

1 BENZIE COUNTY PLANNING COMMISSION
2 MAY 6, 2009
3 SPECIAL MEETING – PUBLIC HEARING
4 MINUTES
5
6

7 **MEMBERS PRESENT:** Tanner, Roberts, Damm, Ross, Moorman, Ralston, Pitcher arrived
8 at 7:04

9 **STAFF PRESENT:** Neiger, Flynn

10 **GUESTS PRESENT:** Dan Wagner(Gourdie-Fraser), Dan McGrew (Production
11 Industries), Greg & Lucy Wright, Owen & Kay Wright, Kristin Hollenbeck (County
12 Commissioner), Chris Stapleton, Ron Beyette, Bill Robertson, Eric Monroe, David Morris, Tino
13 Breithaupt (Traverse Bay EDC), Troy Terwilliger, Marc Rossells, W. White, Doug Holmes, Lee
14 Plant Phyllis Morvec (Production Industries), Paul Fitzsimmons (Architect) and several other
15 citizens.
16
17

18 **I. CALL THE MEETING TO ORDER** Chairperson Ralston called the meeting to
19 order at 7:00 p.m.
20

21 **II. APPROVAL OF THE AGENDA** **Motion** by Tanner seconded by Ross to approve the
22 agenda as submitted. Ayes: All Nays: None **Motion Carried**
23

24 **III. PUBLIC HEARING – MASLUP 09-01 PRODUCTION INDUSTRIES, NEW FACTORY
25 BUILDING IN GILMORE TOWNSHIP**

26 A. Open the Public Hearing Chairman Ralston opened the public hearing at 7:02
27 p.m.
28

29 B. INTRODUCTION OF PLANNING COMMISSION AND CALL FOR CONFLICT
30 The Commissioners introduced themselves with no conflict stated.
31

32 C. STAFF ANALYSIS Neiger reviewed the subject property location and read his
33 written staff analysis with the following comments:

- 34 ● Explains the two approvals needed, one for the use and one for the site plan.
- 35 ● Comments that some pages of the site plan have been revised.
- 36 ● Affidavit of Compliance needs to be a condition.
- 37 ● Landscaping, noise, lighting mitigation can be required.
- 38 ● Noise limits in the summer with doors open may need mitigation.
- 39 ● He summarized Dan Wagner's response to the approval standards.
- 40 ● Reviewed his suggestions for motions on page 4. Provided samples, (1) to
41 approve as submitted, (2) approve with conditions (provided some conditions),
42 (3), to recess, and (4) to deny. He states this is not an attempt to steer the
43 motion in anyway, but to provide possibilities.
- 44 ● It is zoned RP-5, and explains that this is not an industrial zone, but it is an allowed
45 special use and if the standards are met it must be approved, or approved with
46 conditions.
- 47 ● States that in his opinion most of the standards have been met.
- 48 ● Ralston reads the definition of Manufacturing Establishments Light or Heavy from Article
49 II(2) of the Zoning Ordinance.
- 50 ● During discussion of traffic issues Dan McGraw states they usually get 3 trucks per day
51 between 7:00 a.m. and 3:30 p.m. plus their employees (currently 11) coming and going.
52

1 D. INVITATION TO APPLICANT TO PRESENT HIS REQUEST AND ANY FURTHER
2 COMMENTS Dan Wagner of Gourdie-Fraser, Dan ~~Wagner~~ *McGrew* ^(cf) of Production

3 Industries and Paul Fitzsimons, Architect make the following statements during the
4 presentation of the application:

- 5 ● Production Industries has been in business for approximately 55 years
- 6 ● Production Industries is looking to relocate their existing business
- 7 ● Production Industries is not looking to expand at this time
- 8 ● He has submitted a full set of plans, a detailed analysis of the standards, and an impact
9 assessment.
- 10 ● Has received the following approvals:
11 The Benzie Leelanau Health Dept., and have sites for well and septic approved
12 The Road Commission has approved with a couple of requirements
13 A Soil Erosion, Sedimentation and Stormwater Control Permit, with requirements of a
14 culvert and 2 other minor changes to the site plan.
- 15 ● Passes out aerial photos, and a two(2) dimensional photo of how the building will look,
16 and points to large-scale plan with elevations of the building.
 - 17 ▪ Loading/unloading areas are in the back
 - 18 ▪ The steel recycling bin is behind the building.
- 19 ● States that demands on the aquifer will be less than that of the number of homes that
20 may possibly be built on the parcel.
- 21 ● There are no plans to do something else on the property right now
- 22 ● It is understood that if in the future there are plans to expand they will have to come
23 back to the Planning Commission for approval.
- 24 ● Parking is sized to meet the highest recent need.
- 25 ● ~~Lighting exceeds the ordinance~~ *Material submitted exceed what is required by the*
26 *ordinance, but all lighting standards have been met.* ^(cf)
- 27 ● Points out the power line easement and states they located the building to take
28 advantage of the electrical service.
- 29 ● The driveway will be gravel, paved at the entrance parking area and loading area will be
30 concrete.
- 31 ● **Neiger** asks about easement for the ~~gas~~ *electric* ^(cf) line. Wagner sates there is an
32 easement but it should not be a problem.
- 33 ● They are using the existing trees for noise suppression, the south side doors are
34 emergency egress only.
- 35 ● **McGrew** describes the noise from their machinery and processes. He states the
36 doors being in the back will direct the sound flow to the treed area
- 37 ● There is some discussion on noise and the doors being open in the summer.
- 38 ● **Paul Fitzsimons** Architect states the building will be steel and fully insulated, to mitigate
39 sound. He adds that if that is not enough they can install sound board and they can get
40 rubber pads for vibration.
- 41 ● **Damm** asks if OSHA has requirements for sound. **McGrew** states they comply with
42 OSHA levels. McGrew points out that noise mitigation is included in the application documents
43 *study information was provided to the PC* ^(cf). There is discussion on doing a noise test on site
44 prior to construction for a base line.
- 45 ● **Neiger** asks if they are expecting to add extra the ^(cf) insulation at the end of the building
46 where noise is the greatest.
- 47 ● **Wagner** responds they will meet the standard.
- 48 ● **McGrew** states:
 - 49 ▪ They do not bring in volatile materials
 - 50 ▪ The only waste produced is the coolant (water based)
 - 51 * has some oil
 - 52 * is captured and stored in drums

- 1 * is pumped when they are ¾ full
- 2 * is disposed of through A-1 Disposal
- 3 * is not hazardous

4 ● **McGrew** also states:

- 5 ▪ Part of the reason they are looking to move is because
- 6 Chadco does not own the building they are in now and if they want to
- 7 expand or do much of anything they need their own building.
- 8 ▪ They need to be located on a Class A road and the only two(2) in the Frankfort
- 9 area are M-115 and Grace Road.
- 10 ▪ The Owner wants to stay near Frankfort.
- 11 ▪ M-115 has serious elevation changes that would be a danger.
- 12 ▪ The only industrial site in Frankfort/Elberta is owned by an individual (Rick Seres)
- 13 who will not sell.
- 14 ▪ They have been looking for 6 months to a year and could not find any existing
- 15 buildings in Benzie County available to them.
- 16 ▪ Described the different types of chain they make.
- 17 ▪ Explains that their outside storage is usually just in bins.
- 18 ▪ McGrew states that they would like to store the chips in a bin outside and then
- 19 recycle the chips. Storage will only be on the cement portions of the
- 20 project site

21 ● He states the walls will be 18' and the roof will have a 3:12 pitch. He states they will
22 comply with the ordinance.

23 ● **There** is discussion on the bins holding the chips. **Wagner** states the bins are
24 watertight, there is no way for the water to leak out. They are not covered, but
25 any water cannot escape.

26 ● There is a brief discussion on the odor associated with the coolant. **McGrew**
27 states that there is some odor, but it cannot be smelled outside of the building.
28 He adds that it is the coolant; ^(cf) which is most; ^(cf) recommended if there are asthmatic
29 employees.

31 For the record, Mary Pitcher introduced herself and declared no conflict.

32
33 **E. OPEN PUBLIC INPUT** Ralston read the public input policy and opened Public Input
34 at 8:12 p.m.

