

**SHIAWASSEE COUNTY PLANNING COMMISSION
PUBLIC HEARING/BOARD MINUTES
SEPTEMBER 23, 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 September 23, 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, Robert Ebmeyer, John Horvath, Bonnie Ott and William Thelen. Absent: Walt Saxton.

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

Excused Absences: **Motion:** Ott moved to excuse Saxton since he had previously informed the board that he would be unable to attend. **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 September 6th, 2015. Chair Thelen declared the hearing as legally noticed.

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

Approval of Board Minutes: **Motion:** Ebmeyer moved to approve the August 26, 2015 board minutes as printed. **Support:** Reno. **Motion carried:** 6 ayes, 0 nays.

Board of Commissioner Comments: Horvath said that he and several of the Commissioners attended the Farm Bureau banquet. They discussed several issues and one was that the land was not being utilized for properties between 2.5 and 20 acres.

Call to the Public on Non-Agenda Items: Brenna Gunderson from Apex Clean Energy introduced herself and said that they are planning on putting in meteorological towers in hopes for wind energy to come to the County. She said that they will be in attendance at next month's meeting to present their applications.

Old Business:

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).

Motion: Ott motioned to open the Public Hearing. **Support:** Ebmeyer. **Motion carried:** 6 ayes, 0 nays.

Preston presented the staff report. He stated that changes have been made for the tower to be a 195’ monopole type tower. Woodhull Township had appealed the Planning Commission’s July 22, 2015 decision. The previous error in public notice has been corrected. The ZBA denied the appeal to uphold the Planning Commission’s decision.

Chair Thelen asks if the hearing has been properly noticed. Preston replied yes.

Chair Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks the applicant to explain the proposal and why it should be approved.

Representative for the applicant Robert LaBelle makes a statement.

An engineer representing Verizon explains the propagation maps and capacity versus coverage.

Amy Rodriguez, the site acquisition specialist stated that extension of the tower would require lights by the FAA when reaching 200’. To avoid this they dropped the tower height from 250’ to 195’. LaBelle stated that they have accommodated the Township and Planning Commission as much as possible.

Chair Thelen asks for other comments in support of the applicant. Hearing none, Thelen asks for comments in opposition to the request. Preston noted that the office had received a letter in opposition and that other opposition statements are a part of the file.

Thelen asks for other comments from the audience.

David Lentz, a neighbor doesn’t have a problem with the tower. He had a few questions about his cell phone reception.

Chair Thelen asks for comments from the Township. Hearing no additional comments, Thelen asks the applicant for any rebuttal comments.

LaBelle talks about the improved coverage that will occur.

Motion: Ott motions to close the public hearing. **Support:** Reno. **Motion carried:** 6 ayes, 0 nays.

The Commission deliberates.

Preston presented the Finding of Fact.

Motion: Andrews moves to approve Special Land Use Permit/Final Site Plan, PSUP15-03, Verizon Wireless, request for a 195' self-supporting monopole 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.

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 Planning Commission 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 Planning Commission in consultation with the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use.
3. That the public hearing administrative error be cured by giving appropriate notice of a public hearing in proper time and manner.

Support: Ott.

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

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 opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Preston replies yes.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Preston presents the staff report. He states that this has operated since approximately 2000 and has the issue has not been enforced. A use variance had been acquired at one time for the property by written permission from the neighbors. Preston states that Bennington Township had recommended denial. They had suggested a special use variance and stated that this is no longer offered in the Ordinance. Preston stated that the applicant had requested to exclude a Commercial Airport, Junk Yard, Railroad Yard, and Sexually Oriented Businesses from the rezoning.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Brian Bonner explains his proposal. He stated that he had used the property for 15 years. The assessor has taxed it at a commercial rate and he had been paying taxes at that rate. He does not plan on doing anything differently then what he is doing now.

Thelen called for other comments in support of the applicant.

Justin Horvath from Shiawassee Economic Development Department spoke in support. He stated that Mr. Bonner has been a good tenant and that he feels this is a similar situation to a rezoning earlier in the year with the Wheeler Trucking operation.

Thelen called for comments in opposition to the request of the applicant. Hearing none, Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Preston stated that on June 4th, 2015 Bennington Township had recommended to deny. Preston read the letter from the Township citing their reasoning and recommendation.

Thelen asks the applicant for any rebuttal comments. Applicant had no rebuttal comments.

Motion: Ott moved to close the public hearing. **Support:** Reno. **Motion carries:** 6 ayes, 0 nays.

The Planning Commission deliberates.

Preston presented the Finding of Fact.

Motion: Ott moves to approve PREZ15-02, REX7439 INC., 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 1 of Hazelton Township (Parcel Id. #78-004-01-400-005 and 78-004-01-400-006) as legally described in the petition based on the following reasoning and conditions:

Reasoning:

1. The ten (10) finding of fact outlined in Section 19.5 as detailed in the staff report have been met.

Conditions:

1. The use of the property excludes commercial airports, sexually oriented businesses, junk yards, and railroad yards as requested by the applicant in their July 31st, 2015 letter. Such exclusions as requested by the property owner shall meet the following provisions as outlined in Article 19, Section 19.11.

Support: Andrews.

Roll Call Vote: Ayes to approve: Bonnie Ott, John Horvath, Robert Ebmeyer, Bonnie Reno, Steve Andrews and William Thelen. **Nays:** None. **Motion carries:** 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 opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Preston replies yes.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Preston presents the staff report. Preston read through the provisions of Section 4.3.28, Farm Market and Entertainment. He noted that letters from the previous meetings were in the file for the board members.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Joe Rzepecki, representing Beth Rzepecki, explains his proposal. He stated that most activities fall under the Michigan Right to Farm Act. He had no formal complaints with last year's

activities. They do have emergency preparedness in place for the current use. They comply with the Ordinance. The noise of the paintball guns was tested at 87 decibels. He said that he wants to base the application on the facts and not on opinion and that he meets all the standards. The economic impact for surrounding businesses has been a positive and he has about 55 employees that the will have.

Thelen called for other comments in support of the applicant.

Steve Graves said he had tested the noise level of the paintball guns and that it was no higher than it had been tonight at the meeting.

Stan Gadd said that he was the relative that lives across the road. He could hear the traffic and nothing else. He believes that the red light slowed traffic down.

Emily Rzepecki said that they couldn't get much to grow this year and have brought in produce from other farms. They wish to keep the farm in the family and help grow the community.

Justin Horvath said this is a really exciting business. One thing Shiawassee County lacks is a tourist business to bring people in and spend money in the community. It is about the facts and that they have been there and operated in the right way and he encourages the Planning Commission to support this.

Brent Jones said he was able to go on the tour and the highest that they registered for noise was near a wooded area and most of the sound would bounce back.

Thelen called for comments in opposition to the request of the applicant.

Mike Mitosinka said that the noise was from a hand held megaphone and the people yelling and screaming on the rides. People had been using their drive to turn around. He does not think the paintball fits agriculture. He also stated that the Venice Planning Commission and Township Board does not want the paintball.

Marian DeCourval said she lives one mile away and that they are allowed to purchase produce, but she thinks it is all entertainment. Most produce didn't grow because they were incompetent. This is an A-1 district and an agricultural community.

Sara Foster said she also wrote a letter to the Planning Commission. She wanted to add that this was not a well use for the land use plan and not the best use of the land. There is no way this is conservation of agricultural land. She said that they do not meet the criteria for this kind of operation and a hay wagon does not make it agricultural related. She said she has no personal investment except she believes that the Ordinance should be followed. She said they do have proper places in the Township that are zoned for this.

John Mitosinka said he does not think that it fits with agriculture. He thought it was going to be temporary last year. He said it doesn't fit in the Township and neighborhood.

Thelen called for other comments from the audience.

Nicholas Renyolds said that he is for the special use permit and doesn't see anything wrong with it.

Thelen called for comments from the Township. John Mitosinka from the Township Planning Commission said that the Township had submitted their decision to the Planning Commission.

Thelen asks the applicant for any rebuttal comments. Applicant had no rebuttal comments.

Motion: Ebmeyer moved to close the public hearing. **Support:** Reno. **Motion carries:** 6 ayes, 0 nays.

The Planning Commission deliberates.

Preston presented the Finding of Fact.

Motion: Andrews moved to approve application request 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 and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use 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 religious institution meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.28.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information.
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 paintball use will be limited to the weekends of October for the entertainment portion of the farm market.
4. Public address, loudspeakers, megaphones, or other voice/sound application devices are prohibited.

5. Considering the entertainment uses conducted, the Community Development Department shall bring any items thought not to meet the intent of the Ordinance to the Planning Commission for review.

Support: Ott.

Roll Call: Ayes to Approve: Bonnie Reno, Steve Andrews, Bonnie Ott, Robert Ebmeyer, John Horvath and William Thelen. **Nays:** None. **Motion carried:** 6 ayes, 0 nays.

New Business:

Application Request #PSUP15-04

Applicant – Jeffrey Cheritt

Property Owner – AMVETS Post No. 2273

Site Location – V/L W. Lansing Rd., Durand, MI 48429; Tax Id.# 78-012-17-200-005; Section 17, Vernon Township.

Request – Special Land Use & Site Plan approval for an Agricultural Service Establishment with a sawmill and log concentration yard.

Ordinance Reference – Section 4.3.1, Agricultural Service Establishment

Chair Thelen opens the public hearing.

Thelen asks the staff if the hearing has been properly noticed. Lafferty replies yes.

Thelen asks if any members have had an ex-parte contact or have conflict of interest or have made a previous public statement which in fact or in appearance impacts their ability to render an impartial decision. Hearing none, Thelen asks for the staff report.

Lafferty presents the staff report.

Chair Thelen asks the applicant to explain the proposal and why it should be approved.

Jeffrey Cheritt explains his proposal. He stated that he currently works with timber and wants the lumber yard to store and sell.

Thelen called for other comments in support of the applicant.

Justin Horvath from Shiawassee Economic Development Department spoke in support. He said he thinks it is a great location and close to a freeway. He doesn't feel that there will be any lights and will operate in the daytime.

Randy Teuharun said he is the land owner to the south and he came to find out what was going on. He said as far as storing logs and other things he is in support. He is concerned that it will become a storage yard for junk. He welcomes it as long as he operates in a proper manner.

Thelen called for comments in opposition to the request of the applicant.

Lafferty presented a letter the office had received from a neighbor to the east of the property that is in opposition to the sawmill.

Thelen called for other comments from the audience. Hearing none, Thelen called for comments from the Township. Lafferty stated that on September 14th, 2015 Vernon Township had recommended to approve.

Thelen asks the applicant for any rebuttal comments. Applicant had no rebuttal comments.

Motion: Andrews moved to close the public hearing. **Support:** Ott. **Motion carries:** 6 ayes, 0 nays.

The Planning Commission deliberates.

Lafferty presented the Finding of Fact.

Motion: Ott moves to approve PSUP15-04, CHERITT, Special Land Use Permit/Final Site Plan request for an Agricultural Service Establishment to be located in Section 17 of Vernon Township (Parcel Id. #78-012-17-200-005) based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned special land use 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 an agricultural service establishment meets the general standards as provided for in Article 14 and specific use standards set forth under Section 4.3.1.

Conditions:

1. Provide information as noted by this staff report as having not been provided for on the site plan or in supplemental information.
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. Compliance with the Shiawassee County Health Department, Road Commission and Drain Office.
4. Hours of operation be from 8:00 A.M to 5:00 P.M. Monday thru Saturday.

Support: Reno.

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

Committee Reports:

Ordinance Revision: Preston stated that we are moving forward and bringing the Ordinance back to the Planning Commission and move through what is outstanding. Also, we plan to bring to the Planning Commission the section regarding 2.5-acre maximum and 20-acres minimum. The representatives for the wind turbines would like an extension in the height of the towers to over 500 feet.

Future Planning: Ebmeyer says that we have not met yet. We are going to go through provisions that are changed with conditions with the State. We are also working with the Drain Commission to have aerial mapping. Ebmeyer states that they had a request in New Lothrop Township to go into PA 116.

Motion: Ott moved to receive PA 116 requests on file. **Support:** Thelen. **Motion carried:** 6 ayes, 0 nays.

Parks and Recreation: They have not met since last month's Planning Commission meeting.

Gravel Committee: Preston stated that the Road Commission isn't moving forward with a new site and that we are looking into other sites to visit.

Communications Received: None.

Directors Comments: None.

Public Comments: John Mitosinka asked about whom to file complaints with. Preston said that zoning complaints can be received at the Community Development Office.

Adjournment: **Motion:** Andrews moved to adjourn. **Support:** Ebmeyer. **Motion carried:** 6 ayes, 0 nays. The public hearing adjourned at approximately 10:15 P.M.

Recording Secretary – Matthew Lafferty

Chairman,
Shiawassee County Planning Commission

Approval Date