

**SHIAWASSEE COUNTY PLANNING COMMISSION  
PUBLIC HEARING/BOARD MINUTES  
OCTOBER 26, 2016**

**Call to Order:** William Thelen called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. on October 26<sup>th</sup>, 2016. The hearing was held within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.

**Roll Call:** Present: Bonnie Ott, Bonnie Reno, Walt Saxton, Robert Ebmeyer, Steve Andrews, John Horvath, and William Thelen. **Absent:** None

**Also present:** Peter Preston, Community Development Director and Matthew Lafferty, Land Use Planner.

**Excused Absences:** None

**Pledge of Allegiance:** Thelen led the Pledge of Allegiance to the Flag.

**Proof of Publication:** The board was informed that a legal notice of the scheduled hearing was placed within the Shiawassee County Independent Newspaper on October 9, 2016. Thelen declared the hearing as legally noticed.

**Approval of the Agenda: Motion:** Ebmeyer moved to approve the agenda as printed. **Support:** Reno. **Motion Carried:** 7 ayes, 0 nays.

**Approval of Board Minutes: Motion:** Ott moved to approve the August 24<sup>th</sup>, 2016 board meeting minutes as printed. **Support:** Saxton. Thelen requested a friendly amendment to remove a portion of condition set two for PSUP16-09 as it is a commercial garage rather than a community residential care facility, as it was printed. **Motion carried:** 7 ayes, 0 nays.

**Board of Commissioner Comments:** Horvath states that the Board of Commissioners is currently setting up the 2017 budget and should have results shortly. Also the board recently approved the acquisition of a tractor to use for winter maintenance.

**Call to the Public on Non-Agenda Items:** Brian Santrvcek, Rush Township Trustee, is concerned about the overwhelming opposition his constituents have brought against the proposed wind farm. As a result, he stated that because of the opposition and the fact that the language regarding wind energy in the Shiawassee County Zoning Ordinance has not been updated in some time he is requesting a moratorium for a year to review.

Brad Lila, representative from Apex Clean Energy, commented that his company recently purchased the wind energy rights from another company who attempted a similar project. Brad stated that Shiawassee County seemed to be an attractive destination for his company because the County has existing language regarding wind energy in place and could avoid issues with

zoning. Furthermore he stated that his company is happy to work with the Shiawassee County government in updating any necessary language to move the project along as quickly as possible and that placing a moratorium on the project would cost his company a significant amount of money and time.

Jeff Flagg, local resident, stated that these are the largest wind turbines the state has seen and that the County has not been transparent regarding their development.

Michele Flagg, local resident, supported her husband's previous statement and said there has not been enough research done regarding the health effects of the wind turbines.

Thelen stated that any further comments regarding wind energy will be held under the "Director's Comments" section of the meeting.

### **Old Business:**

#### **a. Application Request #PSUP16-01**

**Applicant/Owner** – Christopher A. Bucceri

**Site Location** – 10446 S. Shaftsburg., Laingsburg, MI 48848 Tax Id.# 013-11-200-003 and 013-11-200-004, Section 11, Woodhull Township.

**Request** – Special Land Use & Site Plan approval for a Commercial Kennel.

**Ordinance Reference** – Section 4.3.43, Commercial Kennels.

Preston stated that due to discussion in a previous meeting it was not necessary to read Mr. Bucceri's staff report.

Preston commented that there have been numerous failed attempts to contact and work with Mr. Bucceri regarding his Special Land Use and Site Plan application. Due to the lack of information regarding this issue staff will reach out to Mr. Bucceri one more time and if no feedback is received staff will recommend denial of Mr. Bucceri's Special Land Use Permit and Site Plan in the following Planning Commission meeting.

### **New Business:**

#### **a. Application Request #PSUP16-10**

**Applicant** – New Par/Verizon Wireless; Representative: Bob Przybylo, RJP Consulting, 24242 Northwestern Hwy., Southfield, MI 48075.

**Property Owner** – Scott & Ranette Dieck

**Site Location** – 2460 S. Byron Rd., Lennon, MI 48449. **Tax Id.#** 78-008-35-200-003 Section 35, Venice Township.

**Request** – Special Land Use & Site Plan approval for a 190' Monopole Wireless Communication Tower with a 7' lighting rod and associated equipment within a 10,000-sf leased area.

**Ordinance Reference** – Section 4.3.16 (Communication Towers)

Thelen opened the public hearing. Lafferty presented the staff report.

Thelen asked for the applicant's statement. Bob Przybylo, representing Verizon Wireless noted that this project was approved last year and due to company reprioritizing the project lost funding. At this point in time Verizon has scheduled this site for development and would like to proceed with the same proposed project as last year. The only difference between the proposal this year and the one approved last year is that the previously proposed protective shelter would instead be a protective canopy.

Thelen called for other comments in support of the applicant. None heard.

Thelen called for comments in opposition to the request of the applicant. John Mitosinka stated that the 100' strip of land between Byron Rd. and the proposed compound has been an issue for similar developments in the area. Farmers have difficulty moving their equipment through such a small space.

Thelen called for other comments from the audience. None heard.

Thelen called for comments from Venice Township. Venice Township supervisor spoke further about Mr. Mitosinka's comments and suggested that the Township would like to see the proposed development moved further from the road to accommodate the land owner or have the applicant maintain this strip of land.

Thelen called for any rebuttal. Mr. Przybylo said he would not feel comfortable moving the proposed development but would be happy to maintain the 100' strip of land between the development and Byron Rd.

Thelen closed the public hearing.

The Planning Commission deliberated. Lafferty presented the General Standards for Approval.

**Motion:** Ott motions to approve the Special Land Use Permit/Final Site Plan, PSUP16-10, New Par/Verizon Wireless, request for a 190' monopole wireless communication tower with a 7' lightning rod (197' overall height), an equipment canopy, a back-up power generator and a 1,000 gallon propane tank within a 60' by 65' (3,900-sf) site compound within a 100' by 100' (10,000-sf) leased area surrounded by evergreens, as submitted by RJP Consulting, representing New Par/Verizon Wireless, to be located on the west side of S. Byron Rd., and as legally described in Section 35 of Venice Township (Parent Tax I.D. 78-008-35-200-003) based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special use permit for a wireless communication tower and associated facilities meets the general standards as provided for in Article 12 of the Ordinance.
2. Subject to the conditions provided below, it is found that the petitioned site plan for a communication tower meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.16.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information. Compliance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.
2. Compliance with the provisions of the Zoning Ordinance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.
3. The Planning Commission has resolved that the proposed communication tower is not “in front” of the single-family residential principal structure and is for all practical purposes located in the side yard of a corner lot.
4. That the tower company and/or property owner maintains the strip of land along Brooks Rd. between the proposed site compound and Byron Rd. for the life of the site.

**Support:** Ebmeyer.

**Roll Call Vote: Ayes to approve:** Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. **Nays:** None. **Motion carries:** 7 ayes, 0 nays.  
**Absent:** None

**Committee Reports:**

**Ordinance Revision:** Preston said that we are now working on putting the proposal together and would optimistically like to be done in the spring.

**Future Land Use:** Preston stated that an application has been received for Farmland PA 116 and would like the Planning Commission to review the proposal.

The Planning Commission deliberated.

**Motion:** Ott motions to receive and place on file PA 116 for David and Jennifer Jacobs.  
**Support:** Saxton. **Motion carried:** 7 ayes, 0 nays.

**Parks and Recreation:** Reno reports that the committee has completed a draft of an updated Parks and Recreation Plan which has been distributed for review. Furthermore a mobile phone application has been developed for Apple and Android users to find County parks and activities.

Ebmeyer complimented the detail oriented nature of the plan and suggested that a brief summary be written for further distribution.

**Gravel Committee:** Thelen read a memo prepared by staff describing site visits to Al-Par Peat Company, Schlegel Family LLC, and Constine Gravel Company which found all operations to be operating within the boundaries of their Special Use Permit. It was also found that the

Osburn Surface Mine has finished its reclamation process and as a result the bond held for Mr. Osburn was released.

**Communications Received:** Correspondence was received from ProLime, an agricultural liming business. ProLime currently has a Special Use Permit for a sand and gravel operation and would like to expand their operation to include the creation and distribution of pelletized lime and gypsum. Preston summarized a memo created by staff which outlines the process to expand their operation. It was stated that the current Zoning Ordinance is not clear regarding the proposed use and outlined different ways which the Planning Commission could resolve this discrepancy between the Zoning Ordinance and the proposal.

Justin Horvath, President of the Shiawassee Economic Development Partnership, came out in support of ProLime's proposal.

Ott stated that the proposed use seems to fit the definition of Agricultural Service Establishment under the current Zoning Ordinance.

Andrews states that he is concerned about classifying the proposed use as an Agricultural Service Establishment due to the heavily populated surrounding area and future use of the property following the ProLime Company.

The Planning Commission's general consensus is that the proposal falls under permitted uses of an agricultural service establishment under the Shiawassee County Zoning Ordinance from the information provided at this time. If any new information is received they are not obligated to move forward with the project. At this time Staff will proceed with the Special Use Permit and Site Plan Review process for the proposed project.

Preston stated that in an advertisement described in the September 19, 2016 issue of the Argus Press, it was found that Joe & Beth Rzepecki, owners and operators of Muzzy Farms, LLC, were planning to host a "Jeep Day-Bale Sale" which included but was not limited to off-road/trail ride activities, live entertainment, and a fundraising event. It was determined by staff that this event was operating outside of the limitations stated in their Special Use Permit, PSUP15-02. A letter was sent on September 22, 2016 notifying Mr. and Mrs. Rzepecki of their violation. A Memo to the Planning Commission in regards to this item was provided for review. It is now being brought in front of the Planning Commission to determine if further action needs to take place.

The Planning Commission deliberated.

**Motion:** Ott motioned that a letter be drafted and sent to Mr. and Mrs. Rzepecki reprimanding them for violating their Special Use Permit. **Support:** Andrews. **Motion carried:** 7 ayes, 0 nays.

**Directors Comments:** Preston stated that regarding the moratorium we have no application on file for the development of the wind energy sites. The ordinance rewrite is an ongoing process but if the Planning Commission wants to reopen the wind ordinance they have the right to do so.

Ott stated that the ordinance is a living document and this ordinance has been in the update process since 2008.

Preston stated that he would like to pursue a joint meeting with affected townships to gain more public input throughout this process.

Justin Horvath stated that he is for the project and potential economic impact of the project but would like to hear the concerns of the community. The SEDP (Shiawassee Economic Development Partnership) is willing to host a public input session.

Preston stated that staff will be working with Mr. Horvath to coordinate this meeting and will also be talking with Rush, Fairfield, Middlebury and Owosso Townships.

**Public Comments:** None at this time.

**Adjournment:** **Motion:** Reno moved to adjourn. **Support:** Ott. **Motion carried:** 7 ayes, 0 nays. The public hearing adjourned at approximately 8:45 P.M.

Recording Secretary – Matthew Lafferty

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Approval Signature,  
Shiawassee County Planning Commission

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Approval Date