

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
November 12, 2024**

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, Marianne McCreary, Eric Rauch, Jeff Dhaenens, Tim Chouinard, Glynis McBain and Greg Rassel. Also present were 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 McCreary, supported by Commissioner Rauch, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

Commissioner McCreary stated she has a conflict of interest for Open Public Hearing #1. She left the room at 6:31 pm.

CALL TO THE PUBLIC:

The call to the public was made at 6:32 pm with no response.

OPEN PUBLIC HEARING #1...Consideration of a rezoning application and environmental impact assessment to rezone 410 s. Hughes Road (parcel 4711-03-300-011) (9.76 acres) from Public Recreation Facilities (PRF) to Suburban Residential (SR). The property is located on the west side of Hughes Road south of Golf Club. The request is petitioned by Jill Bianco.

- A. Recommendation of Environmental Impact Assessment (10-22-24)
- B. Recommendation of Rezoning

Mr. Brent LaVanway of Boss Engineering and Ms. Jill Bianco, the applicant, were present. Mr. LaVanway stated the property is approximately 10 acres, most is wetlands, and currently zoned PRF (Public and Recreational Facilities). They would like to have it rezoned to SR (Suburban Residential) for future development in addition to the existing house.

Mr. Borden reviewed his letter dated November 5, 2024.

1. The subject site is planned as Small Lot Residential, which is consistent with Suburban Residential Zoning.
2. The request is generally consistent with the goals and objectives of the Township's Master Plan.

3. The request is anticipated to be compatible with the environmental conditions of the site and the surrounding area.
4. A new residence cannot be built as currently zoned.
5. The host of uses permitted in Suburban Residential are generally compatible with existing and planned uses in the surrounding area.
6. The Commission should consider any comments provided by the Township Engineer, Utilities Director and/or Fire Authority with respect to impacts on infrastructure and services.
7. In his opinion, rezoning is appropriate based on the Master Plan and site conditions, and is more appropriate than a text amendment allowing single-family residences in PRF.
8. He noted that the existing nonconforming structures will still be non-conforming but will become closer to compliance with the rezoning.

Ms. Byrne stated that since no improvements are proposed and the proposed zoning is a less intense use, she has no concerns.

The Brighton Area Fire Authority Fire Marshal's letter dated October 7, states that he has no opposition to the rezoning.

Commissioner Dhaenens asked what the applicant envisions being built there. Ms. Bianco stated she is hoping to remove the existing cottage and build a 2,300-2,500 square foot home. There is a new septic field and they will be digging a well. She will only have one home on the property. He wants to ensure that there is still access for the dam. His concern is that there will not be municipal utilities for this property. Ms. Ruthig stated the applicant would need to receive an easement from a neighboring private property to run the sewer to their property. Commissioner Rauch understands Commissioner Dhaenens' concerns, but there is a hardship here and the municipal utilities do not seem to be necessary. Commissioner Chouinard has reviewed this property previously and there is no way to get sewer here without an easement. Ms. Ruthig stated Dr. Tatara has also reviewed it and agrees with Commissioner Chouinard.

Commissioner Rauch stated the standards in Low Density Residential are less restrictive than Suburban Residential so looking at the neighboring properties, this could be a transitional zoning and not spot zoning. Mr. Borden stated there are also limitations to the uses due to there not being municipal utilities. It is not spot zoning.

The call to the public was opened at 6:48 pm with no response.

Moved by Commissioner Rauch, supported by Commissioner Chouinard, to recommend to the Township Board approval of the Environmental Impact Assessment dated October 22, 2024 to rezone 410 S. Hughes Road. **The motion carried unanimously.**

Moved by Commissioner Rauch, supported by Commissioner Chouinard, to recommend to the Township Board approval of the Rezoning of 410 S. Hughes Road from Public Recreation Facilities (PRF) to Suburban Residential (SR). **The motion carried unanimously.**

Commissioner McCreary returned at 6:50 pm.

OPEN PUBLIC HEARING #2... Consideration for a site plan review and completion of a private road to phase two of the Misty Meadows Subdivision. The property is located on the West side of Latson Road, south of Crooked Lake Road. The request is submitted by GFG Investment Properties.

- A. Recommendation of Environmental Impact Assessment (5-19-16)
- B. Disposition of Site Plan (10-22-24)

Mr. LaVanway of Boss Engineering and Mr. Guy Genzel of Misty Meadows were present. Mr. LaVanway stated this is a land division on a private road. The first phase is already constructed and they are requesting to have the temporary cul-de-sacs removed, the entire road be made private, and the remainder of the site developed.

Mr. Borden reviewed his letter dated November 5, 2024.

1. In his opinion, the conditions are present to warrant consideration of a private road as opposed to public.
2. If the existing Private Road Maintenance Agreement does not cover Phase 2, it must be amended and submitted for the Township's review.
3. The technical design and construction standards are subject to review and comment by the Township's engineering consultant.
4. The Commission should consider any comments provided by the Brighton Area Fire Authority.
5. The Commission may request an updated Environmental Impact Assessment if deemed necessary.

Ms. Byrne stated that the applicant has addressed all of her previous comments.

The Brighton Area Fire Authority Fire Marshal's letter dated October 7, 2024 states "The fire authority has no objection to the change from bituminous pavement to gravel. The access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds and must be a maintained all weather surface."

Commissioner McCreary stated the Impact Assessment was done eight years ago. She asked if an updated one should be provided. Mr. LaVanway stated the only difference now from when it was originally done would be that there is additional traffic on Latson Road, but their road entrance is sufficient.

She asked if legal counsel had reviewed the documents. She has concerns with the statement under "Declaration of Restrictive Covenants". Item #1, Item a. "All of the lots in the Premises shall be used only as single-family residences, for use by related family members of one family."

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Mr. Genzel stated his attorney and the township's attorney reviewed it back in 2016. Ms. Ruthig stated the document that was originally recorded in 2016 only has the private road maintenance agreement. It does not have the "Declaration of Restrictive Covenants".

Commissioner Rauch does not feel that the township is liable for this document as it is a private agreement and already recorded. Commissioner McBain stated the document can be amended at this time, but after the developer has sold all of the lots, there is no way for the property owners to amend it.

Commissioner Dhaenens asked for an update on the project. Mr. Genzel stated he has sold three lots recently so he is able to move forward at this time.

The call to the public was opened at 7:12 pm with no response.

Commissioner McCreary reiterated her concerns in the Declaration of Restrictive Covenants section and she would like that section of the agreement reviewed by the township attorney.

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to recommend to the Township Board approval of the Environmental Impact Assessment dated May 19, 2016 for phase two of the Misty Meadows Subdivision. **The motion carried unanimously.**

Moved by Commissioner Chouinard, supported by Commissioner Rassel, to approve the Site Plan dated November 22, 2024 for phase two of the Misty Meadows Subdivision with the following condition:

- The Declaration of Restrictive Covenants be reviewed by the township attorney and any necessary amendments be made by the applicant.

The motion carried unanimously.

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated there will be a special meeting on December 4 at the Township Hall regarding the solar ordinance update. The regular meeting on December 9 will be at Parker Middle School for the Latson Road/I-96 Commercial PUD Rezoning and Innovation Interchange Private Road.

Commissioner McBain is not able to attend the December 4 meeting.

There will be a Planning Commission meeting in January.

Approval of the October 15, 2024 Planning Commission meeting minutes

Two changes were noted.

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Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the October 15, 2024 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

Commissioner McCreary and Trustee Jean Ledford went to a very informative Brown Bag Lunch at Oceola Township regarding accessory dwelling units.

Commissioner Dhaenens thanked the commission, staff, and consultants for all of their help to him. He knows the township is in great hands. He will miss everyone.

Adjournment

Moved by Commissioner Dhaenens, seconded by Commissioner Rauch, to adjourn the meeting at 7:33 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary