

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
June 10, 2002  
6:30 P.M.  
**MINUTES**

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, Barbara Figurski, James Mortensen, Curt Brown, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Kevin Fern from Tetra Tech, MPS. By the end of the work session, there were a few persons in the audience.

Items scheduled for action during the regular session of the commission were discussed.

GENOA TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
7:00 P.M.  
**MINUTES**

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:09 p.m.

The Pledge of Allegiance was recited and a moment of silence was observed for all of the victims of the September 11, 2001 attacks as well as the men and women fighting in the war in Afghanistan.

**Moved** by Figurski, seconded by Cahill, to approve the Agenda with the following changes:

1. Public Hearing #3 will be changed to Public Hearing #4.
2. Public Hearing #4 will be changed to Public Hearing #3.

**The motion carried unanimously.**

The call to the public was made to discuss items not on the agenda. There was no response and the call to the public was closed at 7:10 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING # 1**...Review of special use application, site plan, and environmental impact assessment for proposed outdoor storage at Lot 16 of Grand Oaks Industrial Park, 1091 Victory Drive, Howell, Sec. 5, petitioned by Mark 1 Restoration. (PC 02-06)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding special use application.
  - B. Recommendation regarding impact assessment.
  - C. Recommendation regarding site plan.

Mr. Wayne Perry of Desine, Inc. and Scott Evett from Mark I Restoration were present to represent the petitioner.

Mark I is applying for a special use for outside storage. They want to expand their building, add additional parking, a loading area, and a dumpster area. The special use is specifically for outdoor storage only.

Mr. Evett explained that Mark I Restoration does restoration of masonry structures. They repair building facades, dams, bridges, parking structures, etc. Their business has grown three times their size in the last five years. They were looking at relocating, but that does not seem to be financially feasible for them. They want to stay in Genoa Township. They want to continue to grow and utilize the area they have. He added that they have a very small usable area on their site. It is 70 to 80 percent wetlands and they have a drainage easement under the Livingston County Drain Commission.

They are proposing to add an outside storage area for their equipment and materials. Seventy percent of their equipment is on the jobsite that is being worked and the only activity would be when these materials / equipment are loaded and/unloaded from the storage area at the beginning of a new job. Mr. Evett estimates this to be approximately eight times a month.

They are also proposing to add a 4,000 square foot addition to the building. They will utilize most of this for storage of weather-sensitive materials and equipment that cannot be stored outside. It will also allow them to load and unload trucks inside of the building and leave them overnight to leave for the jobsite the next morning. They will not have to store loaded trucks outside.

Chairman Pobuda asked Mr. Evett if they are a good neighbor. He stated they have never had any complaints from their neighbors.

Chairman Pobuda asked if any of the equipment that is currently outside is going to be moved inside. The small bobcats and some scaffolding equipment.

Commissioner Litogot asked what the proposed 10-foot road extension is for. Mr. Evett stated it will be used to turn around large trucks.

Commissioner Litogot asked if they have received a permit from the DEQ to encroach into the wetlands for this road. Mr. Evett stated they already have the permit from the DEQ, but Mark I ran out of money so the DEQ extended the permit. Commissioner Litogot would like to see a copy of the permit.

Commissioner Cahill stated the Impact Assessment is not current as it does not mention the encroachment into the wetlands. Also, he asked for a colored rendering of the proposed extension as well as sample building materials. Mr. Perry stated they need to modify the Impact Assessment and the extension is going to use the same single-score block that is on the current building.

Mr. Purdy reviewed his letter of May 16, 2002.

Landscape screening should be required around any open storage that is approved. Mr. Purdy added there is landscape proposed along the north property line, but they would like to see it around all sides of the outdoor storage, except for where the wetlands are naturally screening the area. He would like it to be extended on the north side where the vehicles are going to be stored. Mr. Evett stated his neighbors have worse items stored than he would. Chairman Pobuda advised Mr. Evett that the Planning Commission is not trying to single them out, but they are here before the Planning Commission and they use this opportunity to make some aesthetic changes. Mr. Purdy noted the Township always requires landscape screening for truck loading and unloading and outside storage areas.

Commissioner Mortensen advised the petitioner that he feels they have outgrown this site and it is not very attractive currently and these changes are going to make it less attractive. Mr. Evett stated they will comply with the storage area screening request.

Open storage should be concentrated in one location and fencing should be provided around the perimeter to prevent gradual encroachment into the wetlands. Mr. Evett stated he has worked with the DEQ for 1 ½ years. They have permitted the use of these wetlands and the fencing is where they said it was needed. They have also placed large boulders as recommended by the DEQ so they will not encroach into the wetlands. What is being asked of him by the Planning Commission is a financial burden. He has already spent a lot of money to comply with the DEQ. Mr. Purdy feels the boulders are sufficient, but they need to be noted on the plan and provide a continuous barrier.

Commissioner Cahill asked if the boulders are in the wetland buffer. Mr. Perry stated they are. Mr. Evett added that the DEQ approved the placement of these boulders and visited the site and reviewed where they are located.

All commissioners agreed that the boulders are a sufficient buffer; however, there was a discussion regarding them being placed within the 25-foot wetland buffer. Commissioner Litogot is opposed to the boulders being in the buffer. He cited runoff of oil, gas, etc. from the trucks into the wetlands. Mr. Evett stated his runoff now currently goes into the wetlands.

Commissioner Figurski does not agree; however, she does not know what can be done.

Commissioner Brown asked if any type of wetland buffer can be provided. Mr. Purdy feels that maybe some landscape can be planted along the wetland to assist in filtering the runoff into the wetlands.

Commissioner Cahill does not agree and feels the buffer should be maintained.

Mr. Evett reiterated that the DEQ has addressed this issue and they are not opposed to what is being proposed. The runoff is the same as what is there now. He added that they have very little activity in this yard.

Chairman Pobuda feels that Commissioner Brown and Mr. Purdy's suggestions of some size buffer as well as additional landscaping are good ones and should be addressed.

Commissioner Mortensen recognized that this is a difficult site due to the wetlands, but he feels the petitioner has outgrown this site and the Planning Commission is being asked to eliminate the entire wetland buffer. He needs more detailed information on the site plan showing where the boulders are placed, what buffer there is, etc. He is not prepared to act on this proposal this evening.

Commissioner Cahill feels strongly about the wetland buffer being maintained.

Mr. Evett advised the Planning Commission that they do not want to harm the wetlands and have continually been conscious of them on their site.

It was decided that the petitioner will review the site plan to show more detail with regard to the enhancements that are being proposed.

Chairman Pobuda asked the petitioner if they have had any spills at this site. Mr. Evett stated they have had no spills to date and he has a safety official that can attest to this.

Mr. Purdy stated the open storage areas are required to be no closer than 25 feet from the side lot lines. They are proposing eight feet. Based on the ordinance for a special use, this setback **MUST** be 25 feet and there is no discretion on the part of the Planning Commission. This would need to go before the ZBA.

A variance from the ZBA is required for the building's front yard setback since the parking is to be located in the front yard.

Sample materials and colors must be presented to the Planning Commission. Mr. Perry stated they will provide these at the next Planning Commission meeting.

The petitioner is proposing a retaining wall six feet from the wetland, which is inside the 25-foot wetland buffer. Commissioner Brown feels the same about his issue as he does with regard to the storage area.

Mr. Purdy added that they could affect the hydrology of the wetland, but this impact is unable to be determined.

Commissioners Cahill, Litogot, and Figurski agree that they do not want to compromise the wetlands.

Commissioner Mortensen stated the Planning Commission needs an updated and detailed site plan so they can review what is being proposed. He also would like to know what is being proposed as mitigation from the petitioner to allow the "relaxing" of the ordinance.

The waste receptacle enclosure should be constructed of masonry with a wood gate. The petitioner will comply.

The Planning Commission will require manufacturer's detailed specifications for the light fixtures. The petitioner will comply.

Mr. Kevin Fern stated this site is being assessed 2 REU's and they have the same concerns regarding the wetland buffers that were discussed earlier.

Mr. Evett stated that in order for this plan to go forward and for Mark I to grow and enhance the site, all of these items have to be considered as a package. They are getting approximately 8,000 square feet and they have worked for approximately 1 ½ years. If they are not granted the variances requested, then this plan will not work. He added that they have never done anything to affect the wetlands and what they are proposing will not adversely affect them either.

The call to the public was made at 8:09 with no response.

Mr. Purdy stated that if hazardous materials are stored outside on this site, then a PIP plan is required. Mr. Evett stated that all hazardous materials, which are very little, are stored inside.

Commissioner Cahill feels this proposal does not fit this piece of property. He noted there are setback issues for each side of the site.

Commissioner Mortensen needs more information regarding the buffers, landscaping, etc. He suggests tabling this item this evening, have the petitioner

review the comments from this evenings meeting, meet with Township staff administratively, and return to the Planning Commission.

**Moved** by Mortensen, seconded by Figurski, to table Open Public Hearing #1 - a special use application, site plan, and environmental impact assessment for proposed outdoor storage at Lot 16 of Grand Oaks Industrial Park, 1091 Victory Drive, Howell, Sec. 5, petitioned by Mark 1 Restoration. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...**Review of special use application, environmental impact assessment, and site plan for outdoor seating proposed at the Mesquite Junction Restaurant, located in the Country Corners Strip Mall, corner unit, 4184 E. Grand River, Section 4, petitioned by Nick Hermann. (PC 02-14)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding special use application
  - B. Recommendation regarding impact assessment.
  - C. Recommendation regarding site plan.

Mr. Nick Hermann, the general manager for Mesquite Junction was present to represent the petitioner. They are proposing to use the north side curb area for outdoor seating. They will have 4 to 5 tables with 4 seats per table (2 on each side). He stated he was eventually going to fence off the area, but due to fire department concerns, they will just have a temporary area for a couple of months out of the year.

Commissioner Cahill asked what size the tables are. Mr. Hermann stated they are four-feet long and two-feet wide. They will abut the building and chairs will only be on the east and west sides of the tables.

Commissioner Litogot asked if the Liquor Commission requires a boundary. Mr. Hermann stated they require that the customers enter and exit through the building and not be allowed to walk up to or exit from the outdoor seating area from the parking lot.

Commissioner Litogot asked if all of the tables and chairs will be taken in at night. Mr. Hermann stated everything will be taken in at night; it is all portable. They will have the outside seating from 11:30 a.m. to 11:00 p.m. Monday through Saturday and from 4:00 p.m. to 9:00 p.m. on Sunday.

Commissioner Figurski stated Item H of the Impact Assessment, which states "Storage and handling of any hazardous materials" should be deleted.

Mr. Purdy reviewed his letter of June 5, 2002.

The availability of an additional 14 parking spaces required for 20 seats needs to be confirmed. Mr. Archinal clarified this by stating when the shopping center was

built, the Township required a certain number of parking spaces based on the uses that were proposed. There are 376 parking spaces and the additional 14 that are required to be allocated for the outdoor seating may make one or more of the vacant stores unable to be utilized. Commissioner Mortensen feels the property owners should submit a letter to the Township stating that he understands this. All commissioners agree.

Mr. Purdy stated that the Township may wish to attach such conditions as limited hours of operation, limited seating capacity, length of the special use, no outdoor music or lighting, and that all requirements of the Liquor Control Commission and the fire department be complied with.

The call to the public was made at 8:30 p.m. with no response.

**Moved** by Figurski, seconded by Litogot, to recommend approval of the Impact Assessment dated June 10, 2002 for outdoor seating proposed at the Mesquite Junction Restaurant, located in the Country Corners Strip Mall, corner unit, 4184 E. Grand River, Section 4, petitioned by Nick Hermann with the following conditions:

1. Removal of Item "H"
2. "Traffic Impact" shall read "14 parking spaces will be allotted for this special use" and not "No new parking will be needed"

**The motion carried unanimously.**

**Moved** by Mortensen, seconded by Figurski, to recommend to the Township Board approval of the Special Use Application for outdoor seating proposed at the Mesquite Junction Restaurant, located in the Country Corners Strip Mall, corner unit, 4184 E. Grand River, Section 4, petitioned by Nick Hermann with the following conditions:

1. There shall be no more than five 4x2 tables seating four customers each, for a total of 20 customers total
2. The short end of the tables shall be against the outside wall of the building.
3. A plastic chain will be installed to delineate the outside eating area.
4. The hours of outside dining shall be 11:30 a.m. to 11:00 p.m., Monday thru Saturday and 4:00 p.m. to 9:00 p.m. on Sunday.
5. There shall be no outside music
6. There shall be no exterior lighting
7. This use may be undertaken from May 1<sup>st</sup> through October 31<sup>st</sup> with the tables, chairs, and chain to be removed November through April.
8. All requirements of the Liquor Control Commission shall be complied with
9. Petitioner shall have available at the Township Board meeting a letter from the property owners indicated that 14 additional parking spaces will be utilized for the outside dining, which may limit the subsequent occupancy of other vacant storefronts on this site.

10. Approval of the Impact Assessment as modified and recommended by motion this evening.
11. Howell Fire Department approval.
12. The chairs, tables, and chain shall be removed nightly.

**Moved** by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the sketched Site Plan for outdoor seating proposed at the Mesquite Junction Restaurant, located in the Country Corners Strip Mall, corner unit, 4184 E. Grand River, Section 4, petitioned by Nick Hermann as presented this evening subject to the conditions and limitations included in the recommendations regarding the Impact Assessment and Special Use by motion this evening. **The motion carried unanimously.**

There was a five minute break from 8:38 p.m. until 8:42 p.m.

**OPEN PUBLIC HEARING #3...** Review of rezoning application, impact assessment, and site plan, to rezone property located in Grand Oaks Commercial Park, Lot # 4, Sec. 5, the request is to rezone property from GCD (General Commercial) to IND (Industrial), petitioned by Schonscheck, Inc. (PC 02-13)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding impact assessment.
  - B. Recommendation regarding rezoning request.

Mr. Mark Schaeffer from Schonscheck, Inc., who prepared the Impact Assessment and all applications and drawings, Mr. Scott Kraft, president of Kraft Automotive, and John Stevenson, General Manager of Kraft Automotive, were all present to represent the petitioner.

Mr. Schaeffer stated that Lot #4 was purchased after Lots #5, #6, and #7 were purchased to be used for future expansion; however, in order for Kraft Automotive to utilize this property, they need to have it rezoned to Industrial. Mr. Schaeffer noted that during their administrative meeting with staff, it was noted that additional property in this industrial park may possibly be rezoned industrial as well.

Chairman Pobuda asked how long Kraft Automotive has been at their current location. Mr. Schaeffer stated they have been there 1 ½ years and bought this additional property in February. They are planning on adding a 30,000 square foot addition in six months and then another 30,000 square foot addition in approximately 18 months.

Mr. Purdy reviewed his letter of May 16, 2002. The requested zoning is consistent with planned industrial uses along Grand Oaks Drive. The two buildings to the north are zoned commercial, but currently house industrial uses, there is office zoning to the east and industrial zoning to the south.

Mr. Fern stated they have no concerns with this proposal.

The call to the public was made at 8:46 with no response.

**Moved** by Litogot, seconded by Mortensen, to recommend approval of the Impact Assessment dated April 30, 2002 regarding rezoning property located in Grand Oaks Commercial Park, Lot # 4, Sec. 5, from GCD (General Commercial) to IND (Industrial), petitioned by Schonscheck, Inc. with the following conditions:

1. This recommendation for approval in no way implies approval of potential construction on this site as presented in the Impact Assessment.
2. Dust control measures shall be added to Item D

**The motion carried unanimously.**

**Moved** by Mortensen, seconded by Figurski to recommend approval to rezone from General Commercial (GCD) to Industrial (IND) the three acres of Lot #4 in Grand Oaks Commercial Park on the east side of Grand Oaks Drive south of Grand River Avenue because the property to the north, west, and south are industrial and the requested rezoning is consistent with that zoning. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Review of site plan application, site plan, special use, and environmental impact assessment for proposed 29,827 sq. ft. addition to an existing building located in Section 5, Grand Oaks Industrial Park, on the east side of Grand Oaks Ave., south of Grand River, petitioned by Schonscheck, Inc. (PC 02-12)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding special use application.
  - B. Recommendation regarding impact assessment.
  - C. Recommendation regarding site plan.

Mr. Mark Schaeffer from Schonscheck, Inc., Mr. Scott Kraft, president of Kraft Automotive, and John Stevenson, General Manager of Kraft Automotive, were again present to represent the petitioner.

Mr. Kraft stated that Kraft Automotive is in the automotive textile industry. They supply several different automotive industries. The company has grown very fast. They need to add 30,000 square feet for warehouse space and he feels that in two years, they will need to add another 30,000 square feet to their building.

Curt Brown asked about their processes and what pollutants are emitted into the air. Mr. Stevenson stated that when they purchased their laminating machine, they received data from the manufacturer regarding the emissions from it and they contacted the state EPA for their guidance as to what to do. They

determined they fall under Rule 290, which is an exemption because the toxicity of their emissions is too low. They are allowed 20 lbs. of toxic emissions per month and their emissions are less than half of that. They keep a daily record to make certain they stay within the guidelines. They are currently at less than half of the EPA allowed levels.

Chairman Pobuda asked if anyone from the state comes in "unannounced" to check this data and if so, how often. Mr. Stevenson stated that according to Rule 290 they can come any time. He has been visited within the last three weeks.

Commissioner Cahill asked what causes the odor that the neighbors have complained about. Mr. Stevenson stated that even though the toxic level is low, there is some odor. There is no requirement by the EPA regarding odor but Kraft wanted to be a good neighbor so they did research with Design Comfort in Brighton and have purchased a filtration system, which will eliminate 99.7% of the odor. This system will be installed by the end of the month.

Chairman Pobuda stated this use was supposed to be for a warehouse and there is manufacturing practices being performed here Mr. Purdy stated what they are doing is approved under the current zoning. Mr. Kraft stated the addition will be used mainly for warehouse and the existing building will be used for manufacturing.

Commissioner Litogot stated that when the building materials and elevations were approved, there was to be no rooftop equipment and right now there is something protruding from the top of the building that was not approved. Mr. Schaeffer stated they will be moving the laminating filter to the east side of the building and it will have landscaping to screen it. They do not have dimensions for the stack for this filter, but they will provide them.

Mr. Kraft stated there is currently a problem with the draining and these proposed changes will improve that. In their concept plan, they are proposing a joint drainage facility with Dick Sports because they currently have a non-performing drainage ditch.

Mr. Purdy reviewed his letter of June 3, 2002.

A variance is required from the ZBA for an expansion to a non-conforming structure. The building is 40 feet from the property line and the setback is 50 feet. The additions will comply with the setbacks.

Because the size of the proposed use is larger than 20,000 feet, a special land use is required from the Township Board.

The eight-foot high decorative band of painted smooth faced CMU proposed on the south and east elevations, should be provided along the base of the north

wall. The petitioner will comply with this request. They showed colored elevation drawings and building materials.

The site proposed 24 additional parking spaces beyond what is normally required. Mr. Schaeffer stated they are proposing to have 80 total employees as well as visiting salespeople. They believe the proposed parking is going to be needed. Mr. Purdy stated they always try to minimize the amount of pavement whenever possible. Mr. Schaeffer stated they are installing it now because of the proposed future expansion. All commissioners agree to the additional parking spaces.

The outdoor pallet storage area should be screened with a wall that matches the masonry on the building and the pallets should not exceed the height of the wall. Mr. Schaeffer stated they have added a series of plantings and there is a 13 to 14-foot grading difference between the storage area and the road to help conceal the storage. They feel this is sufficient. There was a brief discussion and it was suggested that a three-foot berm / natural embankment be added where the evergreens are being proposed.

Commissioner Litogot stated that the Township does not allow outside storage so he would like to see the landscaping as well as the wall. All commissioners, except Commissioner Brown, agree that the wall should remain as well as the landscaping.

Kevin Fern stated they have addressed most of their concerns contained in their May 17, 2002 letter. They will be assessed 3 REU's based on the square footage of the building.

Commissioner Litogot stated the rooftop equipment needs to be screened if it is visible from Grand Oaks Drive. The petitioner will comply with this request.

Commissioner Mortensen asked how high the filtration system will extend above the building. It will extend no more than six feet above the height of the building.

Chairman Pobuda and Commissioner Litogot would like to have it be as high as it can so what is emitted is dissipated into the air away from the surrounding neighbors and area. Mr. Purdy stated they are allowed to go 60 feet.

The petitioner stated they will have no outdoor PA system, no outdoor alarm and there will be no overnight storage of trucks.

Commissioner Figurski asked if a PIP plan is required. Mr. Purdy stated if they are handling large quantities of hazardous materials, then one is required; however, the petitioner stated they do not use any hazardous materials.

Commissioner Figurski asked about the storm water easement. This is not completed yet but they are in the process of finalizing it and it will be completed before final site plan review.

The call to the public was made at 9:52 p.m.

Mr. Robert Hutchinson of 1085 Grand Oaks Drive stated that the fumes and smoke that is emitted from Kraft Automotive is horrendous. There is a paint shop that is closer to his building and he has no problems with fumes from them. It is so bad it burns your lungs.

He had Brighton Analytic test the emissions and they determined it is 28.933 pounds per month. He added that if Kraft Automotive is putting out under 10 pounds per month, then there shouldn't be any smoke coming from their plant. He would like "iron clad" information that something is going to be done about this. He has a video showing the smoke that is emitted from this building that he would like the Commissioners to view. All Commissioners agreed and Mr. Hutchinson played the videotape.

Mr. Carl Keiffer owns the building next to Mr. Hutchinson and he has never smelled any odors. Mr. Hutchinson stated that the smoke hits Mr. Keiffer's building and then rolls back to his building and his building blocks the smoke from Mr. Keiffer's building.

The call to the public was closed at 10:03 p.m.

Mr. Archinal feels the applicant is willing to address the concerns of the neighbors and there are other site plan issues that need to be addressed. The Planning Commission has already addressed the rezoning issue so he suggested tabling this item this evening and giving the applicant time to address Mr. Hutchinson's concerns as well as the site plan issues discussed this evening.

Mr. Schaeffer stated the petitioner would like the resolution of all of these concerns be a condition of approval this evening.

Commissioner Cahill agreed with Mr. Archinal. He feels the odor problem needs to be resolved.

Commissioner Brown stated we will need evidence that the problems addressed are satisfied.

Commissioner Mortensen is prepared to move forward this evening. The petitioner is in violation of Township ordinance regarding the odors and the fumes, which will need to be resolved anyway. Also, the petitioner has agreed to make the approval contingent upon this.

Commissioner Figurski does not want to move forward this evening.

**Moved** by Cahill, seconded by Figurski, to table Open Public Hearing #4 - for proposed 29,827 sq. ft. addition to an existing building located in Section 5, Grand Oaks Industrial Park, on the east side of Grand Oaks Ave., south of Grand River, petitioned by Schonscheck, Inc. so the plans can be corrected so they are accurate and reviewed by staff. **The motion carried (Cahill – Y; Brown – Y; Mortensen – N; Figurski – Y; Pobuda – Y; Litogot – Y).**

**Moved** by Cahill, seconded by Litogot, to recommend to the ZBA approval of the variance regarding the building setback for Open Public Hearing #4. **The motion carried unanimously.**

**Moved** by Mortensen, seconded by Litogot, to approve the minutes of May 13, 2002. **The motion carried unanimously.**

The meeting adjourned at 10:24 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary