

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
September 12, 2022  
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, Eric Rauch, Tim Chouinard and Diana Lowe. Absent were Glynis McBain and Marianne McCreary. Also present was Kelly VanMarter, Community Development Director/Asst. Township Manager, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

**Moved** by Commissioner Lowe, seconded by Commissioner Dhaenens, 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 opened at 6:31 pm with no response.

LIVINGSTON COUNTY PLANNING DEPARTMENT ANNUAL UPDATE:

Ms. Kathleen Kline-Hudson, Livingston County Planning Director; Matt Ikle, a member of the Livingston County Planning Commission; and Harmony Gmazel from MSU Extension were present. Ms. Kline-Hudson provided a review of the Planning Commission's meeting process. They completed a broadband study for Livingston County in order to find where there are underserved households. They are now working on how to bring that service to these areas. There are two reports providing the details of this study on their website. They are working on the five-year Livingston County Parks and Open Spaces Plan.

Mr. Ikle stated that the Livingston County Master Plan has won national awards. He praised the Livingston County planning staff.

Ms. Gmazel stated they will be hosting a citizen planner course and she invited each of the Commissioners to sign up for this training. It is a six-week course and starts at the end of October.

Commissioner Dhaenens asked Ms. Kline-Hudson how Genoa Township as well as other communities can meet to open the dialogue to discuss traffic issues in the county. She stated she can definitely facilitate a discussion between the appropriate municipalities.

OLD BUSINESS:

**OPEN PUBLIC HEARING #1**...Consideration of a rezoning application, PUD Agreement, Environmental Impact Assessment and conceptual PUD Plan for a proposed rezoning and conceptual plan approval for a proposed development of 204 apartment units. The proposed rezoning is to go from Neighborhood Service District (NSD)/Medium Density Residential (MDR) with Town Center Overlay (TC) to High Density Residential (HDR) with a Residential Planned Unit Development (RPUD) overlay. The request involves parcels 4711-11-300-014 and 4711-14-100-002 located on the southeast corner of Grand River Avenue and Dorr Road. The request is petitioned by Grand River Dorr, LLC.

- A. Recommendation of Rezoning to HDR/RPUD
- B. Recommendation of PUD Agreement (dated 6-22-22)
- C. Recommendation of Environmental Impact Assessment (file dated 5-25-22)
- D. Recommendation of Conceptual PUD Plan (dated 8-22-22)

Mr. Mark Kassab and Mr. James Galbraith of Grand River Dorr, LLC, Mr. Jonathan Curry, the architect, and Ms. Jill Bauer, the traffic engineer, were present.

Mr. Kassab reviewed the requests that were made at the previous Planning Commission meeting. They have increased the setbacks on Grand River from 50 feet to 75 feet and on Dorr Road from 46 feet to 77 feet.

They have done a lot of research and called MISS Dig and there is no fiber optic line through the property.

Ms. Bauer stated she has received a copy of the traffic study that was done for the hospital and that proposed expansion did not negatively affect the traffic for this project. The study included the intersections at Dorr and Grand River & Hughes and Grand River. Most of the trips for the hospital are from and toward the east so they do not affect their project.

Mr. Borden reviewed his letter dated August 31, 2022

1. PUD Qualifying Conditions

- Based upon his review, the qualifying conditions of Section 10.02 are satisfied. The applicant must address any comments provided by the Township Engineer, Utilities Director and/or Brighton Area Fire Authority.

2. Rezoning Criteria

- As a PUD project, the request may be viewed as consistent with the intent and goals/objectives of the Master Plan.
- HDR rezoning may be viewed as appropriate given the inclusion of the RPUD and the site amenities provided by the proposal.
- His belief is that the RPUD is reasonable provided the provisions of Section 10.03.01 are met to the Township's satisfaction.

