

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
May 8, 2023
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, Diana Lowe, Marianne McCreary, Eric Rauch, Tim Chouinard, Jeff Dhaenens and Glynis McBain. Also present was Planning Director Amy Ruthig, 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 made at 6:31 pm with no response.

OLD BUSINESS:

OPEN PUBLIC HEARING # 1...Consideration of an amendment to the Summerfield Pointe Planned Unit Development Agreement, preliminary condominium site plan and environmental impact assessment to reduce the project from 140 attached condominiums to 102 single family detached homes and 12 attached condominiums. The project is located on Lawson Drive, North of Grand River Avenue. The request is petitioned by Healy Homes of Summerfield, LLC.

- A. Recommendation of PUD Agreement Amendment
- B. Recommendation of Environmental Impact Assessment (9-26-22)
- C. Recommendation of Preliminary Site Condominium Plan (9-26-22)

Mr. Wayne Perry of Desine, Inc. and Mr. Jack Healy were present. Mr. Healy stated that his PUD Agreement and the master deed of the adjoining Hampton Ridge Condominiums both state that the roads should be connected. He is proposing to connect the two roads; however, he agreed to build a gate between the two neighborhoods to allow for emergency vehicle access. He met with the Board of the condominiums and they agreed to have the roads connected if there is a gate installed.

Mr. Perry stated a revised plan was not submitted for this meeting. They will be revising it to include the connected road and the gate as well as the Knox Box details. They will also be submitted an updated PUD Agreement.

Chairman Grajek noted no new letters were received from the planner, engineer or the fire marshal.

Commissioner McBain questioned the landscaping issues that were discussed at previous meetings. Mr. Perry confirmed that the Summerfield Pointe Estates Condominium Association will be required to provide all lawn mowing and maintenance on both the privately owned unit areas as well as on all common areas. Language in the documents will be coordinated to specify this requirement.

Commissioner McCreary suggested that the Hampton Ridge Board submit a letter advising the Township that they are in favor of connecting the roads if a gate is installed.

The call to the public was opened at 6:43 pm.

Ms. Liz Hoover 661 Abbington Court is on the Board and they did have a video meeting with Mr. Healy. They did tell him of their concerns regarding the different lifestyles that single-family residents would bring instead of condominium owners. She stated that Mr. Healy told them the homes can be sold for more than the condominiums. They are requesting the Township reject the proposed change in housing style as it would change the outdoor living style in that area, but they would ask the Township approve the gate with the Knox Box. She stated the Board can provide a letter as suggested by Ms. McCreary.

Ms. Peggy Stewart of 4067 Kirkway Ct does not understand why there is a need to connect the road and put a gate at Aster Boulevard. There are other roads that emergency vehicles can use to access the neighborhoods.

Ms. Joy Morten 4448 Aster Boulevard stated her condominium abuts the expansion. The trees behind her home have been removed and she can hear all the noise from the freeway. She would like the existing trees to not be taken down. She agrees with the gate being installed if the developments need to be connected.

Ms. Jeanine Gazley of 709 Abbington Court is concerned about the protection of the ponds. She also questioned what happens if the economy goes down and the homes cannot be built.

Ms. Jamie Schingeck of 4441 Aster Boulevard appreciates the response to her concern regarding the lawn care; however, she is still concerned that this can be changed. Residents in single-family homes have a different lifestyle than those in condominiums. She would like to see the changes be denied.

The call to the public was closed at 6:51 pm.

Chairman Grajek advised the public that the property owner has the right to develop the property as it was originally approved. This plan was approved prior to the adjoining condominiums being built. The developer has made changes to accommodate the neighbors' requests.

Mr. Healy advised that the financing is the reason they have changed to single-family homes. Since 2008, it is very difficult for buyers to obtain mortgages on condominiums that have not been built. He believes that the people that will buy these homes will be in favor of having their property maintained by the association instead of having to do it themselves so the landscaping rules in the Master Deed should not change. Commissioner McCreary stated that any Master Deed changes require 66 ⅔ of the property owners to agree to the change. It is very difficult.

Mr. Healy stated that it will be difficult to save all the existing trees when these homes are built. The detailed landscaping plan will be developed at the time of final site plan approval.

Commissioner McCreary stated that at a previous meeting a member of the public noted that they pile their snow at the end of the dead end where the road will be connected. That will not be able to be done any longer.

Moved by Commissioner Rauch, supported by Commissioner Lowe, to recommend to the Township Board approval of the Summerfield Pointe PUD Agreement Amendment to reduce the project from 140 attached condominiums to 102 single family detached homes and 12 attached condominiums for Healy Homes of Summerfield, LLC., with the following conditions:

- Language shall be added to include the proposed gate and Knox Box to block the cross access, but allow emergency access. The language and gate shall be approved by the Brighton Area Fire Authority.
- Language shall be added to include the consolidation of lawn care to be completed by the association and performed one day a week.
- Traffic from construction for the site development and the homes will not use that cross access
- Language shall be added to include that snow does not block the cross-access gate in the wintertime
- The petitioner shall receive a letter from the Board of Hampton Ridge showing their support of the gate
- The petitioner shall make all the updates to the PUD Agreement per Township Staff's markup copy

The motion carried unanimously.

Moved by Commissioner Rauch, supported by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated September 26, 2022 to reduce the project from 140 attached condominiums to 102 single family detached homes

and 12 attached condominiums.to reduce the project from 140 attached condominiums to 102 single family detached homes and 12 attached condominiums for Healy Homes of Summerfield, LLC, with the following conditions:

- Language shall be added to include the proposed gate and Knox Box to block the cross access, but allow emergency access. The language and gate shall be approved by the Brighton Area Fire Authority.
- Traffic from construction for the site development and the homes will not use that cross access
- Language shall be added to include that snow does not block the cross-access gate in the wintertime
- The petitioner shall receive a letter from the Board of Hampton Ridge showing their support of the gate

The motion carried unanimously.

Moved by Commissioner Rauch, supported by Commissioner Lowe, to recommend to the Township Board approval of the Preliminary Site Condominium Plan dated September 26, 2022 to reduce the project from 140 attached condominiums to 102 single family detached homes and 12 attached condominiums.to reduce the project from 140 attached condominiums to 102 single family detached homes and 12 attached condominiums for Healy Homes of Summerfield, LLC, with the following conditions:

- Final Site Plan shall depict the proposed gate and Knox Box to block the cross access, but allow emergency access.
- Language shall be added to include that snow does not block the cross-access gate in the wintertime
- The petitioner shall receive a letter from the Board of Hampton Ridge showing their support of the gate
- The petitioner shall address all comments in the planners, engineers, and Brighton Area Fire Authority's letters

The motion carried unanimously.

OPEN PUBLIC HEARING #2...Consideration of a sketch plan for a proposed camp "giant swing" and a high ropes course for the Our Lady of the Fields located at 7000 McClements Road, south side of McClements Road, between Kellogg and Euler Roads. The request is petitioned by Chaldean Catholic Church of the United States.

A. Disposition of Sketch Plan (4-10-23)

Mr. Wayne Perry of Desine, Inc., Mr. Jim Berigan of Our Lady of the Fields Campground, and Ms. Kimberly Hamman, the attorney for Our Lady of the Fields Campground, were present. Mr. Berigan stated they are requesting to build a giant swing with 36 foot high poles. They have received approval from the ZBA for the height and they are requesting sketch plan approval this evening.

Mr. Borden reviewed his letter dated May 2, 2023.

1. The giant swing and high ropes course exceed the maximum height allowed by Ordinance.
2. The ZBA granted a variance for the height of the giant swing; however, the applicant must submit a new application regarding the height of the high ropes course.

He noted that the Township may wish to consider amending the Zoning Ordinance to better address accessory recreational structures. What is currently being used is the accessory structure section of the ordinance.

Ms. Byrne reviewed her letter dated May 3, 2023.

1. The cover sheet is dated April 10, 2022. This should be fixed to avoid confusion.
2. While not an engineering issue, she noted that The Brighton Area Fire Authority Fire Marshal expressed concern for safety in their email. The Petitioner should provide more detail on any safety measures or plan that will be implemented for the giant swing for the Planning Commission's consideration

The Fire Marshal's email dated April 28, 2023 stated, "I have no fire code comments on the giant swing. I do have safety questions; how do they get on it? The climbing tower detail goes to the zip line and the swing shows it is 10' above the ground, and also how are [they] secured or restrained from falling off it?"

Commissioner McCreary asked how safety will be ensured. Commissioner Rauch stated that this structure and activity is overseen by the State of Michigan. Mr. Berigan agreed and stated this is a very safe activity. She requested that all this information and inspections be submitted to the Township and the Brighton Area Fire Authority.

Commissioner McCreary asked if the site plan that is being shown this evening contains all aspects, buildings, etc. that are on the property. She noted that the ropes course has been on the site since 2019 and it is just now being requested to be approved. Mr. Perry stated he has not walked every part of the property; however, he has been on the developed portions and everything in those areas is shown on the plan. She stressed that whenever a new element is being built on this site, Township approval must be obtained.

Ms. Hamman stated the applicant is preparing a Master Plan, which will include any future plans, and they have been researching ordinances in other areas in the state that have day camps.

The call to the public was opened at 7:24 pm.

Mr. Mike Berean of 1273 Euler stated that his wife, Dory Berean, was not able to attend; however, she is requesting this be denied due to the increased traffic, dust, noise and increase in attendance. He stated the Township should have known that the high ropes course was there. The camp should have known that they needed approval. This is proof of their intent to

mislead. They have been adding elements and not getting approval. There will be four new outdoor attractions on this property. Their website says they are planning to install additional aspects and are actively fundraising for them. These additional activities will increase the participants. He questioned what that increase will be. This will increase traffic. They have purchased 80 acres across the street and put a bid on another 50 acres. He questioned why they haven't spoken to the Township to ensure that they will be able to use that property the way they would like. He is requesting this giant swing due to the increase in noise, traffic, dust, and attendance. He would like a special use permit to be requested.

Mr. Charles Saliba of 1829 Kellogg Road agrees that a Master Plan should be provided showing their future plans. Their property values are dropping. He is concerned with the noise that these new elements will bring.

Ms. Patty Kopicko of 6843 Felice Drive agrees with what Mr. Berean said. This should be denied due to the increase in traffic, dust, and noise. She walks on Kellogg and there is a lot of traffic. Their website advertises a larger camp than they own.

Mr. Robert Kopicko of 6843 Felice Drive is concerned with traffic. The Road Commission has told him that the roads in this area are under constructed and worn out. The residents' peace and quiet is gone and it is only going to get worse.

Mr. James Drouillard of 6781 Felice agrees with the neighbors. This should be denied. He noted the Master Plan is on the website but has not been provided to the Township.

The call to the public was closed at 7:34 pm.

Commissioner Rauch noted that one issue is what is being requested this evening. In looking at this issue, the evidence shown allows it to be approved.

The second issue is their vision and the reason for their fundraising. He agrees that would need a comprehensive conversation with the Township to ensure that plan aligns with the goals and objectives of the Township. Mr. Berigan stated they have started this conversation as they have met with township staff.

Commissioner Dhaenens agrees with the increase in traffic, noting there is a county park at the end of McClements. When he was little he went to this camp three times a year in the fall, winter and spring and there were hundreds of kids there each time. This was before the homes were built in the area. He agrees that rope climbing courses are great team building exercises.

Commissioner McBain stated that people are allowed to develop their property and profit from it. She would prefer there be a camp there instead of as many homes as can be built.

Moved by Commissioner Rauch, supported by Commissioner Dhaenens, to approve the sketch plan dated April 10, 2023 for a proposed camp “giant swing” and a high ropes course for the Our Lady of the Fields located at 7000 McClements Road, south side of McClements Road, between Kellogg and Euler Road for the Catholic Church of the United States, with the following conditions:

- Approval of a variance from the Zoning Board of Appeals for the high ropes course.
- The petitioner’s activity designer shall submit pertinent information to the Township and Brighton Area Fire Authority.

The motion carried unanimously.

OPEN PUBLIC HEARING #3...Discussion regarding proposed solar ordinance.

Ms. Ruthig stated staff is requesting feedback regarding developing a solar ordinance and they would like direction from the Planning Commission. The main concern is the solar farms. Brian Borden stated he and staff will be working on altering the existing ordinance language for residential, smaller, solar appliance uses. Regarding the large, utility sized solar farms, they are suggesting that these be considered industrial uses.

Commissioner Dhaenens agrees that it should be allowed, but it must be put in the right place.

Commissioner Chouinard would like to be provided with detailed information, such as what noise they generate, what are the different types and sizes, etc. Commissioner Rauch referenced the chart in the information provided in tonight’s package showing the different types and scales of solar systems included in the ordinance.

The Commissioners agreed to follow the Master Plan and requested that Mr. Borden and Ms. Ruthig provide a draft ordinance for review and approval.

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated there will be one item on the agenda next month, as well as the draft solar ordinance agenda.

Approval of the April 10, 2023 Planning Commission meeting minutes

Moved by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the April 10, 2023 Planning Commission Meeting as presented. **The motion carried unanimously.**

Member Discussion

There were no items to discuss this evening.

Adjournment

Moved by Commissioner McBain, seconded by Commissioner Rauch, to adjourn the meeting at 8:06 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT