the steps that the applicant and Township will take going forward.

Ms. Suzanne Kowalski of 5341 East Grand River asked the Planning Commission if they believe the asphalt plant is conducive to the Master Plan that was just updated. Ms. VanMarter stated the Master Plan has not been updated since 2015. Ms. Kowalski stated this asphalt plant emits noxious fumes that have been Cancer causing and have a foul stench and is against their rights as property owners.

Ms. Edith Beigas of 1950 Genoa Circle believes that the Planning Commission has already approved the rezoning. Chairman Grajek stated that this commission makes recommendations to the Township Board. Ms. VanMarter stated that no rezoning has been approved at this time. Ms. Beigas hopes that the well-being of the residents of Genoa Township comes first.

Mr. Robert Beigas of 1950 Genoa Circle questioned the special zoning for the industrial area if it is an industrial property with an industrial use. Mr. Borden stated that this type of use is a special use in the industrial zoning, not a permitted use. The PID allows for flexibility of aspects of the project for both the Township and the developer.

Mr. Dave Dixon of 836 Pathway Drive asked if there is a representative of the asphalt company in attendance this evening.

Ms. Lexi Jones of 3553 Westphal Road asked to have a vote on hybrid meetings due to COVID added to the agenda.

Ms. Stacia Kroeir of 4688 Brighton Road stated she did not know what was going on next to her property when it was clear cut for the gravel pit. This is the same situation with the asphalt plant. The Township needs to make people aware of these types of projects. Chairman Grajek stated the entire meeting packets are placed on the website. Ms. VanMarter stated there is a way for residents to sign up for monthly emails.

The call to the public was closed at 7:07 pm.

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 (11-5-21)
- C. Recommendation of Site Plan (11-5-21)

Mr. Dan LeClair of Green Tech Engineering, and Mr. and Mrs. Merlo were present.

Mr. LeClair reviewed the changes that they have made to the plans, and they believe they have met the prior concerns of the Planning Commission.

Mr. Borden reviewed his letter of December 8, 2021.

- The special land use standards of Section 19.03 of the Zoning Ordinance are generally met, although the current zoning (AG) and future land use (LDR) do not align. Furthermore, he is requesting the applicant confirm that any events conducted will be related to the commercial stable operation. The Impact Assessment states, "The types of events held in the clubhouse include but are not limited to the following". He is concerned with "but are not limited to".
- The revised submittal demonstrates compliance with the use conditions of Section 3.03.02(h).
- The existing parking spaces, drive aisles, and driveway are surfaced with gravel; however, hard surfacing is required by Ordinance. If gravel is allowed to remain in place, the applicant must apply dust control measures, which they have noted they will do in their revised submittal.

Ms. Byrne reviewed her letter dated December 8, 2021.

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- The proposed use should be reviewed and approved by the Fire Authority to ensure there is adequate fire protection and site access for hosting 150 people in the existing building. Written approval from the Fire Authority should be provided to the Township. Mr. LeClear provided this document this evening.
- The use must be approved by the building department. Written approval from the Livingston County Building Department should be provided to the Township.
- Genoa Township Standards require that parking lots be paved with curb and gutter. Storm drainage facilities will also need to be incorporated into the parking lot improvements. The Petitioner does note proposed curb and gutter behind some of the proposed parking, but it does not appear that paving is proposed. The Planning Commission may choose to consider an aggregate parking lot as a Low Impact Development Alternative to the zoning requirements.
- Increasing the number of guests in the facility will increase the loading on the existing septic system; however, approval by the Livingston County Health Department has been provided to the Township via email.

The Fire Marshal's letter dated November 30, 2021 states all his concerns have been addressed.

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

Mr. Mark Faulkner of 2496 Spring Grove is concerned with the placement of the manure. He has had a conversation with the applicant, and it has been relocated away from his property line and well, but he would like assurance that it will remain in that location as well as away from the lake.

Ms. Deborah Jones of 3553 Westphal questioned if Mr. Faulkner's concerns have been addressed.

The call to the public was closed at 7:21 pm.

Mr. LeClairr advised that the Environmental Impact Assessment addresses the handling and placement of the manure. Mr. Merlo stated the manure is now 1,400 feet from Mr. Faulkner's property and it will remain there. He noted that it was never put by the lake. He added that his property is well maintained and there is not a lot of traffic or activity.

Commissioner Mortensen is requesting that the manure pile location be shown on the site plan.

Mr. Cliff Wineman is the farmer on this site. The manure is not a pile. It is spread out and then it is spread onto the cornfields.

Commissioner McCreary questioned if the applicant had a Generally Accepted Agricultural Management Practices (GAAMP) inspection performed. Ms. Merlo stated she had this done. The inspector is happy with how they handle their procedures, and they are waiting for the report and certification.

Commissioner Rauch would like the Impact Assessment to provide more of a robust operations plan for the handling of the manure, such as a specific location and a certain distance from neighboring properties. Mr. LeClear stated that the Merlos have been operating this farm for over five years and have addressed neighbors' concerns without the need for the Township to tell them to or give citations. He will add that information to the Impact Assessment; however, he

would like to be able to have this addition completed before it goes before the Board and not have their item tabled this evening.

Commissioner Rauch referenced the types of events outlined in the Impact Assessment. Based on what is described, he is concerned that this site could become an event venue instead of a commercial riding stable. Mr. LeClair stated he and the Merlos have discussed this issue, which is why they added “but are not limited to...” so they would not be limited in the case they wanted to have their own family reunion or large party, which is done by other property owners. The Impact Assessment and an affidavit signed by Mrs. Merlo states there will not be more than 99 people at an event. Commissioner Rauch asked if the applicant would be willing to limit the number of times of year these types of large events can be held because this is in agricultural zoning. Mr. LeClair would like to limit the number of participants in an event and not the number of events.

Commissioner Rauch would like the Impact Assessment to specifically state that the fundraising event of 80-99 people will be held twice a year and all other events would stay within the 4-20 participants capacity. Mr. Merlo does not want to agree to having only two events with 80-99 people.

Chairman Grajek noted that this request is for a special use in the agricultural zoning for a commercial equestrian center and not an event center. The Township is working with the applicant to allow them to continue to do what they have been doing. Mr. LeClair suggested that the number of events with up to 99 people be limited to 12 events per year. Commissioner Rauch stated that number of events with that many people is too many for this zoning.

Commissioner McBain suggested a capacity number in between the 4-20 and 80-99 for a certain number of events per year.

Mr. LeClair suggested that the clubhouse section have a third bullet number stating, “Up to 6 events annually with a maximum number of 60 guests”. Mrs. Merlo described many of the events that are held are related to the horses. She would agree to have it state that the events are equestrian related.

Commissioner McCreary agrees to allow the gravel because walking on asphalt is not good for the horses. Mrs. Merlo agrees.

Moved by Commissioner Rauch, seconded by Commissioner Mortensen, to recommend approval of the Special Use Application for the Brighton Equestrian club at 7318 Herbst Road, south side of Herbst Road, conditioned upon the following:

- The events mentioned on Page 3 of the Environmental Impact Assessment shall be updated with hours of operation to end at 9 pm.
- The “Types of Events” shall include a “Definition” Section to state, “related specifically to commercial stable use” and the “Types of Events” shall be:
 - BCC club training and meeting events: Typically, 4-20 people, events are typically 2 hours in duration anytime between 9 am and 9 pm.
 - Louie R Merlo Foundation fundraising events: Typically, 80 – 99 people, held no more than twice per year between 5 and 11 PM.
 - No more than six equestrian related events shall be held annually with a maximum of 60 guests ending at 11 pm.

- The petitioner agrees that the operations of the spreading of manure be offset from the boundaries of the property 100 feet to diminish the potential negative impacts on adjacent property owners.
- The GAAMP Certification shall be submitted to the Township.
- The Planning Commission recognizes the affidavit dated 12/13/21 from Nancy Merlo for the limit of 99 participants at an event.

The motion carried unanimously.

Moved by Commissioner Rauch, seconded by Commissioner McCreary, to recommend approval of the Environmental Impact Assessment for the Brighton Equestrian club at 7318 Herbst Road, south side of Herbst Road, conditioned upon the following:

- The events mentioned on Page 3 of the Environmental Impact Assessment shall be updated with hours of operation to end at 9 pm.
- The “Types of Events” shall include a “Definition” Section to state, “related specifically to commercial stable use” and the “Types of Events” shall be:
 - BCC club training and meeting events: Typically, 4-20 people, events are typically 2 hours in duration anytime between 9 am and 9 pm.
 - Louie R Merlo Foundation fundraising events: Typically, 80 – 99 people, held no more than twice per year between 5 and 11 PM.
 - No more than six equestrian related events shall be held annually with a maximum of 60 guests ending at 11 pm.
- The petitioner agrees that the operations of the spreading of manure be offset from the boundaries of the property 100 feet to diminish the potential negative impacts on adjacent property owners.
- The GAAMP Certification shall be submitted to the Township.
- The Planning Commission recognizes the affidavit dated 12/13/21 from Nancy Merlo for the limit of 99 participants at an event.

The motion carried unanimously.

Moved by Commissioner Rauch, seconded by Commissioner McBain, to recommend approval of the Site Plan dated November 5, 2021 for the Brighton Equestrian club at 7318 Herbst Road, south side of Herbst Road, conditioned upon the following:

- The gravel driveway is acceptable to the Planning Commission as it is safer for the horses, zoned for agricultural and because appropriate dust control measures have been included in the impact assessment.
- The petitioner agrees that the operations of the spreading of manure be offset from the boundaries of the property 100 feet to diminish the potential negative impacts on adjacent property owners. The site plan shall be revised to show the 100’ setback for manure management locations.
- Any comments within Tetra Tech letter December 8, 2021 and the Brighton Area Fire Authority’s letter dated November 30, 2021 be addressed

The motion carried unanimously.

NEW BUSINESS:

OPEN PUBLIC HEARING # 2... Review of an environmental impact assessment and site plan for a proposed 73-space parking lot on the west side of the site located at 7372 Grand River, Brighton for Community Bible Church. The request is petitioned by Community Bible Church.

- A. Recommendation of Environmental Impact Assessment (11-22-21)
- B. Disposition of Site Plan (11-22-21)

Mr. Scott Tousignant of Boss Engineering and Pastor Chip from Community Bible Church were present. Mr. Tousignant reviewed the proposed project. The additional parking is needed to accommodate the increase in petitioners as well as additional volunteers for the accessory programs at the church. He noted that this future parking expansion was proposed when the previous church expansion was done.

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

- The excess parking proposed requires Planning Commission approval in accordance with Section 14.02.06.
- The applicant must provide evidence supporting the need for excess parking, which Mr. Tousignant detailed this evening.
- If any existing plantings are in poor condition, they should be removed and replaced as part of this project. The applicant is agreeable to this condition.
- The applicant must address any comments provided by the Township's engineering consultant and/or the Brighton Area Fire Authority.

Ms. Byrne stated she has no concerns with the proposal.

The Fire Marshal's letter dated November 30, 2021 states:

- Existing access roads to the site shall be maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 84,000 pounds.

The call to the public was made at 8:44 pm with no response.

Commissioner Rauch stated that for this use, this request is very reasonable. It is a common need for churches.

