

SHIAWASSEE COUNTY PLANNING COMMISSION
AUGUST 24, 2011 BOARD MINUTES

Meeting Called to Order: Chairman Fred Junger called the Shiawassee County Planning Commission public hearing to order at 7:00 P.M. within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, Corunna, MI.

Roll Call: Present: Don Dickmann, John Griffin, Henry W. Martin III, William Thelen, Glenn Love Jr., Bonnie Ott, and Fred Junger. Absent: None. Also present: Peter J. Preston/Community Development Director, Linda Gene Cordier/Zoning Administrator, and Commissioner Ronald Elder.

Excused Absences: None.

Pledge of Allegiance: Chair Junger led the Pledge of Allegiance.

Proof of Publication: Cordier informed the chair that a legal notice for the evening's public hearing was printed within the Shiawassee County Independent on Sunday, August 7, 2011. Chair Junger declared the hearing as legally noticed.

Approval of Agenda: Motion: Henry W. Martin III moved to approve the agenda as printed. **Support:** Glenn Love Jr. Motion carried: 7 ayes, 0 nays.

Approval of Board Minutes: Motion: Bonnie Ott moved to approve the June 29, 2011 board minutes as printed. **Support:** Glenn Love Jr. Motion carried: 7 ayes, 0 nays.

Board of Commissioner Comments: Commissioner Elder gave a brief update relating to budget hearings with the department heads and possible shortfall of revenue sharing for the 2012 calendar year. The commissioners are trying to be as frugal as possible and noted that the department heads have been very cooperative. It was also noted that the Veteran's Affairs were settled in their offices which were re-located to the third floor of this building (Surbeck). Elder informed the board that due to the fact Veteran Affairs Director, Fred Finnen, was in the hospital the office hours have been reverted back to Monday thru Thursday, 1:00 P.M. to 5:00 P.M. and by appointment only on Fridays. Elder asked if the board had any questions.

Ott asked if there was an alliance being created between the Veterans Affairs and Mental Health. Elder answered yes as Fred Finnen has been working with them as well as with others within the community.

Call to the Public on Non-Agenda Items: None.

Old Business: Review of proposed text amendments to the 1999 Shiawassee County Zoning Ordinance, as amended:

a. Amending Section 4.3.5. (Automobile Service Stations), Section 4.3.76. (Commercial Vehicle Service Stations) and Section 21.1 (Definitions for Automobile Service Stations and Commercial Service Stations) to allow for commercial refueling.

Preston informed the board that normally this would come under Committee Reports as it is a recommendation coming from the Ordinance Revision ("rewrite") Committee. The language proposed resulted from a recent petition to rezone property located on M-21 and M-13 corridor to allow for refueling of commercial vehicles. It was discovered that there was no language within the ordinance that allowed for that and the petition was tabled. The Revision Committee is recommending a public hearing be held on the proposed text language changes. The text amendment includes some minor changes within

that section as well that needed corrected or updated. The language had been mailed to the townships for a fifty-day review. The document before you tonight incorporated comments or recommended changes that were received from the townships.

Motion: Chair Junger informed the board that as it came out of Rewrite Committee it will serve as a motion and called for a support to schedule a public hearing next month. **Support:** Bonnie Ott.

Discussion: Dickmann stated the business was closing. Preston stated there was an article had been written within the Argus Press this past week stating that. Junger noted the ordinance still needed to be amended to include an area for refueling.

Voice Vote: 7 ayes, 0 nays. Motion carried.

b. Amending Section 2.26.5 (Chart), Section 5.3.2. (Accessory Uses), add Section 4.3.79 (Establishment of a Medical Marihuana Dispensary), and amend Section 2.1.2. (Definitions):

Chair Junger asked Martin if he was providing the report from the committee. Martin stated he would turn it over to Preston to present.

Preston replied that he had passed out a revised copy tonight and that the changes were in red. The changes came about after it had been re-reviewed by the Prosecuting Attorney's office. Again, the Rewrite Committee is recommending a public hearing be held on this next month. The County Board of Commissioners extended the moratorium for an additional three (3) months. They need to move on this as additional delays could take on the appearance of procrastination. The ordinance is a living document, if needed, it can be amended. Preston briefly discussed the Court of Appeals ruling that was on the news earlier in the day that would outlaw dispensaries. The ruling was the result of a specific case. It will not affect our proposed language. It is feasible that legislation may make changes, but we need to move forward with a public hearing. The townships received the previous language and provided input. Staff and the Rewrite Committee have put a lot of time and effort into this.

Motion: Chair Junger again noted that as it is coming out of Rewrite it will act as a motion to hold a public hearing on this next month. **Support:** Glenn Love Jr.

Discussion: Griffin asked if the only change to the ordinance was in the red. Preston replied no; the entire document would be amended into the ordinance if approved.

Voice Vote: 7 ayes, 0 nays. Motion carried.

Chair Junger recommended that a copy of the updated language received this evening be provided to the townships for next month's public hearing. Staff agreed.

New Business: None.

Reports of Officers and Committees: **Ordinance Revision (Rewrite):** Martin stated the committee reviewed the proposed text amendment on Surface Mining and is recommending to the Planning Commission that it be sent out to the townships for a fifty-day review and recommendation period.

Voice Vote: Chair Junger called for a voice vote to forward the language onto the townships for review and recommendation. Motion carried: 7 ayes, 0 nays.

Martin stated that once the ongoing issues were completed, the ordinance with all the updates will be sent out to be reprinted and a copy placed on the County's website. The committee is also looking in to the

feasibility of a new format so it is easier to follow. The updated ordinance may be available by the first of the year.

Future Planning: Love stated the committee had met again on a couple of land divisions the first of the month. They were reviewed, a letter written, and he hand-delivered that afternoon to Commissioner Elder at the Economic and Physical Development Committee meeting. It was his understanding there may be a couple more to review from Antrim Township.

Discussion: Chair Junger stated it was his understanding that the reason for the influx of requests was because P.A. 116 was to be eliminated. Preston agreed he understood there was a deadline. Commissioner Elder stated he thought the deadline was real close. Thelen said he understood the P.A. 116 process takes approximately three months and that the deadline to file was September and the program would end at the end of the year.

Land Division: Thelen informed the board that they have a draft Land Division Ordinance. Sciota Township has a Land Division Ordinance. In reviewing the ordinance, the exempt division doesn't count against a division; however, all land division requests should be reviewed regardless of its size. The language should be reviewed for possible change. Chair Junger agreed and felt the committee did a good job at reviewing this even though it isn't an ordinance that the County Planning Commission enforces. It is great to be able to help the townships out.

Communications Received: None.

Director's Comments: Preston discussed P.A. #113 of 2011 which relates to extraction of natural resources. This language could affect sand and gravel mining operations with regard to interpretation of a valuable resource and impacts on the property values and land uses within the vicinity.

Discussion: Chair Junger wondered if it would include drilling for water and noted oil and gas was exempt from zoning. He felt this was a broad category. This is a new law, which means it may end up being challenged in court. Griffin agreed it was a broad category that brings up a lot of questions and not many answers.

Preston continued that the Site Plan Review Committee will be meeting on September 7th @ 1:00 P.M. to review to pending special land use applications (Amvets Post 2273 of Durand and Private Road Development by William Spike in New Haven Township) for recommendations to this board. The two application requests will be scheduled on the September agenda.

Preston informed the board that the County has a new website on the internet. All minutes from the Zoning Board of Appeals and County Planning Commission will be posted once they have been approved.

Gravel Committee:

Chair Junger apologized and noted he had skipped over the Gravel Committee Report. Griffin replied that the committee will be meeting in September to visit the area gravel pits for compliance and provide a yearly update to the board.

Public Comments:

Speaker #1 – Bruno Dabish stated he was representing the B.P. gas station located in Venice Township. He was happy to see they were moving forward on the text amendment for commercial refueling and a public hearing will be scheduled for next month.

Chair Junger replied that the proposed change in zoning language would represent the entire 14 townships under county zoning and not written particularly for the B.P. gas station.

Dabish said he understood. He informed the chair that he had a copy of the recent newspaper article regarding the closing of the gas station if anyone wanted to see it. His brother-in-law put a lot of money and time into the gas station over the past eight years and they can't afford to stay open. Dabish stated he had a petition that was signed by customers visiting the gas station stating how much they would like to have the commercial vehicle refueling available; it was signed by 500 people. Their neighborhood no longer has a problem. The one person that had objected has moved and the home is up for foreclosure. If they were approved to have the commercial refueling there, they would not allow anyone to park overnight. Our station would not allow that. He concluded that the proposed language change was very important to them in terms of listing the property for sale. They have received inquiries from three different persons about purchasing the gas station if commercial refueling is allowed. He would be present next month with his attorney.

Chair Junger explained that the County Planning Commission will hold its public hearing next month and forward its recommendation on to the County Board of Commissioners for final review and action.

Ott suggested that if Dabish wanted the board to review the petition before next month's hearing, to provide a copy to the Community Development Department to include in their packet of materials for that night.

Speaker #2 – Terry McLeod, Venice Township. McLeod said the township questioned whether or not LP gas tanks could be refilled because the language states on page two states there shall be no above ground tanks for the storage of liquefied petroleum gas. If you can't, it should be considered as we would like to make this as profitable or available as another option if possible.

Thelen responded that it may be feasible to have just a tank exchange like other gas stations and commercial businesses provide.

Preston informed everyone that an exchange of LP tanks is considered an accessory use and would be allowed. If the board would like further clarification, it can be handled next month.

McLeod continued and asked if the proposed language would be allowed in the A-1, A-1½? The language referenced Section 2.26.5; but felt it may have been omitted.

Preston stated he would check it out; there may be a typo on the existing chart.

Martin informed Chair Junger that he may be out of state next month and wouldn't be at the public hearing. Martin also informed the board that the September Zoning Board of Appeals public hearing was cancelled due to no agenda items for that evening.

Adjournment: Motion: Thelen moved to adjourn. **Support:** Ott. Motion carried: 7 ayes, 0 nays. Meeting adjourned at approximately 7:40 P.M. (Gravel Committee met briefly to schedule a site inspection date in September.)

Recording Secretary: Linda Gene Cordier

Fred Junger, Chairman
Shiawassee County Planning Commission

September 28, 2011
Approval Date

