

SHIAWASSEE COUNTY PLANNING COMMISSION MINUTES
November 16, 2011

CALL TO ORDER: Vice Chair Don Dickmann called the regular monthly Shiawassee County Planning Commission to order at 7:04 P.M. within the Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.

ROLL CALL: Present: Henry W. Martin III, Glenn Love Jr., Bonnie Ott, John Griffin, and Don Dickmann. Absent: William Thelen and Fred Junger. Also present: Peter J. Preston/Community Development Director, Linda Gene Cordier/Zoning Administrator, and County Commissioner Ron Elder.

EXCUSED ABSENCES: Cordier informed the board that Thelen had contacted the office earlier in the day; due to a work related emergency he didn't think he would make it in time for the meeting. Cordier stated she had not heard from Junger. **Motion:** Bonnie Ott moved to excuse Thelen at this time. Support: Glenn Love Jr. Motion carried: 5 ayes, 0 nays.

Vice Chair Dickmann stated they would wait until the next meeting after they hear from Junger.

PLEDGE OF ALLEGIANCE: Vice Chair Dickmann led the Pledge of Allegiance.

PROOF OF PUBLICATION: Cordier stated the scheduled hearing was published within the Shiawassee County Independent on Sunday, October 30, 2011; and a copy of the notice was available for review. Vice Chair Dickmann declared the hearing as legally noticed.

APPROVAL OF AGENDA: Motion: Henry W. Martin III moved to add P.A. 116 applications under Communications received and approve the agenda as amended. Support: Glenn Love Jr. Motion carried: 5 ayes, 0 nays.

APPROVAL OF BOARD MINUTES: Motion: Glenn Love Jr. moved to approve the September 28, 2011 board minutes as printed. Support: John Griffin. Motion carried: 5 ayes, 0 nays.

BOARD OF COMMISSIONER COMMENTS: Commissioner Elder discussed the recent budget hearings with respect to MSU Extension and 4-H. Although the committee and regular commissioner meetings drew a large crowd, the citizens acted in an orderly fashion. About 20 individuals addressed the commissioners. Elimination of funds for MSU Extension would not just involve the 4-H Youth Program. The Extension Service provides several other programs to the community and to senior citizens. The program affects everyone; young and old and briefly discussed the various programs available. Some good came out of the meetings. It was suggested to have an Ad-Hoc Committee by including a couple of commissioners, 4-H leaders, and Fair Board members. Funding of the MSU Extension will not provide service currently provided by the part-time secretary (Wendy Kurney) who is employed 19 hours a week. The Extension Agent will be covering five counties. The only way to reach the agent will be by leaving a voice mail or email. The doors will not be open to take messages or assist the public due to the loss of the secretary. One girl (11 years of age) spoke to the Commissioners and stated she began 4-H when she was 8 years old. She explained she was shy at first, but was not shy anymore. She said she was very proud of herself that she could stand up in front of them and speak and not be afraid.

The Commissioners were told there would be no layoffs except for Wendy Kurney within that department. Elder asked if the board had any questions.

Martin stated he thought it was a good thing for young and old to understand how government works.

Commissioner Elder agreed; it may appear like a rubber stamp if the public didn't attend any of the committee meetings before the Board of Commissioner meeting where final action is taken. It goes through more than one committee meeting before reaching the final public hearing.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS: None.

OLD BUSINESS:

Rezoning Request:

Applicant – Venice Petroleum, LLC and Venice Oil Inc. (JME Consultants, Inc., Lee J. Klein/President; Authorized Representative)

Owner – Venice Petroleum, LLC

Location – 11941 Corunna Road, Lennon, MI 48449

Tax Identification – 78-008-38-061-000; Section 13, Venice Township

Current Zoning – B-2, General Business

Proposed Zoning Change – B-3, Highway Service

Action: Remove from the table (tabled by Planning Commission on January 26, 2011) and enter a motion to forward it back to Venice Township for review under the recently adopted Zoning Ordinance language for Commercial Refueling Stations.

Preston gave a brief update. Staff is asking that this application be brought back off the table with the option of sending it back to Venice Township for review under the recently adopted text amendment language for commercial refueling stations. It was asked to be tabled by the owner back in January while the ordinance was being reviewed for possible amendment. It was discovered at that time that there was no provision within the ordinance to allow for a commercial refueling station. The ordinance language has been amended to allow for a commercial refueling station within the B-2 district under a special land use permit. The applicant and owner were sent notification of the text amendment. Staff is asking to remove from the table with the options of recommending denial and/or sending it back to the township. They were informed by mail that they would not need to attend tonight's meeting. Staff had been informed that they would withdraw their application request; however, nothing had been received as of today.

Motion: Henry W. Martin III moved to remove it from the table and refer it back to Venice Township for further review and recommendation. Support: Bonnie Ott. Motion carried: 5 ayes, 0 nays.

Discussion: Vice Chair Dickmann stated the motion was to send it back to the township for review and recommendation under the newly adopted ordinance language and called for board discussion. Griffin replied that members from Venice Township were present and may wish to comment. Dickmann asked if anyone from the township wished to speak.

Brian Martindale, Venice Township Planning Commission Chairman, questioned if it was sent back to the township, what would be the notification process? Would they have to hold another public hearing? The new language would allow it to be reviewed under a special use permit as the property is already zoned B-2. The township believed it would be a waste of time to send it back through them.

Preston replied that this was explained to the applicant. The township had wanted to review it again under any new text language. It was tabled at the Planning Commission level. Staff did not receive any correspondence from the applicant stating that they were going to withdraw, but now it was being taken off the table for consideration to send back to the township and that their attendance wasn't being requested at this time.

Terry McLeod, Venice Township Planning Commission, felt it should remain tabled with no action taken unless the applicant was present.

Preston agreed this board was not prepared to take any action on it to recommend denial tonight. Again, the applicant was sent notification that under the newly adopted language a rezoning of the property would not be required. They were mailed the new language and a special land use/site plan application for consideration.

Griffin questioned the fact that the property may be sold because the owner has closed the station down and had listed it for sale. If the owners obtain the special use permit, would it be transferred to the new owner if the property sold?

Cordier again noted that she had talked with Mr. Sitto and was informed by him that he would submit a letter requesting withdrawal; however she had not received confirmation at this time.

Motion: Martin moved to re-table the rezoning request and bring it back at the December meeting to resolve. **Support:** John Griffin. Motion carried: 5 ayes, 0 nays.

8b. Application #PSUP11-04

Applicant/Owner: William Spike, 8295 Seymour Road, Owosso, MI

Proposed Site Location: Access from Seymour Road, Owosso (Sec. 6, New Haven Twp.)

Tax Identification Numbers: 78-003-06-200-007-00, 78-06-200-005-01, 78-003-06-400-004-00, 78-003-06-400-003-00, 78-06-400-002-00, 78-003-06-400-001-00, 78-003-06-400-001-01, and 78-003-06-400-001-02.

Zoning District: A-1, Agricultural Production

Request: Special Land Use and Site Plan Approval for the Construction of a Private Road to Service Six (6) Single-Family Residential Lots

Correlation to the 1999 Shiawassee County Zoning Ordinance, as amended, Section 6.5 (Private Road Development)

Action – To remain tabled

Preston replied that this will remain tabled as additional information had not been received.

9. New Business: None.

10. Reports of Officers and Committees:

Ordinance Revision (Rewrite): Committee chairman Henry W. Martin III discussed the various ordinance sections that the committee has been working on. They were: Surface Mining regulations, Accessory Buildings on Residential Lots, Land Division regulations although a part of the Zoning Ordinance, Sexually Oriented Businesses, Dog Kennels, and Outdoor Solid Fuel Furnaces.

1st – Surface Mining: Martin stated the townships have had fifty (50) days to review. A public hearing needs to be scheduled for review and recommendation to the Board of Commissioners. Support: John Griffin. Motion carried to have staff schedule a public

hearing. Martin thanked Griffin for all the hard work the gravel committee did in review and recommendation of the surface mining section of the ordinance.

2nd – Accessory buildings within a residential zoned district. The proposed language change is currently being reviewed by the Prosecuting Attorney's Office. They have asked for additional time. No action is being brought forward this evening.

3rd – Land Division Ordinance. The Rewrite Committee was asked to review the proposed ordinance although it will not be a part of the Zoning Ordinance. It will be an ordinance process hopefully adopted by all townships. No action is being brought forward this evening.

4th – Sexually Oriented Businesses: Martin asked Preston to comment on this. Preston explained that a request had been received from Venice Township to review this section of the ordinance for possible review. They are allowed by special use permits within an industrially zoned district. The Rewrite Committee has been asked to look into this. Another letter had been received asking action be taken on this matter. This language was adopted under very intensive review and litigation between the county which included all townships under the jurisdiction of the county zoning ordinance. Conditions have not changed warranting possible change to that language.

Ott responded that per her notes from the Rewrite Committee, they had looked this over three times. Ott suggested staff write a letter to the township stating that section of the ordinance has been addressed by the committee and feel language is sufficient at this time in response to the township's recent letter. Preston stated as this came out of Rewrite it would be considered a motion. Support: Bonnie Ott. Motion carried.

5th – Kennels. Preston stated Venice Township questioned the ordinance language on commercial kennels as a Use by Right within the A-1 District and felt the ordinance language should be changed to reflect a special land use permit be required as it currently is for a commercial kennel within the A-2 district. If a special use permit was required, the surrounding property owners would be notified of the request. Martin stated the Rewrite Committee is recommending that the Planning Commission send this to back to them for further study. Support: Glenn Love Jr. Motion carried.

6th – Outdoor Solid Fuel Furnaces. Preston stated this language was adopted into the ordinance in 2010. The question arose that if a residential lot within the agricultural district was surrounded by a large tract of farm ground, could an outdoor wood burner be located closer to a lot line that required because it was all open farm field? Martin stated the rewrite committee had reviewed this section and was recommending the proposed text amendment be sent out to the townships for a 50-day review and recommendation period. Support: Bonnie Ott. Motion carried.

7th – Definition of a Farm. Preston stated that the ordinance recognizes a farm as a parcel of ground 20 acres or more in size. The ZBA asked the Planning Commission to consider review of the language based on Court cases and the Michigan Right-to-Farm regulations based on acreage size. It used to be tied to agricultural use and GAAMPS. At first glance it was thought that maybe the definition should be stricken from the ordinance; however, the definition is used within other areas of the ordinance and tied to lot size requirements. Preston felt the Rewrite Committee should be directed to continue their study on this at this time to see how it relates to other areas of the ordinance and liability. Brief discussion followed by the board. Preston concluded that the definition addresses many issues in the ordinance when dealing with lot size, zoning permit applications, and use. Dickmann agreed that a farm market could potentially grow a lot of produce on a small acreage of land with

the use of hoop houses. **Motion:** Glenn Love Jr. moved to send this to rewrite for further study. Support: Bonnie Ott. Motion carried.

8th – Future Issues: Preston informed the board that he was working on a reprint of the ordinance with all updates of previous text amendments. The reprint would be easier to read as it will be reformatted and no longer in a column format. It will also be available on line to help cut costs for printing of the document. Preston stated he was looking to have all changes to the ordinance and reprinted by spring.

9th – Preston stated that next year the Board of Commissioners will be sending back for study ordinance language on private roads. Also, it will be five (5) years next May since the Future Land Use was adopted. The board will need to start reviewing the plan for possible changes.

Gravel Committee: John Griffin, Chairman of the Gravel Committee, stated the committee has conducted site visits to five gravel permits recently. One site in Shiawassee Township (LJM Holdings) had some erosion along the Southwest side of the pond. The Moritz pit operated by the Road Commission was near completion. The Road Commission stated they were attempting to expand to the South if property was obtained. If so, they would be coming back before this board. The Osburn site found the applicant had started excavating and set up equipment to sort stone out of the materials. Originally he was granted approval to reclaim and sell what materials had been stock piled along the northern boundary. Osburn was informed his permit would expire by the end of October and that he would need to reapply. The committee also inspected Pine View Mining in Woodhull Township and Schlegel's within Middlebury Township. We have asked Schlegel's for an updated site plan. The committee will be going out tomorrow afternoon to finish up for the year. Griffin felt it was important that the committee visit the sites to keep abreast of operations and compliance.

Future Land Use Committee: Glenn Love Jr., Chairman of the committee, stated they had reviewed four P.A. 116 applications within Burns Township and one application for 90 years in Perry Township. The committee also reviewed a Text Amendment for review and recommendation that was received from Caledonia Charter Township regarding language within their ordinance for commercial dog kennels by special use permit. They were recommending a setback for the kennels a minimum of 100 feet to an adjacent building. The committee responded with a recommendation that there be a minimum of 80 feet from the property line based on the fact most homes must be at least 20 feet from a property side line for assurance that a minimum 100 feet from an adjacent occupied building has been met. It was also recommended that it be reviewed on a yearly basis instead of renewal each year.

Land Division Ordinance: Preston informed the board that the rewrite committee did review the language earlier this evening. It is the intent of the committee that they take the Model Ordinance to the townships for review. We met with the Equalization/Tax Description Office and a copy has been given to them for review as well. The intent is that the townships would adopt it bringing more continuity throughout the county with the Land Division review process.

11. COMMUNICATIONS RECEIVED: Cordier stated the following P.A. 116 applications have been received and needed to be reviewed for recommendation.

1st – Hollis E. & Laura G. Dexter, Application 1196, 78-004-74-006-004, Hazelton Township, 8156 N. New Lothrop Road, 10 years. Motion: John Griffin moved to recommend approval to the Board of Commissioners. Support: Henry W. Martin III. Motion carried.

2nd – Cole Farms, LLC, Application 1197, 78-015-26-100-002, Antrim Township, E. Beard Road, 80 years. Motion: Henry W. Martin III moved to recommend approval to the Board of Commissioners. Support: Glenn Love Jr. Motion carried.

3rd – Garry K. and Janet Adams, Application 1198, 78-016-08-100-001-01, Vernon Road, 90 years. Discussion: Ott questioned the fact it was signed by someone else than what was shown on the deed. Preston stated it would be up to the State to validate the application. Motion: Bonnie Ott moved to recommend approval to the Board of Commissioners. Support: John Griffin. Motion carried.

4th – Garry K. and Janet Adams, Application 1199, 78-016-35-100-004, Braden and New Lothrop Roads, 90 years. Motion: John Griffin to recommend approval to the Board of Commissioners. Support: Bonnie Ott. Motion carried.

2012 Scheduled Planning Commission Meeting Dates: Cordier asked if the board wished to adopt the 2012 meeting dates at this time or wait until December. **Motion:** John Griffin moved to adopt the schedule as printed. Support: Henry W. Martin III. Motion carried.

Director Comments: None.

PUBLIC COMMENTS:

Terry McLeod, Venice Township, asked for clarification on the proposed Land Division Ordinance.

Preston informed her that the proposal will be sent out to the townships. If adopted, it would help lessen the problems that staff and other offices have been dealing with. The Land Divisions are will still be processed by the townships. We will only handle reviews for zoning compliance.

McLeod then discussed commercial dog kennels within the A-1 Districts and stated the township felt they should be handled the same as within the A-2 district by special use permit approvals and not as it currently is as a use by right.

Martin asked if any member that may be term limited would consider serving on the Zoning Board of Appeals. If they were interested he recommended they submit their name to the Board of Commissioners.

ADJOURNMENT: Motion: John Griffin moved to adjourn. Support: Glenn Love Jr. Motion carried. Meeting adjourned at approximately 8:30 P.M.

Recording Secretary: Linda Gene Cordier

Fred Junger, Chairman

December 14, 2011

Approval Date of Minutes