35
36 1. PROPONENTS:

- 37 ● **Paul Fitzsimons**, Architect, states that it is the intent of the applicant to run an industry
38 but to also be a good neighbor. They will do things in the design to minimize the employee
39 impact.
- 40 ● **Tino Breithaupt**, TBEDC work with the Benzie EDC encourages support of the project,
41 and states it appears to meet the requirements of the ordinance. This company is about 50%
42 automotive and 50% not automotive and the non-automotive is growing. The projection is to
43 gain up to 50 employees over time. MI unemployment is about 15%; this company is willing to
44 work with the neighbors. The Benzie EDC has been working with them. Opportunities for this
45 type of business are rare in Benzie County and would hate to see them move somewhere else.

46
47 2. OPPONENTS:

- 48 ● **Doug Homes** ^(cf) **Holmes**, Gilmore Township Trustee.
- 49 ▪ Does not think that aesthetics and noise have been addressed completely.
- 50 ▪ The adjoining property owners are going to be impacted by this, would like
51 to see more trees, berms for aesthetics

- 1 ▪ The Township would like to preserve some of its integrity for the tourism
- 2 industry
- 3 ▪ The other issue is there are some trees on the property and they will grow
- 4 up. But they will not deflect all of the noise. More must be done for
- 5 aesthetics and noise.
- 6 ● **Ron Beyette**, Gilmore Township Trustee
- 7 ▪ Was involved with the Graceland project.
- 8 ▪ There will be noise no matter how they try to deflect it.
- 9 ▪ Graceland's noise issue was supposed to be mitigated by not offloading sugar
- 10 trucks earlier than 8 am.
- 11 ▪ The trees will create a bowl effect, in a small valley to the west of the trees. That
- 12 noise will be there, resonating through the whole valley.
- 13 ▪ If there is a second and third shift, that noise will not be able to be resolved.
- 14 ▪ If agriculture land is lost it cannot be regained.
- 15 ▪ Gilmore Township is an agriculture area and believes this will disrupt the
- 16 peacefulness of the area
- 17 ● **Owen Wright**, west side property owner.
- 18 ▪ Disputes the description of the subject property location, the letter sounds like it
- 19 is his property.
- 20 ▪ States there is no gas line available to the subject property, the nearest line is at
- 21 the intersection of Grace Road.
- 22 ▪ The noise issue has not been completely addressed. Asks what type of
- 23 instrument was used in the study.
- 24 ▪ Is concerned with lubricant storage, there will be material to replace used
- 25 material
- 26 ▪ Welding creates smoke, dust and fume. Fume is very hard to control. Are there
- 27 toxic materials used in the welding?
- 28 ▪ Is concerned with water quality. He asks if hydrological tests *have* ^(cf) been
- 29 made.
- 30 ▪ Is concerned with the storage of the chips.
- 31 ▪ Read the letter he submitted.
- 32 ● **Greg Wright** property owner to the east of the subject property.
- 33 ▪ Is totally against the factory
- 34 ▪ Has farmed that property and still does some farming
- 35 ▪ States it does not matter how you try to hide it, it is still a factory.
- 36 ▪ He built his house 4 years ago without any idea that there would be a factory in
- 37 his backyard.
- 38 ▪ Agrees with his brother, where does it end.
- 39 ▪ There are other places for a factory.
- 40 ● **Greg Serich**, is against the project.
- 41 ▪ Spent his life savings to buy his property.
- 42 ▪ States he asked the County, prior to his purchase, if it could be developed as
- 43 something other than residential and was told it could not.
- 44 ▪ The Betsie River is close and this does not protect it.
- 45 ● **Bill Robertson** He has seen the noise level issues elsewhere. There will be noise.
- 46 ● **Arlene Robertson** states her conclusion is this is a company that wishes to grow, up to
- 47 three(3) shifts creating more noise
- 48 ▪ This is a unique area that is a neighborhood and you would be creating an island
- 49 of industrial in the middle of it.
- 50 ▪ There are many children in the area
- 51 ▪ Why disturb a pristine area with this kind of growth.
- 52

1 3. GENERAL STATEMENTS AND QUESTIONS

- 2 ● **Christine Stapleton**, worked with Production to find the property.
3 ▪ In Benzie County there is very little property zoned for industrial and what there is
4 was not for sale.
5 ▪ The RP district allows this use in this district.
6 ▪ The County does not have enough area set aside for industrial so it ends up in
7 the RP District.
8 ● **Gary Gonyon** asks how much welding rod they burn a day.
9 ● **Dan McGrew** replies that it depends on what they are doing.
10 ▪ They do not use a lot of welding rod. Has seen a few times where they have
11 used 2 cans in a day.
12 ▪ Ventilation will be through a system to the outside.
13 ● **Gary Gonyon** asks the following questions:
14 ▪ Are you aware this may contribute to some diseases.
15 ▪ How big are the machines? How much weight?
16 ▪ How much concrete is in the current building?
17 ● **Dan McGrew** responds that he does not know how much concrete is in the building as
18 they do not own the building and do not have the spec sheets. The last machine was
19 installed in 1976. He adds the filtration will be to the outside and will comply with OSHA
20 requirements.

21
22 4. REBUTTAL

23 a. PROPOSERS **Dan Wagener** states that it is important to realize that
24 Production Industries is ready to make a substantial financial commitment to the area and it is
25 inherent that they want to be good neighbors. They have submitted everything they could to
26 deal with the issues of the noise and other issues. ~~They know they have to overcome the~~
27 ~~other existing use, they know they have to abide by the ordinance and they intend to~~ *They*
28 *know they have to conform to the standards unlike the other existing use, they know they have*
29 *to abide by the ordinance and they intend to.* ^(cf)

30 b. OPPOSERS

- 31 ● **Gary Gonyon** asks if anyone can guarantee the factory will be there 15 years from now.
32 What happens if the company goes under?
33 ● **Dan Wagner** replies that any change of use would have to come before the Planning
34 Commission. He adds that the applicant would not be sinking this much money into this project
35 if they did not believe they would be successful.
36 ● **Bill Robertson** states it is a nice quiet area and if this goes through I will not be pulling
37 a permit to build here, I will go to the Upper Peninsula or somewhere.

38
39 5. CORRESPONDENCE attached

- 40 ● Mr. Owen Wright read his letter.
41 ● Flynn read the letter from Tadge Juechter and Mary McKay
42 ● Neiger read the letter from Larry McKay
43 ● Flynn read the email note from Don Nugent of Graceland Fruit, Inc.
44 ● Receipt of the approval letters are briefly discussed. Neiger states he is satisfied with
45 the Health Dept, Road Commission, and Fire Department responses. There is consensus that
46 the Planning Commission wants the Sheriff Department approval as well.

47
48 **CLOSE PUBLIC INPUT 9:09**

49
50 Break for 10 minutes at 9:09

51 Reconvene 9:22

52

1 **COMMISSION DELIBERATION – statements and questions.**

2 ● **Neiger** states that part of the process of approval is to go through the standards
3 required by the Zoning Ordinance.

4 ● There is discussion on the possibility that the parcel will be broken up into 5-acre lots for
5 industrial use. **Dan Wagner** states he has not done any work on future splits or development.
6 There is comment that during the pre-application process there was discussion that the land
7 could be leased for agriculture uses. Roberts asks if a condition could be that they could not
8 split the property. **Neiger** explains that with 16 splits possible they would have to create roads
9 for a development that would comply with Road Commission standards. He states he believes
10 that the Road Commission abandoned Grace Road at that property but has not seen any
11 documentation on this. He adds that there is a possibility that in the future, some industry could
12 be located to the rear of the property, and possibility in the front but there are topography
13 issues with doing that. Concern is expressed that we do not create a situation that if 5-acre
14 splits start happening that the splits do not affect the structure.

15 ● Landscaping and buffering is discussed:

16 ▪ **Neiger** states that as residential and agriculture are the primary uses, you
17 could require a buffer around that structure.

18 ▪ Examples are berms to deflect the noise and vegetation to absorb the
19 sound. To protect residential use you can add conditions to an approval.

20 ● There is some discussion on Owen Wright's barn, which is 2 feet into the subject parcel,
21 there is an easement allowing the barn to remain.

22 ● **Neiger** states this is primarily a commercial use and it has direct access to Grace Road.

23 ● **Neiger** states dewatering happens during construction, but this is a high site and no
24 impact is expected. He adds that Production Industries is doing some soil borings in relation to
25 the health dept permit. **Neiger** asks if more borings are planned in relation to the machinery.

26 **Wagner** responds yes.

27 ● There is discussion on water consumption:

28 ▪ Will water consumption be a problem if the number of employees increases.

29 **Wagner** states the Health Dept. estimates 30 35^(cf) gallons a day per employee and the
30 residential standard is 50 gallons. In comparison of the employees to 16 residences, the
31 project is significantly less. **Dan McGrew** states they do not use any significant water in their
32 processes. **Neiger** comments a perched water table may exist in one of the stormwater
33 basins. **Neiger** states that Pete Bruski (Soil Erosion and Sedimentation Control Officer) told
34 him he would normally require a soil boring. **Neiger** suggests doing a boring there. **Owen**
35 **Wright** questions basin #1, as it is the one that has the green vegetation all the time. **Dan**
36 **Wagner** states that the basins are natural areas, and are more than adequate to
37 accommodate the amount of runoff. If the planning commission wants them to, they will dig
38 another basin. The water is stored in the basin until it infiltrates into the ground.

39 ● **Damm** asks if there is a residence opposite from the proposed driveway and if so was
40 there a reason to place the drive there. **Dan Wagner** states it was located there due to safety,
41 there is more sight distance, turning area and less impact to the land.

42 ● **Tanner** suggests looking at more buffering, vegetation and berms to mitigate the noise.

43 ● **Neiger** suggests that, during the making of the motion, the Planning Commission
44 deliberate very carefully, use one of the examples, and a possible condition would be to have
45 the design firm design more buffering and bring that plan back to either a committee or staff,
46 something that meets the standards of the ordinance, especially the landscaping section.

47 ● There is discussion on the enforcement of any conditions, and what the Planning
48 Commission can do to enforce required buffering:

49 ▪ An escrow/performance guarantee can be required.

50 ▪ An internal document can be created to assure that this happens.

51 ▪ It is a goal of the master plan to buffer these uses and keep the "up north" look.

- 1 ● **Tanner** asks about the uncovered bin holding the chip shavings commenting that if
2 there is rain the standing water might create a mosquito problem. **Dan McGrew** responds
3 that they usually sit for about two(2) weeks. He adds they have considered keeping them in
4 the building except for loading and unloading or putting a roof over the bin
- 5 ● **Damm** comments that the Planning Commission should consider the neighbors quality
6 of life. She adds that she thinks there may be an incompatibility of use issue and would rather
7 see the project in Benzonia Twp. **Ralston** and **Ross** agree. **Ross** states especially if a 24
8 hour a day operation is being considered.
- 9 ● There is discussion on how many shifts are working. How disturbing will the noise be if
10 there are three (3) shifts working?
- 11 ▪ **Dan McGrew** asks if Graceland Fruit Inc. is a 24 hour a day operation?
12 There is discussion that it might be seasonally. **Neiger** states he thinks it's
13 Two (2) ten hour shifts.
- 14 ● There is discussion if the change in character of the neighborhood that would happen (if
15 approved) is grounds to deny the application.
- 16 ▪ If there is a factory in the neighborhood you are going to hear it, especially in the
17 summer.
- 18 ▪ This is just the wrong location.
- 19 ▪ **Dan McGrew** states that one of the reasons they picked the location is because
20 of the Graceland Fruit 24 hr operation and they tucked themselves off the road to minimize the
21 impact.
- 22 ▪ There just are not many places for this.
- 23 ● Did we ~~wasted~~ waste ^(cf) all this time on the master plan.
- 24 ● The law states you cannot prohibit a use in the face of a demonstrative need.
- 25 ● **Neiger** states that if they can mitigate the issues in Section 16.25 re noise, smoke, fume
26 etc., it will go along way in supporting an approval.
- 27 ▪ Vegetative buffering can eliminate or diffuse the issue of vehicle lights in the
28 parking lot.
- 29 ● **Dan McGraw** and **Dan Wagner** accept a condition restricting the hours of deliveries
30 during off hours, excepting the very infrequent requirements of the auto companies.
- 31 ● There is some discussion on parking in the front. **Neiger** comments the ordinance does
32 not allow front parking and promotes keeping the "up north look".
- 33 ● There is discussion on lighting requirements and restrictions:
- 34 ▪ **Neiger** states the packet includes information on the down shining box
35 lighting fixtures, and the building fixtures that are also down shining. There is a
36 lighting plan on the site plan showing the location of the light fixtures and where it
37 is shining on page 3.1. He states he thinks the lighting is well addressed.
- 38 ▪ There will be no driveway lighting.
- 39 ▪ There will be lights on if the plant is working multiple shifts. Neiger suggests
40 leaving the wall lights on, but the perimeter lights could be turned off except
41 when needed.
- 42 ▪ The sign cannot be lighted because it is a residential area.
- 43 ● **Neiger** states the site plan shows storage to the rear with screening proposed.
- 44 ● **Neiger** states the issue of the scrap cuts could be addressed by a roof, or inside
45 storage if needed.
- 46 ● There is some discussion on hazardous materials:
- 47 ▪ **McGrew** states there are oil stains on the concrete. He states all parts
48 shipped in or out are sprayed with oil.
- 49 ▪ Is there danger of it leaching into the ground. McGraw responds that it is a light
50 oil.
- 51 ▪ **Paul Fitzsimmons** states they will address this issue – for the protection
52 of the environment, the company and the neighbors. **McGrew** comments

1 that they have a product (like kitty litter) that absorbs the oil, and takes care
2 of any spills they have had.
3

4 ● **Ralston**, asks how much farther the discussion needs to go? She states the policies
5 manual says the meeting is to end at 10:00 p.m. She adds that we can recess the balance of
6 the public hearing. **Neiger** suggests finishing this section and then recess. **Ross** asks can we
7 get through "n". **Neiger** states we are almost through the first part. There is consensus to at
8 least finish the section to "n" and then decide if we are going to go to another day.
9

10 ● More discussion on hazardous materials.

11 ▪ If Production Industries does not utilize hazardous materials there might not
12 be a need for secondary containment.

13 ▪ It could be a condition that someone sign off on a containment system and
14 we need to find out what the oil is.

15 ▪ Is there a hazmat plan. **McGraw** responds that they do all of them for OSHA
16 regulations. The plans they can be made available. He states they have a
17 voluntary fire inspection very year and have very few chemicals onsite.

18 ▪ **McGrew** states no underground storage is proposed.

19 ● **Neiger** states the SESSC permit is issued and it addresses stormwater retention and
20 the basins. He thinks the only issue could be the capacity of the retention basins, and the
21 existing basins are over designed. Therefore, it is not an issue.

22 ● **Neiger** states this finishes the requirements A – N. The other regulations are basically
23 repeats of what we have already looked at.

24 ● **Neiger** doesn't know if there are Township Rules, Drain Commissioner Rules, or
25 County Board of Commissioners rules. He states Road Commission, Health Dept, and Fire
26 Department issues have been addressed.

27 ● **Neiger** states the Affidavit of Compliance takes care of all necessary permits and rules.
28

29 ● There is discussion on continuing the hearing at the May 14, 2009 Regular Meeting.
30 **Ralston** thinks the public's concerns will be addressed with the completion of the Board
31 Discussion. **Neiger** states the rest of the Ordinance requirements are boiler plate language
32 and have already been addressed. **Motion** by Pitcher seconded by Tanner to recess the
33 public hearing to May 14 at 7:00 p.m. Ayes: All Nays: None **Motion Carried**
34

35 **IV. Motion** by Ross seconded by Damm to adjourn. Chairman Ralston adjourned the
36 meeting at 10:32 a.m.
37

38
39 Respectfully Submitted:
40

41
42 _____
43 Katherine Ross, Secretary
44

45
46 _____
47 Christi Flynn, Recording Secretary