

MINUTES

CHARTER TOWNSHIP OF BRIGHTON  
PLANNING COMMISSION  
4363 BUNO ROAD  
BRIGHTON, MI 48114

SEPTEMBER 12, 2016  
REGULAR MEETING  
7:00 P.M.  
(810) 229.0562

Chairman S. Holden called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.  
Present: S. Holden, M. Slaton, J. Stinedurf, G. Mitsopoulos, G. Unruh, D. Schifko  
Absent: L. Herzinger

CALL TO THE PUBLIC

Bob Potocki, 8420 Woodland Shore Dr. - Handed out comments dated 9/12/16; ZBA fee is too high; need certification of accuracy and completeness for applications; public safety regarding traffic impact studies - need independent studies conducted; unratified zoning ordinance; sewer questions in regards to Encore Village.

Mike Palmer, 10382 Grand River - Concerned about the usage of the sewer plant - only using 40% capacity; need to keep master plan in mind when approving applications; MSP Post was built without sewer and water; Township Hall does not have sewer and water; could divert storm water run-off from projects into sewer plant to utilize some excess capacity; don't fast track developments without sewer.

Jim Sarna, 8266 Woodland Shore Dr. - Sandila Estates was not required to connect into sewer; new developments need to connect into the sewer system.

AGENDA

G. Mitsopoulos moved and G. Unruh seconded **to approve the agenda as presented.**  
Motion carried.

MINUTES

G. Mitsopoulos moved and J. Stinedurf seconded **to approve the minutes of the August 22, 2016 regular meeting as presented.**  
Motion carried.

PUBLIC HEARING FOR SPECIAL LAND USES SLU#16/02 FOR KROGER'S; ADDRESS: 9968 E. GRAND RIVER AVENUE and 5771 BORDERLINE; APPLICANT AND OWNER: THE KROGER COMPANY OF MICHIGAN; TAX ID #'S: 12-32-300-061 AND 062; ZONING B-2 (GENERAL BUSINESS)

Applicant Representatives Tom Ross (Kroger's) and Alan Boyer (LSG Engineers & Surveyors) were in attendance. Mr. Boyer explained the request for the special land use permit which includes a retail building in excess of 30,000 sq. ft., a drive-thru pharmacy, and outdoor sales. K. Mathews, Township Planner, overviewed her special land use permit review letter dated August 26, 2016. J. Rushlow, Township Engineer, overviewed the portions of his site plan letter dated September 1, 2016 relative to the special land use permits. J. Rushlow also stated that the traffic study methodology was acceptable and summarized the recommendations from the study and his letter dated August 1, 2016 regarding the TIS.

PUBLIC HEARING

The public hearing opened at 7:25 p.m.  
M. Palmer, 10382 Grand River - Asked about the wall along the eastern side of the property.  
The public hearing closed at 7:30 p.m.

The Planning Commission asked the applicant what the outdoor sales would be (each of the four (4) seasons would have various items for sale on the sidewalk). It was explained that the special land use permit did not include tents in the parking lot. It was explained that those are permitted separately as a

temporary use. The Planning Commission discussed traffic in detail including asking the traffic consultant if the traffic study included projected traffic from other developments such as the UM Hospital and Encore Village. Julie Kroll, Fleis & Vanderbrink, explained the way they take traffic counts and that this study for Kroger's was done prior to Encore Village.

Planning Commission also discussed that during construction the contractor will use the two (2) accesses to the site other than Victor Drive as much as possible.

G. Mitsopoulos moved and D. Schifko seconded to **approve the Special Land Use Permit SLU # 16/02 for Kroger's; Address: 9968 E. Grand River Avenue and 5771 Borderline; Tax ID #'s: 12-32-300-061 and 062; Zoning B-2 (General Business) for retail in excess of 30,000 sq. ft., drive-thru pharmacy, and outdoor sales contingent upon meeting the requirements of the Township Planner and Township Engineer.**

Motion carried.

PRELIMINARY SITE PLAN SP # 16/05 FOR KROGER'S; ADDRESS: 9968 E. GRAND RIVER AVENUE AND 5771 BORDERLINE; APPLICANT AND OWNER: THE KROGER COMPANY OF MICHIGAN; TAX ID #'S: 12-32-300-061 AND 062; ZONING B-2 (GENERAL BUSINESS)

The Planning Commission read the September 8, 2016 LCRC traffic impact study (TIS) comments and recommendations into the record. Julie Kroll, Fleis & Vanderbrink, referenced recent conversation with Mike Goryl, Livingston County Road Commission (LCRC) traffic engineer, noting a dedicated right turn lane will be constructed if needed and stated that due to MDOT's project the traffic may be inflated and that once the MDOT project is completed they will have a better understanding of the traffic. She stated that if improvements are needed, they will be constructed. J. Rushlow reviewed his September 1, 2016 letter and stated that of the two (2) outstanding items Item #1, a truck turning plan, had been provided and Item #2, proposed landscaping, the plantings are too close to the LCWA water main easement and the matter needs to be discussed with LCWA. K. Mathews reviewed her September 6, 2016 site plan letter.

Planning Commission discussion included the impact of cumulative traffic for the area and that it needs to be considered (i.e. Kroger's traffic, the additional traffic generated by Encore Village and other projects in the area). The proposed percentage of brick on the front elevation 64% v. 75% requirement was also discussed and it was noted that the addition continues with the use of existing materials for the building and that the Planning Commission has the discretion to allow materials other than the strict percentages in the Zoning Ordinance. The Fire Department letter dated August 24, 2016 and the Livingston County Drain Commissioner (LCDC) e-mail dated September 7, 2016 were acknowledged.

G. Mitsopoulos moved and D. Schifko seconded to **approve the Preliminary Site Plan SP # 16/05 for Kroger's; Address: 9968 E. Grand River Avenue and 5771 Borderline; Tax ID #'s 12-32-300-061 and 062; contingent upon meeting the requirements of the Township Planner, Township Engineer, LCWA, LCRC, LCDC and any other agency requirements and that the requirements for a dedicated right turn lane will be constructed if required by the LCRC.**

Motion carried.

PUBLIC HEARING FOR CONDITIONAL REZONING RZ # 16/01 FOR ENCORE VILLAGE; ADDRESSES: 11001 AND 10675 E. GRAND RIVER; TAX ID #'S 12-32-400-001 AND 12-33-400-010; APPLICANT AND OWNER: MANCHESTER BRIGHTON; ZONING: OS (OFFICE SERVICE)

Applicants Jim George, Joe George, and Michael Furnari were in attendance. Additionally, Applicant Representatives Brent LaVanway (Boss Engineering), Alex Bogarts (Alexander V. Bogaerts + Associates P.C.), Jeff King (King and McGregor) and Julie Kroll, (Fleis and Vanderbrink) were in attendance. B. LaVanway made a presentation outlining the project and stated that the project being proposed is due to a market study that was completed which included the Township, Livingston County, and national information regarding seniors and active living communities; referenced the previous zoning on the property was RM-1 before being rezoned to OS for Providence Hospital; and stated that he feels the RM-1 zoning classification is a good transition between the business uses to the west and the multi-family to the east. He noted the project would be built in three (3) phases: the multi-story; west Encore Village, and

then east Encore Village. A conditional zoning is proposed so the Township knows the details of the site early in the process i.e. number of units, road layout, etc. The benefits of the project include sidewalk and walking paths, the three (3) story building will be for seniors which is needed in the area and a large amount of wooded and wetland area will be preserved. The units are one-story ranch style units and each side of the project has a clubhouse and pool.

Alex Bogaerts, Alexander V. Bogaerts & Associates, PC, explained that the design for the site is for all units to have views of the lakes and that the size of the units are 1,441 s.f. interior units and 1,486 s.f. end units, all have two (2) car garages, two-bedrooms with den, and a great room/open plan with brick and siding and there are three (3) styles to choose from. Additionally, the club houses and the (3) story building have the same architecture. He stated that the three (3) story building will be a full-service facility for aging in place. He stated many aging in place projects have been done around the country and are very successful.

K. Mathews overviewed the rezoning and preliminary site plan processes. J. Rushlow, Township Engineer, reviewed his September 8, 2016 letter and stated that some of the setbacks to the wetlands are less than the minimum twenty-five (25) ft. and that there are four (4) entrances to the project and that it has not been identified whether the proposal is for private roads. He said there is plenty of parking within the site but additional ADA spaces are needed for the three (3) story building due to the type of units. He stated that there are sidewalks proposed on both sides of the property except for one small section where it is not feasible to construct. He overviewed his August 30, 2016 TIS letter and stated that the TIS needs to be updated for the three (3) story v. the originally planned one story building and that additional information is needed on the grading for the site; it is conceptual at this point but some finish grades for buildings were provided. He stated that the Township has the sewer capacity and that information is needed from FIB in regards to water capacity. The LCDC letter dated September 2, 2016, and the Fire Department letters dated August 15, 2016 and August 19, 2016 were acknowledged. The e-mail from John Harris dated September 6, 2016 was also acknowledged.

#### PUBLIC HEARING

The public hearing opened at 9:20 p.m.

Kim Logie-Bates, 5508 Woodland Shore Drive - Stated she submitted an e-mail dated 9/11/16 with 16 questions and wanted to know about the utilities for the site; that the TIS states failed levels for traffic on Grand River; will MDOT/LCRC approve traffic improvements suggested in the study; requested clarification on the usage of Woodruff Lake; setbacks from the natural features of the site; what will drain off the site into Woodruff and Pickerel Lakes from the site; concerns about leased v. owner occupied units; concerned that with lease units the property values will decrease; concerned with the number of trees being taken down between Woodruff and Pickerel Lakes.

Dawn Bates, 5508 Woodland Shore Drive - Wants to see the marketing study mentioned by the developer to see if there is a need for these units.

Dana Casey, 5573 Woodland Shore Drive - E-mail dated 9/12/16 stating that the 5/19/14 Master Plan natural features goal is to enhance quality of life and the preservation of natural features: how is this development protecting the natural features?

Mike Palmer, 10382 E. Grand River - Lives across the street on Fonda Lake and stated when Grand River was widened from two (2) to five (5) lanes that the storm grates that were put in by the LCRC have much drainage from the road going into the lakes and he is concerned about this development adding additional drainage into the lakes. He stated the storm run-off from this site could be diverted into the sewer plant and that would utilize some of the excess 60% capacity in the plant. He said that with 555 units 1,800 cars would be going in and out.

Jim Sarna, 8266 Woodland Shore Drive - Stated that the average number of cars per home is currently 3.3 multiplied by 555 units is 1831.5 cars in and out of the development every day.

Gino Pulice, 4705 Hawkview Ct. - In favor of this development; it's a need in Brighton and if this is not

approved, a development will come in under the OS zoning which would have a much greater effect on the area.

Sue Kelly, 4121 Marsh Trail - Stated that the conceptual plan is unclear relative to the clear-cutting of all three (3) phases at once which is a problem if the development doesn't move forward. She would suggest clear-cutting one phase at a time; she is opposed to a 25 ft. wetland setback v. 100 ft. natural features setback; the natural features study is not complete; wants to see the market study because other senior developments such as Independence Village in the City currently have high vacancies.

Resident concerned about the traffic and natural features setback; need to preserve the 100 ft. setback to the natural features; concerned about the market study; wants to see that these units are needed; she said we need more development for families and children; if you talk to realtors moderate to high end homes for families are needed; said residential is better than office but this project is too dense/too massive.

Christine Weisenberger, 11486 Casa Loma - Not opposed to development but the traffic in the entire area needs to be considered such as Legacy Park in Green Oak; concerns about lease v. own; project is too dense; she would like a rezoning to single family which would allow seniors but be less dense.

Dave Wylie, 5907 High Pointe Ct - He said the 4<sup>th</sup> access point to the development which serves 10 units is too close to their development and it is only 2 lanes on Grand River at this point; the visibility out of their steep driveway is too difficult.

Michael Weisenberger, 11486 Casa Loma - He inquired where he could get the PowerPoint and other materials presented.

E-mail dated 9/10/16 from Kelley Behrendt - Opposed due to traffic.

E-mail dated 9/12/16 from Diane Fleming – Opposed; traffic concerns; leased units v. owner occupied.

E-mail dated 9/12/16 from Bob Potocki - Traffic concerns.

The public hearing closed at 9:50 p.m.

The Planning Commission discussed traffic at length and the need to include all proposed development in the area. The need to not clear-cut all three (3) at one time was discussed. The price point for the leases was discussed and that the price point and size of units would be attractive mainly to empty nesters. It was stated that OS zoning would be much more detrimental to the natural features of the site than residential. It was stated that the leases would be one to three (3) years, no subleasing would be allowed, and are suited for persons not wanting maintenance. J. Rushlow stated that the storm water cannot by law go into the sewer plant because that would be a violation of the DEQ permit and would actually increase costs by treating good water. It was stated that only visual access to Woodruff Lake was provided and that only underbrush around Woodruff Lake would be cleared but the tree buffer would remain. It was suggested that all improvements as suggested in the TIS will be required but we are waiting on Mike Goryl, LCRC traffic engineer's comments. The 100 ft. v. 25 ft. natural feature buffers were discussed and the fifty (50) ft. buffer to the wetlands was sufficient to protect the integrity of wetlands according to Jeff King, King and McGregor. Additionally, he stated that the steep slopes make it difficult to maintain such a large setback but dense vegetation is being left along the shoreline; no beaches are being created; just the one existing beach.

**D. Schifko moved and G. Unruh seconded to table Conditional Rezoning RZ # 16/01 for Encore Village; Addresses: 11001 and 10675 E. Grand River; Tax ID #'s 12-32-400-001 and 12-33-400-010; Applicant and Owner: Manchester Brighton; Zoning: OS (Office Service) to allow the Applicant to provide the additional information required by the Township Planner, Township Engineer, and other entities.**

Motion carried.

#### REPORTS AND CORRESPONDENCE

B. Vick - Stated that residents can sign up for e-mail/text notifications via the website.

CALL TO THE PUBLIC

Christine Christensen - Inquired if they would be noticed for the next meeting.

ADJOURNMENT

G. Unruh moved and J. Stinedurf seconded **to adjourn.**

Motion carried.

The meeting adjourned at 10:35 P.M.

Respectfully submitted,

Steve Holden, Chairperson

Gary Unruh, Secretary

Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk