

**SHIAWASSEE COUNTY PLANNING COMMISSION
PUBLIC HEARING/BOARD MINUTES
JULY 22, 2015**

Call to Order: Chair William Thelen called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. on July 22, 2015. 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: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath and William Thelen.

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

Excused Absences: **Motion:** Ebmeyer moved to excuse Bonnie Ott. **Support:** Reno. Motion carried: 6 ayes, 0 nays.

Pledge of Allegiance: Chair 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 on July 12, 2015. Chair Thelen declared the hearing as legally noticed.

Approval of the Agenda: **Motion:** Reno moved to approve the agenda as printed. **Support:** Ebmeyer. Motion carried: 6 ayes, 0 nays.

Approval of Board Minutes: **Motion:** Ebmeyer moved to approve the May 27, 2015 board minutes as printed. **Support:** Reno. Motion carried: 6 ayes, 0 nays.

Board of Commissioner Comments: Horvath expressed that the board was improving communications with departments.

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

Old Business: None.

Application Request #PREZ15-001

Applicant/Owner – Brian Bonner

Site Location – 6611 S. M-52, Owosso, MI; **Tax Id.#** 78-010-22-300-005-04; Section 22, Bennington Township.

Request – Map amendment approval for the rezoning from the A-2, Agricultural Production/Rural Residential District to the M-1, Light Industrial District.

Action Required – Planning Commission to submit recommendations to the County Board of Commissioners.

Chair Thelen opened the public hearing.

Preston provided a summary of the application request and staff report.

The applicant, Brian Bonner, stated the reasoning for approval of the rezoning request.

Chair Thelen called for supporting comments. Justin Horvath from the Shiawassee Economic Development Partnership spoke in support of the applicant. He stated that this was a similar situation with the Wheeler rezoning in Hazelton Township. Also, there are similar uses nearby within a reasonable proximity to this location and it doesn't have an intense industrial use.

Chair Thelen called for opposing comments. None heard.

Chair Thelen called for Township comments. Preston stated that in a letter received from Bennington Township stated that the Township Board recommended denial of the application due to spot zoning at a meeting held on June 1, 2015.

Chair Thelen Closed the public hearing.

Open discussion among members was held. Concerns were noted with other uses permitted in the requested M-1 district.

Motion: Reno moved to postpone PREZ15-001, BONNER, the petition to amend the zoning district from A-2, Agricultural Production/Rural residential to M-1, Light Industrial district for property located in Section 22 of Bennington Township (Parcel ID. #78-010-22-300-005-04) as legally described in the petition based on the following reasoning:

Reasoning:

1. Additional information is needed for the Planning Commission to ascertain if the ten (10) finding of fact outlined in Section 19.5 can be met.

Support: Saxton.

Voice Call Vote: Ayes to Postpone: Hearing all. **Nays:** Hearing none. **Motion carried:** 6 ayes, 0 nays.

Application Request #PSUP15-02

Applicant/Owner – Beth Rzepecki

Site Location – 1210 N. Durand Rd., Corunna, MI; **Tax Id.** #78-008-10-300-001; Section 10, Venice Township.

Request – Special Land Use & Site Plan approval for a seasonal farm market and associated entertainment.

Ordinance Reference – Section 4.3.28 (Farm Market and Entertainment).

Chair Thelen opened the public hearing.

Preston provided a summary of the application request and the staff report. He also stated that staff had received an additional letter from Rzepecki responding to comments from Venice Township.

Applicant represented by Joe Rzepecki described the proposed business and why the request should be approved. He mentioned that they had approval under a temporary use permit last year. He also mentioned that neighbors and family are involved and that they employ people in the County.

Chair Thelen called for supporting comments. None heard.

Chair Thelen called for opposing comments. John Mitosinka, a neighbor, and Mike Mitosinka spoke in opposition to the special use permit.

Preston had read aloud three letters opposing the special use permit.

Chair Thelen called for comments from the audience. Steven Graves, Emily Rzepecki and Stanley Gadd spoke in support of the special use permit.

Peggy Mitosinka and George Lockhart spoke in opposition of the special use permit.

Chair Thelen called for Township comments. Allison Eicher on behalf of the Venice Township Planning Commission stated that at their public hearing the Township Planning Commission voted to recommend denial of the special use permit to the Township Board. Their reasoning was that zombie paintball doesn't fit with the agricultural use. They recommended that they zombie paintball be removed and that they re-apply as a farm market. Eicher asks to table the decision so that the Township Board has time to meet on the item.

Joe Rzepecki speaks in rebuttal of the comments made.

Chair Thelen closed the public hearing.

Open discussion took place among the Planning Commission members.

Motion: Andrews moved to postpone PSUP15-02, MUZZY FARMS, LLC, Special Land Use Permit/Final Site Plan request for a Farm Market and Entertainment to be located in Section 10 of Venice Township (Parcel ID. #78-008-10-300-001) based on the following reasoning:

Reasoning:

1. To allow the Venice Township Board to further review.

Support: Horvath.

Voice Call Vote: Ayes to Postpone: Hearing all. **Nays:** Hearing none. **Motion carried:** 6 ayes, 0 nays.

Chair Thelen called for a short recess at 8:20 P.M.

Chair Thelen Resumed the meeting at 8:28 P.M.

Application Request #PSUP15-03

Applicant – Verizon Wireless, Representative: TeleCad Wireless.

Property Owner – Russel & Carol Sherman

Site Location – 8140 W. Bath Rd., Laingsburg, MI; **Tax ID.#** 78-013-15-400-002; Section 15, Woodhull Township.

Request – Special Land Use & Site Plan approval for a 250’ self-supporting lattice Communication Tower within a 10,000-sf site compound.

Ordinance Reference – Section 4.3.16 (Communication Towers).

Chair Thelen opened the public meeting.

Lafferty provided a summary of the application request and the staff report.

Applicant Andy Weber from TeleCad and Robert Przybylo from RJP Consulting, both representing Verizon Wireless, stated why they choose the proposed location and why the special use permit should be approved. Przybylo stated that they cannot co-locate with American Tower Corporation on a nearby existing tower. This is a better site for to avoid interference. Przybylo presented coverage plots. He stated that they didn’t propose any landscaping, although they are not opposed to it. Przybylo stated that action by the Planning Commission must take place within 90 days from when the application was submitted. He also stated that a 200’ tower instead of a 250’ would be acceptable.

Chair Thelen called for supporting comments. Hearing none.

Chair Thelen called for opposing comments. Jane Thatcher Wilson and Steve Thatcher, neighbors, spoke in opposition of the special use permit. They stated that they are in a rural community and they do not want the lights. Also, that the tower will affect the value of the land.

Chair Thelen called for Township comments. The Woodhull Township Planning Commission has requested time for the Woodhull Township Board to review. The Township Planning Commission has presented comments on the standards for review along with a copy of their July 15, 2014 meeting minutes.

Chair Thelen closes the public hearing.

Open discussion took place among the Planning Commission members.

Preston presented the General Standards for Review.

Motion: Ebmeyer moved to approved Special Land Use Permit/Final Site Plan, PSUP15-03, Verizon Wireless, request for a less than 200' self-supporting lattice communication tower, a 10' by 11' (110-sf) equipment shelter, a 1,000 gallon propane tank and a propane-powered emergency generator within a 100' by 100' (10,000-sf) site compound, as submitted Telecad Wireless on behalf of Verizon Wireless, to be located on the north side of W. Bath Rd., and as legally described in Section 15 of Woodhull Township (Parent Tax I.D. 78-013-15-400-002) 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.
3. Must act within 90 days pursuant to Telecommunications Act.

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. Landscaping around the entire site compound.

Support: Andrews.

Roll Call Vote: Ayes to approve: Steve Andrews, Bonnie Reno, Walt Saxton, Robert Ebmeyer, John Horvath and William Thelen. **Nays:** None. **Motion Carried:** 6 ayes, 0 nays.

Shiawassee County Zoning Ordinance Amendments

Section 5.12.2, Keeping of Animals: Consideration of language amendments effecting the keeping of animals and livestock on property under Shiawassee County Zoning jurisdiction.

Section 5.3.1, Accessory Structures: Consideration of language amendments effecting the dimensional requirements of accessory structures on property under Shiawassee County Zoning jurisdiction.

Article 12, 14 and 19, Development Review Period: Consideration of language amendments effecting the development review period for projects proposed on property under Shiawassee County Zoning jurisdiction.

Chair Thelen opens the public hearing.

Preston explains the reasoning for the proposed amendments.

Preston presented accessory structures and noted that some Townships have made suggestions.

Chair Thelen called for supporting comments. Hearing none.

Chair Thelen called for opposing comments. Hearing none.

Chair Thelen called for Township comments. Dan Winters of New Haven Township stated that they were glad to see the maximum height size for pole barns to be raised.

Chair Thelen closes the public hearing.

Motion: Andrews moves to recommend adoption of the proposed amendments for Section 5.3.1, Accessory Structures as presented.

Support: Ebmeyer.

Roll Call Vote: Ayes to approve: John Horvath, Robert Ebmeyer, Walt Saxton, Bonnie Reno, Steve Andrews and William Thelen. **Nays:** None. **Motion Carried:** 6 Ayes, 0 Nays.

Committee Reports:

Ordinance Revision: Will meet prior to next meeting.

Future Planning: Waiting for an extension for mapping.

Parks and Recreation: None.

Gravel Committee: Consider site selection for existing Road Commission site and possible new site for the Road Commission. Schlegel has contacted staff and wants to develop a site.

Communications Received: Deerfield Township notice of intent to prepare a Master Plan. Livingston County notice of intent to prepare a Master Plan. Caledonia Township notice of rezoning request. These have been accepted and placed on file.

Directors Comments: None.

Public Comments: Duane Wood asks what the backing for being on a paved road is. Preston stated staff has looked into it and there are a few special uses that require a paved road. Not clear the purpose for the daycare to be on a paved road.

Adjournment: Motion: Anderson moved to adjourn. **Support:** Reno. **Motion carried:** 6 ayes, 0 nays. The public hearing adjourned at approximately 10:00 P.M.

Recording Secretary – Matthew Lafferty

Chairman,
Shiawassee County Planning Commission

Approval Date