

**SHIAWASSEE COUNTY PLANNING COMMISSION  
OCTOBER 22, 2014  
PUBLIC HEARING/BOARD MINUTES**

**Call to Order:** Chairman Donald Dickmann called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. 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 Coruna, MI.

**Roll Call:** Present: Donald Dickmann, Henry W. Martin III, William Thelen, Steve Andrews, Bonnie Ott and Robert Ebmeyer. Absent: None.

**Also present:** Peter Preston, Community Development Director and Matthew Lafferty, Community Development Department.

**Excused Absences:** None.

**Pledge of Allegiance:** Chair Dickmann 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 28<sup>th</sup>, October 5<sup>th</sup> and October 19<sup>th</sup>, 2014. Chair Dickmann declared the hearing as legally noticed.

**Approval of the Agenda: Motion:** Martin moved to approve the agenda as printed.

**Support:** Thelen. Motion carried: 6 ayes, 0 nays.

**Approval of Board Minutes: Motion:** Ebmeyer moved to approve the September 24<sup>th</sup>, 2014 board minutes as printed. **Support:** Thelen. Motion carried: 6 ayes, 0 nays.

**Board of Commissioner Comments:** No county Commissioners present at the time.

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

**Old Business:** None.

**New Business:**

**Application #PREZ14-002**

**Applicant/Owner** – Zac Potter, 9972 Middleton Road, Ovid, MI

**Location of Parcel to Rezone** – 9107 W. M-21, Ovid, MI (south side of M-21 approximately 470 ft. west of the intersection of W. M-21 and Warren Rd.)

**Tax Id.** 78-005-21-200-004, Section 21, Middlebury Township; 0.9-acre m/l.

**Request:** Rezoning from A-2, Agricultural Production/Rural Residential District to B-1, Neighborhood Commercial District.

Chair Dickmann reminded the Board and the Public of the public hearing process.

Preston provided the staff report. Preston explained that the proposed parcel to be rezoned was previously used as a farmers market and not for agricultural purposes even though it was zoned in the A-2 district. Preston discussed that there were other commercial properties to the east and west of the subject property. Burton Corner's and Owosso Speedway are to the east of the property and Memorial Health and Ovid Auto was to the west of the property. Preston noted that the site will need parking, ingress and egress, well and septic. There is drainage behind the property and certain distance requirements will need to be met.

Chair Dickmann thanked Preston and called for board comments prior to opening the floor to the applicant.

Chair Dickmann asked the applicant if he wished to add anything at this time.

Zac Potter, the applicant/owner, was present and had chosen to speak. Potter presented photographs of former businesses that used to be there. A 1951 photograph shows a bar/restaurant and a farmers market and stated that the property had other previous businesses at that location. He had cleaned up the property before he purchased it, which had a lot of junk on it. He wants to start a window tint and audio installation business which does not include any harmful materials. Potter presented a hand drawn site map of the current condition and the future site plan.

Thelen asked about where the septic would have to go and asked about the closeness to the drain on the rear of the property.

Preston stated that variances may need to be made upon approval.

Potter says he bought the property off of a private owner. He states that he has been doing window tint and audio installation for 11-years. The business he worked out of has moved location and wishes to stay within the area and near local dealerships.

Chair Dickmann thanked Potter and opened the floor for public comment in support of the applicant's request.

Speaker #1: Richard Givens replied that he was on the Middlebury Township Board and that the Township has support of the applicant's request. He also said that Mr. Potter has done a great job on cleaning the property up and it is in much better shape than before.

Chair Dickmann called for public input in opposition of the request. Hearing none, Dickmann had opened up the topic for discussion.

Ott states that it makes sense to develop the property where as there is expected growth along M-21.

Thelen asks what setbacks would have to be met for the intended use.

Preston answered that there will be variances needed. He noted that septic and water will be less for a small business with one bathroom than it would be for a residential structure.

Martin says he has concerns with what the use will be down the road in the future.

Preston says that staff discussed that the property either has to have a lot done to move forward or that it will sit stagnant and most likely be used as it previously was for junk storage.

Thelen says that other properties are similar to this one and that approval will set precedent.

Martin says that he doesn't think it is viable for any use with the well and septic situation.

Chair Dickmann states that he would like to see the eye-sore turned around and used as something that is successful.

Martin asks that if this does pass; how many variances would the applicant have to apply for.

Preston says that any use will require variances. Says that the applicant and staff understands the spot zoning and that the property has been used for commercial purposes in the past and it is a unique property. Says that there has been a misuse of the site before Potter purchased it and that Potter has cleaned it up. Says that Potter intends to tear down the buildings on the site, but staff recommended that he keep the buildings to show what has been there previously.

Potter says that he doesn't want to spend more to ready the property for development until all approvals are final.

Chair Dickmann notes Thelen's comments about setting precedent and says that every zoning is based on its own merits.

Martin says that he thinks there will be precedent set and they should make a stipulation of meeting the setbacks.

Ott says that is not the Planning Commission's decision to determine if variances can be approved.

Preston says that we cannot put stipulations on a rezoning but the applicant can add conditions.

**Motion:** Bonnie Ott stated that based upon the review of the submitted materials would move the Planning Commission recommend **approval** of the rezoning of 9107 W. M-21 from the A-2 District to the B-1 District as submitted by Zac Potter within Section 21, Middlebury Township, Tax I.D. 78-005-21-200-004. **Support:** Steve Andrews.

**Roll Call: Ayes to Approve:** Don Dickmann, Steve Andrews, Bonnie Ott and Robert Ebmeyer.  
**Nays:** Henry W. Martin III and William Thelen. **Motion carried:** 4 ayes, 2 nays.

**Special Land Use/Site Plan #PSUP13-02**

**Applicant/Owner** – Consumers Energy, c/o Aaron J. Fisk

**Site Location** – 12190 Warner Rd., Laingsburg, MI

**Tax Id.** 78-013-22-200-003; Section 22, Woodhull Twp.

**Request:** Extension of Special Use Permit/Site Plan approved on January 22, 2014.

Chair Dickmann noted that there is no need for a public hearing on the topic.

Chair Dickmann asked the applicant if he wished to add anything at this time.

Aaron Fisk from Consumers Energy stated that the project has been delayed and that more time was needed to complete it.

Chair Dickmann asked if the board had any additional comments or questions for Mr. Fisk at this time; hearing none, Dickmann called for a board motion.

**Motion:** Henry W. Martin III stated that upon review would **approve** the extension of Special Use Permit/Site Plan approved on January 22, 2014 as legally described in Section 22, Woodhull Township, Tax Id. 78-013-22-200-003.

**Support:** William Thelen.

**Roll Call: Ayes to Approve:** Don Dickmann, Henry W. Martin III, William Thelen, Steve Andrews, Bonnie Ott and Robert Ebmeyer. **Nays:** None. Motion carried: 6 ayes, 0 nays.

**Committee Reports:**

**Ordinance Revision:** Chair Martin stated that the committee met earlier this evening within the Community Development Department. The committee discussed that they are actively trying to shorten the development review period. The County has an extended period of time between application and approval for site plans, special land uses and map amendments. Staff is concerned that the extended review period causes delays in implementing improvements and frustration on behalf of the applicant. Staff has suggested updated timelines for development review in Articles 12, 14 and 19. Martin suggested that the planning commission review the suggested updated timelines and discuss this item at the next meeting.

Martin said that they are also looking into changing the provisions for accessory structures.

Preston mentioned that an estimated 20 or so pole barns were turned away due to these provisions. Preston also noted that there was discussion about changing allowed livestock in the zoning districts especially residential zones.

Thelen said that there should be something done to PA-116 and lot sizes. He says that it is not in compliance with minimum acres and the current Ordinance should be considered to change.

**Future Planning:** Ebmeyer stated he had nothing to bring forward at this time.

**Parks and Recreation:** Ebmeyer said he wants the townships to adopt the County's parks and recreation plan.

**Gravel Committee:** Thelen replied that the committee is waiting for appointments at this time.

**Communications Received:** None.

**Directors Comments:** Preston stated the Planning Commission will be meeting in November at which time they will be reviewing Special Land Use/Site Plan #PSUP14-04.

**Public Comments:** None.

**Adjournment: Motion:** Steve Andrews moved to adjourn. **Support:** Bonnie Ott. **Motion carried:** 6 ayes, 0 nays. The public hearing adjourned at approximately 8:20 P.M.

Recording Secretary – Matthew Lafferty

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Donald Dickmann, Chairman  
Shiawassee County Planning Commission

November 19, 2014 as amended  
Approval Date