3. Conceptual PUD Plan

- Deviations are sought for side and rear parking setbacks, excess parking spaces, grading (but not structures) within the natural feature setback, and from the requirement for a 100-foot open space depth along exterior public roadways. He noted they improved this to 75 feet; however, it still requires a deviation.
- Revisions to the plan have improved upon the parking setback and open space depth deviations previously discussed.
- Per the previous meeting, the applicant is working on building material calculations to determine whether deviations are necessary or not. This would need to be determined at the time final site plan approval is requested.

4. Draft PUD Agreement

- The Agreement must identify the deviations sought as part of the PUD.
- He suggests additional language be provided with respect to the preservation and maintenance of open space/conservation areas.
- If a phased project is proposed, each phase must be described and outlined.
- The applicant must address any comments provided by staff and/or the Township Attorney.

Ms. Byrne reviewed her letter dated September 7, 2022. Two significant items are:

1. The Livingston County Road Commission will need to approve both access drives to the site, and this approval should be provided to Genoa Township prior to final approval.
2. The response letter provided by Grand River Dorr, LLC., dated August 22, 2022, provided modified setbacks on Grand River Avenue and Dorr Road, and referenced communication with the Livingston County Road Commission. Communication with the Road Commission regarding the suitability of the proposed setbacks for future ROW needs should be provided to the Township for their records.

The remaining items in her letter were for informational purposes or will be addressed at final site plan approval.

The letter from the Brighton Area Fire Authority Fire Marshal, Rick Boisvert, dated August 25, 2022 states the following:

- A minimum vertical clearance of 13½ feet shall be maintained along the length of all apparatus access drives. This includes but is not limited to porte-cochere, lighting, and large canopy trees. A number of trees must be relocated, the species modified, or the

road width increased to not overhang the roadways. **(A note was provided to address plantings at final site and construction review on the previous submittal, however the artist rendering indicates over 400 large canopy trees lining the roadways throughout the development. As they grow and reach full growth, nearly all species will either partially or completely encroach the roadway. Additional consideration shall be made to placement and species, and will require the ownership to include the overhead clearance requirement in the facility maintenance plan.)**

Mr. Kassab provided the type of trees that will be planted and how they grow, noting that they will not encroach into the roadway.

The call to the public was opened at 7:04 pm.

Ms. Janine Deaton of 699 Sunrise Park stated the corner at Grand River and Dorr Road is a blind spot. She asked how this traffic is going to affect the traffic on Grand River to Bendix, to Hacker, and further. She is also concerned about the power grid. She recently had a five-day power outage.

Ms. Serena Anzalone of 5964 Glen Echo stated the traffic light at Dorr Road does not function properly.

Mr. Ed Loft of 6055 East Grand River stated there will be over 300 cars entering and exiting this complex each day. He asked about the detention pond and how it will drain. Mr. Curry explained that the Road Commission has restricted how much they can send out of this pond and into the lake. Mr. Loft asked if there will be a light installed on Dorr Road at the entrance.

Ms. Irene Loft stated that her view is beautiful now and if this is developed, it will then be of all of these buildings and garage doors.

Ms. Susan Nichols of 4935 Fairways Drive is concerned about immigrants coming into our community. She saw a group of approximately 25 immigrant men at Marshalls. She is not sure how they are getting here. They are a danger. A woman was cornered at Target by two Mexican men recently. She wants to ensure these are high-end apartments and they will not be subsidized.

The call to the public was closed at 7:15 pm.

Mr. Kassab stated this is not a subsidized complex. With their targeted rent, the household income of the residents would need to be approximately \$150,000 per year. He understands the traffic concerns; however, as the planner stated, this property is currently zoned to allow for 28

units per acre and they are proposing 6 units per acre. This PUD would benefit the Township and the developer. This is proper and sustainable development.

Commissioner Rauch thanked the public for their comments and understands their concerns. The applicant has provided all of their information from their professionals and it has been reviewed by the Township's professionals. He questioned if there was anything that the applicant can do to improve the outlet of their stormwater into the lake. Ms. Kassab stated that when they develop the property and install the retention ponds, it will improve the quality of the water that is coming off of their property.

There was a discussion regarding the current ROW and any possible increases to the ROW at this intersection and how that would affect the setbacks proposed for this development. Commissioner Rauch noted that while the setbacks have been increased with the new plan, they still do not meet the requirements. He would like to see the two buildings on Grand River meet the 100 foot setback requirements.

Commissioner Dhaenens would like to see the 100 foot setback met on Grand River and Dorr Road. Mr. Kassab stated they cannot increase the setback and decrease the size of the units. To accommodate the smaller setback, they have increased the landscaping and buffer along both roadways. Commissioner Dhaenens agrees with that for Dorr Road; however, he agrees with Commissioner Rauch. He would like the setback to be 100 feet on Grand River. Mr. Kassab provided his reasoning for requesting the deviation, which included the integrity of the product he is developing, the preservation of the wetlands on the property, as well as the financial feasibility of the project.

Chairman Grajeck asked for the setback requirements as it is zoned now. Mr. Boarden stated they are allowed a zero lot line setback. Commissioner Rauch stated this would be if this were a commercial development, and this is residential. Ms. VanMarter stated she has met with the Road Commission about traffic calming in this area and they were not in favor of that. She questioned the applicant if they have met with the Road Commission to determine if they have plans to increase the ROW. Mr. Kassab is not aware of any plans that the Road Commission has with increasing the road width. He noted that there is very little market for commercial development.

Commissioner Chouinard would like to see the 100 foot setback on Grand River, but noted that this project will develop this site and it is difficult to develop it as it is currently zoned commercial. If it was developed as commercial, the setback could be zero. The applicant's product is "top-notch".

Ms. VanMarter stated the standard setback along Grand River is 35 feet and if there is parking in the front, then the setback would be 70 feet. The Grand River setback for the condos off of Cortland Avenue is 35 feet.

Mr. Kassab showed and reviewed the Google Maps view of their development in Novi, which is on Grand River also, and is very similar to what they are proposing in Genoa Township.

Ms. VanMarter advised the public that she will contact the Road Commission tomorrow to alert them of the signal trouble at Glen Echo as noted in the call to the public.

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the rezoning from Neighborhood Service District (NSD)/Medium Density Residential (MDR) with Town Center Overlay (TC) to High Density Residential (HDR) with a Residential Planned Unit Development (RPUD) overlay for Parcels 4711-11-300-014 and 4711-14-100-002 located on the southeast corner of Grand River Avenue and Dorr Road, per the following

- The Planning Commission finds this request is consistent with the intent and goals/objectives of the Master Plan.
- HDR rezoning is appropriate given the inclusion of the RPUD and the site amenities provided by the proposal.
- The provisions of Section 10.03.01 of the Zoning Ordinance are met to the Planning Commission's satisfaction.

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Lowe, to recommend to the Township Board approval of the PUD Agreement dated June 22, 2022 for a proposed development of 204 apartment units for Grand River Dorr, LLC. per the following:

- The qualifying conditions of Section 10.02 of the Zoning Ordinance are satisfied.
- The applicant must address any comments provided by the Township Engineer, Utilities Director and/or Brighton Area Fire Authority.

**The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated May 25, 2022 for a proposed development of 204 apartment units for Grand River Dorr, LLC. **The motion carried unanimously.**

**Moved** by Commissioner Rauch, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Conceptual PUD Plan dated August 22, 2022 for a proposed development of 204 apartment units for Grand River Dorr, LLC. per the following:

- The deviations for building and parking setbacks along Dorr road are appropriate.
- The deviations along Grand River for building and parking setbacks shall be reviewed to determine if they can be moved further south to decrease the 25-foot deviation.
- As a concept plan the Planning Commission finds this appropriate.

**The motion carried unanimously.**

NEW BUSINESS:

**OPEN PUBLIC HEARING #2...**Consideration of a sketch plan for a proposed pavilion located on the north side of Lake Chemung in the Lake Chemung Outdoor Resort campground located at 320 Hughes Road. The request is petitioned by Joseph Maezes, Lake Chemung Outdoor Resorts, Inc.

A. Disposition of Sketch Plan (7-13-22)

Mr. Joseph Maezes and Mr. Ron Paglioni were present. Mr. Maezes stated they would like to build an open-air pavilion to give relief for people from the sun or inclement weather. It will also be a place for people to hold special events.

Mr. Borden reviewed his letter dated August 31, 2022.

1. They are proposing a 55 foot setback so it does not meet the required 125-foot setback from the shoreline. This would require a variance from the ZBA.
2. Additional information is needed with respect to other existing accessory buildings/structures on the property. No more than two are allowed, by Ordinance. A variance may be needed from the ZBA.
3. The applicant must abide by the terms and conditions of previous use/zoning approvals. There was a discussion regarding the number of boats that were approved, which is 32, and if more are there.
4. Any existing landscaping in poor condition should be replaced as part of this project.

Ms. Byrne stated she has no engineering-related concerns.

Fire Marshal Rick Boisvert's letter dated August 30, 2022 stated he has no objection to this project.

Matt Bolang of the Livingston County Health Department does not have any issues with this proposal.

The call to the public was opened at 8:27 pm with no response.

**Moved** by Commissioner Dhaenens, seconded by Commissioner Chouinard, to approve the sketch plan dated July 13, 2022 for a proposed pavilion located on the north side of Lake Chemung in the Lake Chemung Outdoor Resort campground located at 320 Hughes Road for Joseph Maezes, Lake Chemung Outdoor Resorts, Inc., conditioned upon the following:



- The applicant will need to receive approval from the Zoning Board of Appeals for the 55-foot setback
- The applicant shall provide to the Township with the number of boats that are currently allowed to be moored.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...**Consideration of a sketch plan for a proposed outdoor commercial smoker for use as part of the Log Cabin Restaurant located at 5393 Grand River Avenue, north side of Grand River, Between Eckles Drive and Westwood Drive. The request is petitioned by Chris Stone.

A. Disposition of Sketch Plan (file date 8-22-22)

Mr. Chris Stone stated they would like to place a 5 foot x 6 foot smoker on their property. It is six feet away from the building. They cannot meet the required setback because of the shape of the lot. They have already applied for the variance from the ZBA.

Mr. Borden reviewed his letter dated August 31, 2022.

1. The required rear yard setback requirement of 50 feet is not met. They are proposing an 18 foot setback. A variance from the ZBA will be required.
2. The maximum number of accessory buildings allowed of two is exceeded as this proposal would result in at least three. A variance from the ZBA will be required.
3. He suggested additional rear yard screening/buffering be provided as this property abuts residential properties. This would be a Buffer Zone B; however, he does not believe a full requirement of that buffer zone would be needed. Mr. Stone stated they have spoken to the neighbors and they requested to have a wall or a fence installed and he is agreeable to that. Mr. Borden agrees. He suggested that the applicant keep as much of the existing landscaping as possible.
4. Any existing landscaping in poor condition should be replaced as part of this project.

Ms. Byrne stated there are no engineering concerns with the project.

The letter from the Brighton Area Fire Authority Fire Marshal, Rick Boisvert, dated September 7, 2022 states the following:

1. The smoker shall be installed a minimum of 24" away from the combustible building surface.
2. Firewood shall not be stored against the combustible wood building.
3. The smoker must be installed in a surround that maintains the proper safety and maintenance clearances in accordance with the manufacturers specifications. A non-combustible surround and covering is highly recommended.



4. If the exhaust duct penetrates a combustible shelter roof or the back wall of the surround it shall be done so in accordance with the manufacturer's instructions and NFPA 96.

The call to the public was opened at 8:38 pm with no response.

**Moved** by Commissioner Lowe, seconded by Commissioner Rauch, to approve the sketch plan dated August 22, 2022 for an outdoor commercial smoker for use as part of the Log Cabin Restaurant located at 5393 Grand River Avenue, north side of Grand River, Between Eckles Drive and Westwood Drive for requested by Chris Stone, conditioned upon the following:

- Any variances required shall be approved by the Zoning Board of Appeals.
- All requirements of the planner's letter dated August 31, 2022 shall be met.
- All requirements of the Brighton Area Fire Authority Fire Marshal's letter dated September 7, 2022 shall be met.
- A six-foot fence shall be installed along the rear property line and approved by Township Staff.

**OPEN PUBLIC HEARING #4...**Consideration of an amendment to a previously approved site plan for a climate-controlled indoor commercial storage business located at 2630 E. Grand River Avenue, south side of Grand River, east of Chilson Road. The request is petitioned by Schafer Construction, Inc.

A. Recommendation of Site Plan Amendment (8-22-22)

Mr. Stan Schafer of Schafer Construction and Mr. Dan LeClair of Greentech Engineering were present. They are proposing to decrease the amount of the parking lot that was approved to be pulverized and repaved. The owners are preparing to develop the front portion of the site and the other area of the lot is in good condition. They are proposing to repair and seal coat these areas instead.

Mr. Borden reviewed his letter dated September 6, 2022.

1. The applicant seeks authorization to not improve the front parking lot, which was a condition of site plan approval.
2. In order to remove a condition of approval, the request must follow the same review process, which is a Planning Commission recommendation to the Township Board.
3. There is no indication of the anticipated timeline to create/develop the frontage site.
4. If the request is granted, the front parking lot could remain in poor condition until the frontage site is developed.
5. As an alternative to leaving the front parking lot as-is, the applicant should consider having it removed and sodded with grass/landscaping until a future development occurs.

Commissioner Rauch requested to have the driveway area that is next to the proposed outlot pulverized and repaved and suggested leaving some of the rear parking lot in its current condition to save costs. He agrees with Mr. Borden's suggestion of turning the outlot area into grass or landscaping. Commissioner Dhaenens agrees.

The call to the public was opened at 8:52 pm with no response.

Mr. Gary Markstrom's letter dated August 30, 2022 states there are no engineering concerns for this proposal.

Fire Marshal Rick Boisvert's letter dated September 7, 2022 stated he has no opposition to elimination of the parking lot surface improvement at the front of the building.

**Moved** by Commissioner Rauch, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of site plan amendment dated August 22, 2022 for a climate-controlled indoor commercial storage business located at 2630 E. Grand River Avenue, south side of Grand River, east of Chilson Road by Schafer Construction, Inc., with the following conditions:

- The petitioner shall update the plan to show pulverizing and repaving the driveway area, from the northeast corner of the property to the proposed new pavement near the building.
- The petitioner shall remove the gravel and reestablish with vegetation the area within the future outlot lines.
- The petitioner can choose to not repave up to 50 percent of the rear parking area.

**The motion carried unanimously.**

#### ADMINISTRATIVE BUSINESS:

##### **Staff Report**

Ms. VanMarter stated the next meeting will be **Tuesday**, October 11 due to Monday being Columbus Day. The only item on the agenda is the public hearing for the Master Plan Update.

##### **Approval of the August 8, 2022 Planning Commission meeting minutes**

**Moved** by Commissioner Lowe, seconded by Commissioner Dhaenens, to approve the minutes of the August 8, 2022 Planning Commission Meeting as presented. **The motion carried unanimously.**

##### **Member Discussion**

The members expressed concerns over comments made during the call to the public for the apartment complex. The Commissioners agreed that this is a diverse community and inappropriate and racist comments should not be tolerated.

**Adjournment**

**Moved** by Commissioner Lowe, seconded by Commissioner Rauch, to adjourn the meeting at 9:01 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT