

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
July 8, 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, James Mortensen, Ken Burchfield, Curt Brown, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Deb Huntley from Tetra Tech, MPS. By the end of the work session, there were approximately 20 people 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 7:08 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 Litogot, seconded by Mortensen, to approve the Agenda with the following corrections:

1. Open Public Hearing #2 shall have the following changes:
  - a. located at "I-96" and not "I-94"
  - b. Add "A. Recommendation regarding conceptual PUD plan"

**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 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 and owner of Kraft Automotive, and John Stevenson, General Manager of Kraft Automotive were all present to represent the petitioner.

Mr. Schaeffer stated that since their presence at the last Planning Commission Meeting, the ZBA granted them a 10-foot setback variance and the filtration system has been hooked up to the laminator and has been tested. He has a field report from the DEQ stating they are in compliance for both emissions and odor based on Rule 901. He wanted to show a video of the area when the filtration system is running. All Commissioners watched the video.

The call to the public was made at 7:18 p.m.

Mr. Bob Hutchinson stated he is pleased with the filtration system that has been installed. There is no longer any smoke or odor. He passed out a “time line” of what he has done with regard to this problem, such as complaints filed, etc. He is concerned about preventing this from happening again; the next time they install a new machine and no filter.

Chairman Pobuda advised Mr. Hutchinson that the Planning Commission has discussed follow-through with regard to ensuring that the petitioner will be in compliance with Rule 901 and changes will be made to the Impact Assessment.

The call to the public was closed at 7:23.

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

1. The rezoning at the northern portion of the site needs to be a condition of site plan approval as this has not been finalized by the Township Board.
2. Because of the size of the proposed use, a Special Land Use is required. He suggested citing Section 3.56 of the Township Ordinance as a condition of Special Land Use approval as well as requesting documentation from the petitioner be provided to be certain this is being complied with.
3. Mr. Purdy feels some more enhancements should be made to the north wall of the building. Mr. Schaeffer stated that Mr. Purdy requested they add the eight-foot high concrete wall and that is what they are proposing. He added that this wall is 600 feet from Grand River and there are four buildings in front of it. There was a brief discussion with regard to requiring pilasters and/or landscaping on this wall. Mr. Schaeffer stated there are approximately 300

trees between this wall and the building next door, which is sufficient as a buffer to Grand River. It was decided that the petitioner does not have to add any additional enhancements to the north wall.

4. They are proposing 20 additional parking spaces than what is required, but the petitioner has stated that they are planning another expansion within two years and this would allow them to complete the parking now, instead of waiting until then. All Commissioners agreed to allow the 20 additional parking spaces.
5. The stored pallets should not exceed eight feet in height. Mr. Kraft stated this outside storage of pallets will be eliminated when they build the new warehouse.
6. Mr. Purdy suggested adding concrete bumper blocks to the five parking spaces along the wall protecting the transformer pad to prevent individuals accidentally driving into the wall. The petitioner will comply with this request.

Chairman Pobuda asked the petitioner how they can assure the Planning Commission that the scrubber is going to be kept clean.

Mr. Stevenson stated they have installed a monitor to monitor how much air flow is being put through the filters and they monitor this daily. Chairman Pobuda would like a condition of approval be that if the petitioner installs another laminating machine, they will add another scrubber. The petitioner will comply with this request.

Ms. Huntley reviewed her letter of July 1, 2002.

1. The note regarding the double dumpster enclosure on Sheet CE-1 should match the detail on Sheet L-2. The petitioner will comply.
2. The storm sewer design schedule should match the drainage area map and she will refer to the Livingston County Drain Commissioner for approval of the retention and detention ponds.

Commissioner Litogot asked what preventive maintenance is done on the filter system. Mr. Stevenson stated it is monitored daily.

Commissioner Litogot asked how long the outside storage between the truck bays will be. Mr. Kraft stated it will be approximately 24 to 48 hours.

**Moved** by Mortensen, seconded by Litogot, to recommend to the Township Board approval of a special use application for Kraft Automotive to construct and operate a 2,827 square foot building comprised of a warehouse facility and an adjacent office with the following condition:

1. The land owner is going to comply with Section 3.56 of the Township Ordinance as well as respond to periodical compliance checks from the Township. **The motion carried unanimously.**

**Moved** by Litogot, seconded by Burchfield, to recommend to the Township Board approval of the Impact Assessment with a revision date of 06/10/02 for Kraft Automotive to construct and operate a 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 with the following changes:

1. Page 4, Item E, second sentence shall read "The applicant is proposing to construct a 33,853 square foot building **for warehouse and office use**.
2. Page 4, last paragraph, second sentence shall read "A filtration system for the textile/foam laminator **was** installed in June of 2002. See attached information for the filtration system. The landowner will maintain the anti-odor equipment and will provide the Township with periodic reports of compliance with Section 3.56 of the Township Ordinance if so requested.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the Site Plan for Kraft Automotive to construct and operate a 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 with the following conditions:

1. Township Board approval of the rezoning of the northerly portion of the site from General Commercial to Industrial.
2. The north wall shall have eight feet of masonry block from ground level.
3. All material for the addition shall be as provided to the Planning Commission.
4. All pallets stored shall not be stacked higher than the screening wall.
5. All unstacked pallets on the property shall be stacked prior to the Township Board meeting.
6. Concrete bumper blocks shall be added to the five parking spaces in front of the wall protecting the transformer pad.
7. The waste receptacle enclosure shall be the same masonry material as the building.
8. Petitioner shall meet all engineering requirements.
9. Sign details shall be submitted with appropriate permits as required by the Township.
10. Additional scrubbers will be added if additional laminator or other machinery requiring scrubbers is installed.
11. Prior to construction, an easement for draining will be executed with the neighboring property to the northeast, namely Dicks Sporting Goods, subject to approval by the Township Attorney and Township Engineer.
12. "Fire Lane No Parking" signs shall be posted along the no parking side of the east and west sides of the building as requested by the Howell Fire Marshall in his letter dated June 4, 2002.
13. Dust control measures shall be added to the site and construction plans
14. Approval by the Township Board of the Impact Assessment and Special Land Use permit as recommended by motion this evening.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...** Review of site plan application, site plan, and environmental impact assessment for proposed 88,000 sq. ft. department store, 76,000 sq. ft. retail (multi-tenant), located at I-96 and Grand River Avenue, Sec. 10, petitioned by Genoa 24 Grand LLC. (PC 02-15)

- **Planning Commission disposition of petition**
  - A. Recommendation regarding conceptual PUD plan
  - B. Recommendation regarding impact assessment.
  - C. Recommendation regarding site plan.

Mr. Michael Boggio, Mr. Harvey Weiss, and Mr. Richard Fosgitt were present to represent the petitioner.

Mr. Boggio stated that the original PUD was approved for auto dealerships. This did not materialize and now Kohl's is interested in the site. There is currently ongoing construction of an auto wash and oil change facility at this site and a Tutor Time has been approved.

They are proposing to construct an 88,000 square-foot building for Kohl's and an additional 89,000 square foot building to house multiple retail stores. They wanted to "master plan" the entire site in order to plan traffic patterns, parking, etc. What is shown on their conceptual plan this evening is just the building envelope for the additional 89,000 square feet of retail space. They have no commitments from any tenants at this point in time. They have agreed to limit any one user in this facility to 45,000 square feet. They have submitted a traffic study, which recommends a second driveway to the east with a right turn in and right turn out only. The building materials for all sides of the building will be consistent so there will be no appearance of a "back" side to the building facing I-96.

Chairman Pobuda stated that the original PUD was for an office and then the petitioner came with the car dealerships and outlets, and that didn't work out so now they are proposing retail. The original PUD limited the size of a building to be 60,000 square feet and now there is a proposal for two buildings that are almost 90,000 square feet each.

Mr. Weiss stated that the Chairman is correct. He added that during staff meetings, an agreement was made that if there are no dealerships, then they would be allowed the larger building and no other user would be larger than 45,000 square feet. They are only "outlining the area" of where the second building(s) will be located and it will not be built until they are guaranteed tenants.

Chairman Pobuda does not feel the Planning Commission should discuss the second building until there are tenants and a site plan for that area. Commissioners Brown and Cahill agree with Chairman Pobuda. Mr. Weiss agrees with dealing with the second building at a later date.

Commissioner Mortensen suggested the Commissioners think about what they would like to see on this site. Commissioner Burchfield agrees. The Planning Commission

should deal with the whole site at once. The petitioner is giving us the opportunity to see what they are planning on doing with the entire site. Commissioner Litogot would like to deal with the entire site at this point.

Mr. Purdy stated there are a few different things being approved and/or dealt with at this time. The PUD amendment and final site plan approval for Kohl's. We have the detail on Kohl's to proceed, but not on the other building. He feels that in order to deal with the PUD conceptual plan amendment, the Township should have some idea of what is being proposed for the entire site and the site plan issues should be dealt with only for the Kohl's plan.

Commissioner Burchfield stated what is before the Planning Commission this evening is the change to the PUD Agreement and that is what should be discussed and decided upon tonight. Commissioner Litogot agrees. Chairman Pobuda agrees; however, he does not like the other large building. He would prefer the one large building with small outlots. Commissioners Brown, Cahill, Litogot, and Burchfield all agree. They are all opposed to the second building be large. Commissioner Mortensen feels the two large buildings might look better than one big box with other smaller buildings.

Commissioner Burchfield also added that it appears that the petitioner is trying to argue that this proposal is better than the car dealerships that were previously approved. If the car dealership deal had not fallen through, then we would not be here this evening and the dealerships would be in the process of being built. He does not want it to seem that the Township's approval of the car dealerships was not a good decision.

Mr. Weiss reiterated that the second building will not be only one user; it will be multiple users in one building.

Mr. Boggio showed the colored elevations and materials for Kohl's. There are two entrances, one on the east and one on the north side of the building. There will be no "back" to this building. The materials and design for the side of the building facing I-96 will be the same as the other three sides. They also have added base landscaping in front of the building.

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

He explained the process for amending the PUD agreement. The Planning Commission needs to recommend to the Township Board approval of the PUD concept plan amendment removing the car dealerships and adding retail space and then the Planning Commission can take action to approve or deny the site plan for Kohl's.

The minimum building size will have to be amended. The maximum building size was originally 60,000 square feet. Now the petitioner is proposing an 88,000 square foot anchor department store and an additional 89,880 square foot retail building.

There was a brief discussion on how the Planning Commission wants to proceed. Do they want to deal with just the Kohl's or the entire site at this point.

Mr. Weiss reiterated that Kohl's is not a "big box"-type of store. It is more of a department store.

Mr. Purdy stated that the reason for PUD agreements is so the Township can gain something for allowing these "big box" buildings, such as open space, preservation of natural features, etc. He does not feel the Township is receiving any benefits with the proposed plan. Mr. Weiss feels Kohl's is a step up from the car dealerships that were previously approved. This is a very nice project and it will bring revenue and employment to the Township and will be a benefit to the community.

Commission Burchfield suggested a call to the public at 8:52 p.m.

Mr. Wayne Murphy of 1779 Clark Lake Road feels the Grand River corridor is becoming a bottle neck for the residents of eastern Howell and would like the Commissioners to think of this when making their decision as to what is going to be put on this site.

The call to the public was closed at 8:55 p.m.

**Moved** by Burchfield, seconded by Litogot, to recommended denial of the request to amend the current PUD agreement for Genoa 24 Grand Retail Project to allow for the square footage of buildings to exceed 60,000 square feet on the basis the petitioner has failed to present that there are overall benefits to Genoa Township and the public relative to this proposed more intense use.

Before the motion could be voted, Mr. Weiss asked if he could address the Planning Commission. He reiterated that this proposal is an enhancement from the previously approved PUD agreement. He added that he has agreed with the Township that if this building is approved, he will not have one other single user on the site over 45,000 square feet. As the agreement is now, he could have two 60,000 square foot buildings on this site. He reiterated that Kohl's will add employment and revenue to the community. Also, they are preserving 25% of the natural features, the dealerships only preserved 20 and the quality of the materials and architecture of this building is much higher than what was proposed for the dealerships.

Commissioner Mortensen would like to see this item tabled this evening and have the petitioner come back with a concept plan that is more acceptable to the Planning Commission. He will vote against the motion that is on the table at this time.

Commissioner Cahill agrees with Mr. Purdy. The Township is not receiving anything for allowing this project. It is a sea of asphalt.

Commissioner Litogot voted against the dealerships. This is a very busy corner. He does not feel this is what the Township wants as a “gateway “ to the community. He does not like this plan.

Mr. Weiss asked to be tabled this evening and come back with a plan that will better suit the desires of the Planning Commission.

Commissioner Burchfield, in view of the petitioner’s request, withdrew his motion.

**Moved** by Mortensen, seconded by Cahill, to table Open Public Hearing #1, amend the current PUD agreement for Genoa 24 Grand Retail Project to allow for the square footage of buildings to exceed 60,000 square feet, at the petitioner’s request. **The motion carried (Cahill – Y; Brown – Y; Mortensen – Y; Pobuda – Y; Burchfield – Y; Litogot – N).**

Chairman Pobuda asked the Commissioners to give their ideas and/or thoughts as to what they would like to see on this site.

Commissioner Litogot would like a park-like setting to include benches, etc.

Commissioner Burchfield would like a design that will comply with the PUD agreement that was approved in 2000.

Commissioner Mortensen feels Kohl’s would be a good addition to the Township. This is a commercial site and it is going to be developed as such.

Commissioner Brown is concerned about traffic. He will agree to the buildings being larger than 60,000 square feet as long as the Township receives something in return.

Commissioner Cahill would like to see more green area and landscaping. He is not opposed to Kohl’s. He also has concerns about the traffic.

There was a break from 9:10 p.m. to 9:20 p.m.

**OPEN PUBLIC HEARING # 3...** Rezoning application, environmental impact assessment, and site plan to rezone property located at 2260 Euler Road, Section 13, petitioned by Ronald L’Esperance. The request is to rezone property from IND (industrial) to GCD (general commercial). (PC 02-17)

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

Mr. Ron L’Esperance was present to represent the petitioner. He has an offer in to purchase the property at 2260 Euler Road and would like to install a car wash. This property needs to be rezoned in order for him to build the car wash. He has reviewed the Township Zoning Ordinance and feels industrial is not the correct zoning for this



site, but does not know of any one zoning that would be a perfect fit. He feels the general commercial fits this area.

The call to the public was made.

Mr. David Porta of 7219 West Grand River would be in favor of changing this zoning from industrial to general commercial as it would enhance his own property. He is concerned about taking away from the beautification process that has been undertaken along the Grand River corridor.

Ms. Judith Riedel of 2260 Euler Road, the owner of the property, and her real estate agent were present. There is currently a residential home on this site in this industrial-zoned area. There is not a lot of buildable area on this site and the car wash would be a great use of this site. Mrs. Riedel supports and encourages this rezoning.

Ms. Dolores Rodrigues of 10878 Reynard in Brighton feels this car wash would stand out in an unusual way. She owns property on this road and rents it out. She feels the traffic and lights would be disturbing to her tenants as well as other residents.

Mr. Wayne Murphy of 7356 West Grand River appreciates the comments made about the current zoning along Grand River and changing the zoning for these small parcels. He is concerned about the traffic impact to the residents in the area that this zoning would cause.

Mr. Mike Houseman, a friend of Ron's, stated that the Planning Commission needs to see what is being proposed for this site. He builds these car washes. They are very clean, there is a tremendous amount of landscaping and a very minimum amount of lighting. They comply with Genoa Township's ordinance requirement of one foot candle from the lot line.

There is also a different traffic flow generated with this kind of car wash. This is a "destination" car wash and there is very low impact with regard to traffic as well as it being utilized during "off peak" hours as opposed to other car washes.

The call to the public was closed at 9:40 p.m.

Mr. Purdy reviewed his letter of June 19, 2002.

1. The requested general commercial district zoning is not consistent with the Master Plan.
2. The subject site is located in an area intended for industrial and office use.
3. Commercial uses with large impermeable surfaces are not appropriate in this area due to drainage limitations.
4. The uses permitted in the general commercial district would create greater traffic impacts to the area.

5. The site is a non-conforming lot and its small size makes development for commercial as well as industrial purposes difficult.
6. Several uses permitted in the general commercial district are incompatible with nearby office and industrial uses.
7. There are existing general commercial sites in the Township where this could be developed.
8. The proposed rezoning would constitute an unplanned spot zoning.

Ms. Huntley stated municipal sewer and water is available at this site. They have no outstanding issues.

Commissioner Brown feels this zoning would be inconsistent and would be setting a bad precedent. He feels the petitioner should meet all of the criteria for the rezoning.

Commissioner Cahill feels the rezoning is inappropriate based on the reasons cited by the planner.

Commissioner Litogot feels this is a hardship. This is a small lot and an office building cannot even be built there. If this were to be rezoned commercial, the car wash may be the only use possible on this site.

Commissioner Burchfield stated that usually Mr. Purdy is very neutral in his review letters, but this time there are eight reasons why this property should not be rezoned. He asked if the current zoning was done in error when it was originally zoned.

Mr. Purdy stated that in looking at Euler Road, there seems to be more office uses in the area and perhaps the Planning Commission should look at the entire area. He feels office would be more appropriate than industrial.

Commissioner Mortensen stated this is a case of spot zoning so someone can put a car wash there. He is not in favor of this. He understands that industrial has to be a minimum of two acres, a petitioner could go to the ZBA and request variances.

Mr. L'Esperance stated that most of the uses allowed in general commercial overlap with other zoning on a lot of this size. There is only approximately 4,000 square feet of building area and he is having a hard time finding anything in industrial zoning to allow the land owner to use this property.

**Moved** by Mortensen, seconded by Cahill, to recommend denial to rezone property located at 2260 Euler Road, Section 13 as it is not consistent with the surrounding land uses, Master Plan, and it can be deemed to be spot zoning. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 4...**Review of special use application, site plan, and environmental impact assessment, for proposed 4,176 sq. ft. self-serve automatic car

wash, located at 2260 Euler Road, Section 13, petitioned by Ronald L'Esperance. (PC 02-16)

- **Planning Commission disposition of petition**
  - D. Recommendation regarding special use application
  - E. Recommendation regarding impact assessment.
  - F. Recommendation regarding site plan.

Because Open Public Hearing #3 was denied, Open Public Hearing #4 will not be heard this evening.

**OPEN PUBLIC HEARING # 5**...Rezoning application, environmental impact assessment, and site plan to rezone property located in Section 4 & 9, at the west side of Lawson Drive, 8.62 acres, approximately 450 feet north of Grand River Ave., petitioned by Gerald Heximer. The request is to rezone property from IND (industrial) to PUD (industrial). (PC 02-18)

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

Mr. Neil Plante of Boss Engineering, Larry Heximer and Jerry Heximer, the property owners, were present to represent the petitioner.

Mr. Plante stated they are requesting to rezone this property from industrial to PUD to piggyback onto the Summerfield residential development. They will complete the service drive that runs parallel to Grand River and behind the existing businesses in this area and the Lorentzen PUD.

Mr. Archinal stated the proposed access drive will provide continuity all of the way to Latson Road and would allow us to have the signal at Lawson Road. Both of these items would be a benefit to the Township.

Commissioner Cahill likes the concept. He asked what PUD this would be part of. Mr. Purdy stated they will be added to the Adler PUD, then the PUD agreement would be amended to include them, and there would need to be site plan approval for each of the four lots.

Mr. Purdy reviewed his letter of July 2, 2002.

The requested PUD is consistent with the Master Plan.

This plan will provide a road linkage between the Lorentzen PUD and Lawson Drive, which will benefit traffic flow. Commissioner Mortensen feels the new PUD should state what is going to be installed and when it is going to be installed with regard to the road linkage.

The PUD could be used to limit the types of uses so as not to disturb the surrounding residential uses as well as requiring additional landscaping for this purpose.

The new buildings should have an office appearance with brick and windows as the primary materials to be compatible with the surrounding residential area.

Ms. Huntley reviewed her letter of June 19, 2002. Municipal sanitary sewer and water is available in this area. They have no outstanding issues.

The call to the public was held at 10:13 p.m. with no response.

A brief discussion was held regarding the setback and greenbelt requirements. The applicant is requesting a reduction in the greenbelt width from 20 to 10 feet. Also, they are proposing a 10-foot internal setback between the four buildings. Mr. Purdy agrees with the 10-foot internal setback being sufficient because of what is trying to be accomplished on this site, although he did not want to get into this much detail this evening. The request is only to rezone the property and these are site plan issues.

All Commissioners agree with the proposal and the details will be worked out administratively and presented at the time of site plan approval.

After a brief discussion, it was decided the more neighborhood service type uses should be permitted on this site instead of industrial type.

**Moved** by Mortensen, seconded by Burchfield, to table Open Public Hearing #5, rezone property located in Section 4 & 9, at the west side of Lawson Drive, 8.62 acres, approximately 450 feet north of Grand River Ave, at the petitioner's request. **The motion carried unanimously.**

**Moved** by Mortensen, seconded by Brown, to approve the minutes of June 24, 2002. **The motion carried unanimously.**

### **Member Discussion**

Mr. Archinal wanted to give some background on the Genoa 24 project. He felt the Kohl's was a better addition than the dealerships and he was picturing the Kohl's and then two other low-intense uses, such as restaurants, but then the petitioner changed it to the other larger building.

Commissioner Burchfield agrees that the car dealerships were "ludicrous". He feels the developer asks for more and then we try to get something and he gives in a we feel like we're getting something. The Planning Commission needs to let the developer know this is not a "slam dunk".

Mr. Archinal noted that Mr. Weiss does build quality buildings and he does what he says he is going to do.

Commissioner Mortensen feels the Planning Commission acted appropriately this evening with regard to this petitioner.

Mr. McCririe was present this evening. He advised the Planning Commission that the Township has filed suit against Lowes, Home Depot, and Wal Mart for being out of compliance. He wanted the Commissioners to know that their comments in the past have not "fallen on deaf ears".

The meeting adjourned at 10:36 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary