

**SHIAWASSEE COUNTY PLANNING COMMISSION
JUNE 25, 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 Corunna, MI.

Roll Call: Present: Steve Andrews, William Thelen, Bonnie Ott, Robert Ebmeyer, and Donald Dickmann. Absent: Henry W. Martin III. Also present: Peter J. Preston, Community Development Planner, Linda Gene Cordier, Zoning Administrator, and Robert McLaren, County Commissioner and Chairman of Economic and Physical Development.

Excused Absence: Cordier informed Chair Dickmann that Martin had contacted her at home last evening and stated he would be unable to attend the hearing as he would be out of town. His grandson in Ohio was having surgery and the surgery was rescheduled to Thursday morning.

Motion: Ott moved to excuse Martin from the public hearing. **Support: Thelen. Motion carried:** 5 ayes, 0 nays.

Pledge Allegiance to the Flag: The Pledge of Allegiance was led by Chair Dickmann.

Proof of Publication: Cordier informed the chair that a legal notice confirming the evening's agenda had been placed within the Shiawassee County Independent on Sunday June 8, 2014. Chair Dickmann confirmed the hearing was legally published and placed on file.

Approval of Agenda: Ebmeyer asked to add Parks and Recreation to Committee Reports.

Motion: Ott moved to approve the agenda as amended. **Support: Thelen. Motion carried:** 5 ayes, 0 nays.

Approval of Minutes: Chair Dickmann said a motion was in order to approve the April 23, 2014 board minutes as there was no hearing held in May. **Motion: Thelen** moved to approve the April 23, 2014 minutes as printed. **Support: Ebmeyer. Motion carried:** 5 ayes, 0 nays.

Board of Commissioner Comments: Commissioner McLaren said he had nothing new to report at this time. The board would be working on budgets and the language for the August millage proposal.

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

Old Business: None.

New Business:

Application #PSPR14-001

Applicant – Richard Hafner, P.O. Box 520, Laingsburg, MI

Property Owners – George & Barb Gower and Edward & Imogene Hafner, 2004 Brookside Lane, Owosso, MI

Site Location – Pineway Lane, Owosso, MI; Access from Brewer Road, Owosso, MI

Tax Identification Parcel Numbers – 78-010-14-300-001 and 010-15-400-001, Bennington Township

Request – Amend original site plan to increase an existing lot size (Lot #17) containing 1.3 acres

m/1 to 46 acres m/1 located around Springbrook Lake Estates Development
Ordinance – Article 14, Section 14.12 (Amendment to Site Plan) #B.

Preston provided a brief staff report. The property is located about one (1) mile east of the M-52 and Brewer Road intersection and located on the north side of Brewer Road. The area is known as Springbrook Lake Estates. Prior to development the parent parcel was approximately 150 acres in size. The property was proposed to be developed in three (3) phases. Phase I is considered complete with some of the lots already developed with single-family dwellings. There are 11 lots in Phase I and the Shiawassee County Road Commission has accepted the road as a public road. Phase II of the overall development is currently being served by a private road, which was approved by the Planning Commission by a special land use permit and site plan approval in 2008. There are five (5) build sites served by the private road. The applicant is seeking to amend the shape and size of Lot 17, which is the western most lot in Phase II by combining it with the remaining 46 acres that was considered to be Phase III.

Preston stated that based on the significant change in lot size, staff felt it appropriate to have the Planning Commission review it for consideration of approval. The site was rezoned to R-1A a few years ago prior to development. The private road and public road applications were handled under a previous Zoning Ordinance and not under today's Ordinance language on a private road. Phase III containing approximately 46 acres was to continue to wrap around the lake with a public road so it would connect to Phase I. Preston stated there was nothing in the Ordinance that would prevent Lot 17 becoming a larger tract of land or from constructing a single driveway all the way around to the back. Preston passed around the original site plan of Phase II.

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

Thelen discussed page 3 of 5 of the staff report; specifically 4.13. It states that a private road containing more than four (4) lots in the A-2 District can reduce the lot width or frontage to one-hundred and sixty five (165) feet.

Cordier replied that the property was rezoned to R-1A prior to commencement of Phase I. The minimum lot width/frontage is 150 feet (160 feet on a corner parcel) within the R-1A district.

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

Richard Hafner stated he was representing his Aunt and Uncle (George and Barbara Gower) and his folks who reside out of state (Edward and Imogene Hafner). The plan would be to increase Lot 17 by adding the back property with it. Plans are in 2016 to create an additional ten (10) lots along the area of the property that was already developed. Hafner reviewed the 2008 site plan with the board showing the proposed lot development in 2016.

Thelen questioned the development and if it had been developed as a subdivision.

Preston stated no, the parcels were created under the Land Division Act.

Hafner stated the original plan was to develop the property in three (3) Phases. Phase II was to be paved and turned over to the County Road Commission as a public road so Phase III could be started. Hafner noted that there is approximately 25 acres along the front part that can be developed into lots (referring to Phase I).

Ebmeyer asked what their reasoning was to add the back 46 acres to Lot 17.

Hafner said they were hoping to sell it off quickly because his parents have moved away.

Andrews asked why not sell Lot 17 and the 46 acres as two separate parcels in lieu of combining them.

Hafner stated neither parcel sold and commented that they would have to come back in the future to create lots in the front.

Thelen discussed the Land Division law with Hafner and how many divisions rights there may be in the future.

Hafner said they understood they weren't eligible to divide the property at the present time as they had used all their division rights previously. They were permitted 17 divisions when they first applied.

Preston stated if this were approved it would be considered a large lot line adjustment.

Chair Dickmann asked if the board had any additional comments or questions for Mr. Hafner at this time; hearing none Chair Dickmann opened the floor for public input in support of the application request.

Speaker #1: Mrs. Barbara Gower replied that she would just like to see this approved as presented tonight and get it over with.

Chair Dickmann called for public input in opposition of the request. Hearing none, Dickmann noted staff had not received any Township input and closed the public hearing.

Preston informed Chair Dickmann that the Road Commission had responded and stated it would not have any impact. The Environmental Health Department responded and noted any future development would require Environmental Health Department review. Preston stated that although the Drain Commission did not submit a written response, Drain Commissioner Anthony Newman contacted the office and had the same comments as Ebmeyer did tonight and that was why not sell the property as two separate parcels and leave it as was originally approved.

Chair Dickmann called for additional input. Hearing none, Dickmann called for a board motion.

Motion: Bonnie Ott stated that based upon the review of the submitted materials (including description of improvements and site plan drawings) **would move** the Planning Commission **approve** the amendment to the site plan referenced in the governing special land use permit for Phase II as submitted by Richard D. Hafner on behalf of Edward & Imogene Hafner and George & Barbara Gower for an approved private road located off of Brewer Road, within Bennington Township, Parent Tax I.D. 78-010-14-300-001 and 78-010-15-400-001, based on the following reasoning and conditions:

Reasoning:

1. Subject to the conditions provided below, it is found that the petitioned amendment to the site plan under the governing special use permit for a private road does not change compliance with 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 amendment to the site plan under the governing special use permit for a private road does not change compliance with the standards for a private road as provided for under Section 6.5 of the Ordinance. The Planning Commission and Board of Commissioners have amended section 6.5. The applicant applied under previous language.

Conditions:

1. Provide information as noted by this staff report as having been not 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.

3. 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.

Support: William Thelen.

Discussion: Ebmeyer called for a *Friendly Amendment* to note that Lot 17 will go from 1.3 acres in size to approximately 46.01 acres in size.

Motion to Friendly Amendment: Bonnie Ott agreed to amend the motion to include Lot 17 to be increased to 46.01 acres in size. **Support: Thelen.**

Roll Call: Ayes to Approve: Steve Andrews, Robert Ebmeyer, William Thelen, Bonnie Ott, and Don Dickmann. **Nays:** None. **Motion carried:** 5 ayes, 0 nays.

Committee Reports:

Ordinance Revisions: Chair Dickmann noted Martin had to cancel the committee meeting prior to this evening's public hearing as he would be out of town.

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

Parks and Recreation: Ebmeyer said as representative on the Parks and Recreation Board he wanted to update the board on what has taken place since the board appointed him. The board has met three times since he was appointed. The biggest area of concern is the condition and deterioration of the County's parks. An article on the parks was in the Argus Press on June 15th. The only source of income generated to maintain the parks is by rental of the pavilions. It's sort of a Catch 22. No one wants to rent them if the parks are in bad shape and; there is no money to keep the parks in good shape. They've tried to recruit volunteer groups to assist in the clean-up and mowing. Due to all the rain, Henderson Road going to Henderson Park washed out recently. There are five parks. One of the pavilions is in need of a new roof on one side of it, but there is no money to repair it. It is his understanding that if there is no line item in the budget, the County may have to close the parks.

Thelen asked if the pavilion had a shingled roof or metal. Ebmeyer stated it was shingled and again noted that the other half of the roof appears to be o.k. The permanent grills in the parks are rusted and need replacing. The Port-A-Jons are costly to rent each year. Last year it cost the County \$600.00. This year the cost rose to \$800.00. They anticipate the cost next year to be close to \$1200.00. The board plans to meet again on August 4th. Ebmeyer also noted that the Parks and Recreation Board has tried to find sponsors.

Thelen suggested contacting Meijer's as they support park settings if they haven't already done so.

Board members suggested contacting the township supervisor in which a park is located to see if the township would help sponsor the park located within their township. Another option was to seek student groups through the school systems or other functions such as FFA and 4-H. Continued discussion followed on the possibility of seeking a mileage to strictly maintain the parks. Ebmeyer noted that Genesee County has a Park Mileage and that they are very serious about the condition of their parks. Ott suggested contacting the schools with the option of rotating services from school to school. Ebmeyer noted that in the past they were able to use Community Service workers, but that became a problem with supervision.

Gravel Committee: Thelen stated he had nothing to report. The committee will be going out soon. Preston added that it has been to wet this spring to schedule site inspections.

Communications Received: None.

Director's Comments: Cordier stated the Planning Commission will be meeting in July at which time they will be reviewing a rezoning request on two parcels located in Vernon Township. Ott informed the board she would not be able to attend the July hearing as she would be out of town.

Public Comments: None.

Adjournment: Motion: Thelen moved to adjourn. **Support: Ebmeyer. Motion carried: 5** ayes, 0 nays. The public hearing adjourned at approximately 7:50 P.M.

Recording Secretary – Linda Gene Cordier

Donald Dickmann, Chairman
Shiawassee County Planning Commission

July 23, 2014
Approval Date