Moved by Commissioner Rauch, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the Environmental Impact Assessment dated November 22, 2021 for a proposed 73-space parking lot on the west side of the site located at 7372 Grand River for Brighton for Community Bible Church. **The motion carried unanimously.**

Moved by Commissioner Rauch, seconded by Commissioner McCreary, to approve the Site Plan dated November 22, 2021 for a proposed 73-space parking lot on the west side of the site located at 7372 Grand River, Brighton for Community Bible Church, conditioned upon the following:

- Landscaping from both this and the previously approved site plan must meet the Township requirements.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3...Review of a special use application, environmental impact assessment and site plan for a proposed Place of Worship (Prayer Campus) with outdoor uses including Stations of the Cross, a mural wall with altar, prayer trails, religious landscape/garden statues, a 352 sq. ft. utility building and related driveways and parking. The property in question is located at 3280 Chilson Road on the west side of Chilson Road, south of Crooked Lake Road. The request is petitioned by Catholic Healthcare International.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (11-22-21)
- C. Recommendation of Site Plan (11-22-21)

Mr. Scott Tousignant from Boss Engineering, Mr. Jere Palazzolo, the applicant, and Mr. Robert Muise from American Freedom Law Center were present.

Mr. Tousignant provided a review of the property and the revised project. The primary difference is the removal of the chapel. They are proposing a commercial driveway leading to a 39 parking space parking lot, and a shed. The property will be used for patrons to utilize the trails through the woods on the site. There will be minimal impacts to the site. They will be removing some shrubs and three trees. They will not be impacting the wetlands. The proposed parking lot and maintenance shed will be set back from Chilson Road.

This project does not include the chapel so there will be no restroom facilities. Port-a-johns will be utilized and maintained. They will be abandoning the well for drinking water; however, it will be adapted for use for irrigation on the site.

While they will not be having the chapel, they would like to install the parking spaces. Without the chapel, they based the traffic generation on a park and they believe that the 39 spaces would be appropriate.

Mr. Borden stated that in accordance with Section 19.07 of the Zoning Ordinance, the Township may view the removal of a chapel building as a change in conditions. However, the current request indicates that use of the property will be quite similar to the project previously denied. Applications that have been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Township Board.

Ms. VanMarter stated that when she reviewed the initial proposal, she viewed it as less intense and more of a park; however, in looking at additional information submitted with the revised proposal, they are now proposing to have ordinary outdoor services not more than weekly, in addition to the large special events which will now be outdoors.

Mr. Muise stated there is another component to this being requested again. In a current lawsuit between the Township and Catholic Healthcare International they are not able to use this

property. The judge ordered that the applicant should follow the review and approval procedure of the Township to be able to use the property. Commissioner Mortensen stated that the Planning Commission should review what is before them and determine if this change in the proposal meets one of the criteria for it being able to be reviewed. Mr. Seward agrees; however, what was additionally discussed in the lawsuit was a prayer park, with two special events a year. However, Ms. VanMarter stated that this has changed from what was presented at the court hearing, which now includes weekly services as weather permits. Mr. Muise disagreed. This is private property; it's a low impact use; it's a prayer campus. He compared their property to the Genoa Township Hall site and there are 200 parking spaces there. Mr. Seward stated that site, as well as Fillmore Park, are zoned for parks and went through the Site Plan approval process.

Mr. Tousignant noted that an entire building that was previously proposed has been removed. Commissioner Rauch questioned how removing the building changes the operations of the site. Mr. Tousignant stated that having the services outside is affected by the weather so services will not be held as often as if there was a building. Mr. Palazzolo stated that they will not have a service a week, but they want to have the opportunity to do so. He believes that removing the building is a major change to this site. It will be a prayer campus.

Chairman Grajek reiterated his concerns from previous meetings that the petitioner put the statues, etc. on the site without obtaining approval from the Township. Mr. Palazzolo said they put those items up because they didn't know they needed approval. Ms. VanMarter disagreed. She provided a review of the discussions that occurred between Township Staff and Catholic Healthcare International which informed them in writing and in person of the required approval process prior to the structures being put up.

Ms. VanMarter read the motion that was made when denying the original request from CHI so the Planning Commission can determine "if new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Township Board" as stated in the ordinance.

Mr. Tousignant indicated that they do not agree with the reasons for denial and they provided explanations for reasons noted in the motion for denial, such as how they would manage the traffic, there would not be an impact with light and noise because the building is being removed, and that the new proposal maintains the rural character of the site.

Commissioner Rauch does not believe that this request is substantially different from what was denied previously and does not believe it should be heard this evening.

Commissioner McBain noted that the submittal states that they would like to accommodate enough people for services without a chapel at this time and "when the chapel is eventually built...".

Mr. Seward recommended that the Planning Commission not review this as if the chapel will be built. What should be discussed and determined is if this meets the ordinance standards for resubmittal. Additionally, the Commissioners cannot consider the religious nature of the use when making their decision.

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Commissioner Mortensen is not convinced that this is able to be heard this evening.

Commissioner McBain agrees. She does not believe that removing the chapel changes the plan.

The call to the public was made at 10:00 pm.

Mr. Bill Galvin of 4737 Chilson Road does not think there is enough of a change in the plan for the Planning Commission to hear this application. If it is heard, he urged the Planning Commission to recommend denial as it is not compatible with the zoning district. The need for scheduling and shuttling is evidence that the site cannot accommodate the use.

Ms. Deborah Jones of 3553 Westphal asked the Planning Commission to vote on this item at this time.

Mr. Vince Parlove of 3440 Chilson Road stated his property abuts this site. He is opposed to this proposal. He provided past problems he has experienced with the property owner and the use of their property.

Ms. Lexi Jones of 3553 Westphal stated the applicant is trying to erect an accessory building without a principal building which is not allowed in the ordinance

Ms. Melanie Johnson of 3990 Chilson Road is concerned with the traffic at Chilson and Latson as well as other concerns with the proposal.

Mr. Marty Smith of 8980 Lake Dominion, who is also on the County Board of Commissioners, stated that the Planning Commission has been put in a difficult position to review the Township Board's decision. He suggested the Planning Commission send this back to the Township Board for them to decide.

Mr. Pat Powers of 1018 Kellogg Road is in favor of this proposal. He has been out to the site many times.

Mr. Dwayne Johnson of 3990 Chilson Road stated that based on statements made by the applicant, they want this to be more than a prayer park. This could set a precedent for other uses that do not fit the area.

Mr. Johnson read a letter from Shawn Nester of 3360 Chilson Road who is in opposition to the proposal.

Mr. Guy Genzel of 15264 Bailey Street, Taylor, MI has property across from this site. There is a lot of traffic on Chilson Road and people drive fast.

The call to the public was closed at 10:21 pm.

Moved by Commissioner Rauch, seconded by Commissioner Mortensen, that the Planning Commission does not hear Open Public Hearing #3, review of a special use application, environmental impact assessment and site plan for a proposed Place of Worship (Prayer

Campus) with outdoor uses including Stations of the Cross, a mural wall with altar, prayer trails, religious landscape/garden statues, a 352 sq. ft. utility building and related driveways and parking at 3280 Chilson Road on the west side of Chilson Road, south of Crooked Lake Road for Catholic Healthcare International. It does not meet the criteria of Township Zoning Ordinance Section 19.07, specifically, the Planning Commission does not find there are new grounds or substantial new evidence to support changed intent of this application nor is there proof of any changed conditions based off all the reasons in the Township Board's denial of May 3, 2021. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

Staff Report

Ms. VanMarter stated there will be one public hearing on January's agenda as well as a discussion with Giffels Webster in regard to the Master Plan.

Approval of the October 24, 2021 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner McBain, to approve the minutes of the October 24, 2021 Planning Commission Meeting as presented. **The motion carried unanimously.**

Correspondence – Master Plan Public Input Summary

Ms. VanMarter stated this was in tonight's packet. This will be discussed at next month's meeting with Giffels Webster.

Member Discussion

Commissioner McCreary wanted to let the Planning Commission and Ms. VanMarter know that she has been approached by many residents who have expressed their appreciation with Township Staff.

Commissioner McCreary asked if the Township could arrange for safety training for the Planning Commission and other Boards. Ms. VanMarter knows that security is very important for the Township and there are changes being made.

Adjournment

Moved by Commissioner Mortensen, seconded by Commissioner McCreary, to adjourn the meeting at 10:40 pm. **The motion carried unanimously.**

Respectfully Submitted,

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Patty Thomas, Recording Secretary

DRAFT