

**SHIAWASSEE COUNTY PLANNING COMMISSION
BOARD MINUTES – AUGUST 27, 2014**

CALL TO ORDER: Chairman Don Dickmann called the regularly scheduled public hearing to order at 7:00 P.M. on August 27, 2014 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, Henry W. Martin III, Bonnie Ott, Robert Ebmeyer, and Don Dickmann. **Absent:** William Thelen. **Also present:** Peter J. Preston/Community Development Director and Linda Gene Cordier/Zoning Administrator.

EXCUSED ABSENCE: Cordier informed the chairman that Mr. Thelen had contacted the office and stated he would be unable to attend tonight’s hearing. Chair Dickmann noted Thelen would be excused from the hearing.

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

PROOF OF PUBLICATION: Cordier informed the chairman that the legal notice for the evening’s public hearing was placed within the Shiawassee Independent on Sunday, August 10, 2014. Chair Dickmann declared the hearing as legally published.

APPROVAL OF THE AGENDA: **Motion: Robert Ebmeyer** moved to approve the agenda as printed. **Support: Bonnie Ott.** Motion carried: 5 ayes, 0 nays.

APPROVAL OF BOARD MINUTES: Chair Dickmann noted a correction to be made on page 9, fifth paragraph, of a statement made by Bill Thelen. Dickmann stated he believed the statement to be “*we have the right to do certain things*”. **Motion: Robert Ebmeyer** moved to approve the minutes as amended. **Support: Henry W. Martin III.** Motion carried: 5 ayes, 0 nays.

BOARD OF COMMISSIONER COMMENTS: None.

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

OLD BUSINESS: None.

NEW BUSINESS:

Application PSPR13-006

Applicant – Jed Dingsen/Architect, 1109 E. King Street, Corunna, MI

Property Owner – TCM Real Estate Investments, LLC., 11699 Fenner Road, Perry, MI

Site Location – 2250 W. Britton Road, Perry, MI; Section 10, on a part of Tax Id. 78-014-10-400-009-02 and 78-014-10-400-009

Request – Amend site plan to rehab an existing 40’x54’ accessory building, including a 40’x80’ addition for future maintenance associated with a commercial trucking operation

Preston presented the board with a brief staff report of the pending request. The proposed site is located approximately 330 feet west of the intersection of Britton Road and Bennett Drive and west of the Perry Industrial Park. The applicant is seeking to amend the approved site plan of January 22, 2014, which was approved for a trucking terminal for over the road truck, dispatch, maintenance, warehousing and office space on the northern end of the property fronting Lansing

Road. The amendment will take in the existing structure on the southern end of the property and future use of an interior private road located to the east that connects the two parcels. The original site plan included an area for storage of trailers. No storage of hazardous materials on site or trucks hauling hazardous materials is to be permitted. The applicant is now seeking to expand or increase the business by increasing the size of the existing building with an addition on the southern end of the property. Preston noted the majority of the property is zoned M-1 (Light Industry); however the southern end may have been involved in a rezoning a few years ago that changed an area along Britton Road to residential. Proposed are seven (7) parking spaces for use of the building and eight (8) spaces for the parking of semi-tractor trailers. Additional information on lighting is needed and will need to be added to the site plan including the intensity of the lights due to some residential housing along Britton Road. The board should determine if additional landscaping and buffering is needed. The emphasis at this time appears to have shifted to the southern end. Originally, this was considered an ancillary use of the building to the main use located on the northern end. Plans now are to add a 40'x80' addition to an existing accessory building with an access drive and add additional parking for vehicles and semi-tractors with trailers. The plan does not reflect the surrounding residential development. Preston stated that additional information on the interior road is also needed. There were no comments received at this time from the Road Commission, Drain Office, or Health Department.

Chair Dickmann asked if the board had any questions for Preston. Hearing none; Chair Dickmann opened the floor to the applicant.

Jed Dingens stated that Preston summarized the request very well. The owner is seeking to add an addition (40'x80') on the southern end of the property. The existing southern building was found to be in bad shape. Dingens added that the lighting detail was on the prints (L1 & L2). They would never allow any lighting to spill over on to an adjoining neighbor's property. There are no plans to expand or develop the interior drive connecting the two as it is only an interior clay road. It is not in the budget at this time to upgrade it. Trucks wanting to access the southern end site can utilize the industrial park road over to Britton Road.

Chair Dickmann stated that he visited the site earlier in the day and discovered the existing 40'x40' accessory building was gone.

Dingens responded that it was a pole style building and the poles inside the building had rotted. There was nothing left to work with and Mr. Knapp felt they would be better off taking it down and start over.

Chair Dickmann noted that no one contacted staff prior to tonight's meeting of the change. He checked with staff prior to the meeting and found that no demolition permits were applied for either.

Dingens stated he was unaware of that.

Chair Dickmann continued that he also discovered new construction had commenced on the site and again no permits or inspections were found by staff. Dickmann stated that things were out of kilter compared to what was actually being presented to them tonight.

Dingens stated he informed the owner that no further building could take place until the site plan was approved, but agreed they should have applied for the permits; however, they were asking for the same thing tonight.

Chair Dickmann disagreed, the existing building is no longer there. It doesn't exist. The building is gone and now a block wall was being constructed.

Dingens again stated he put a stop to the new construction.

Chair Dickmann stated that in the past he has always been one step ahead of the Planning Commission and here we are again tonight. Chair Dickmann opened the floor for board discussion.

Andrews replied that permits and inspections on the footings for the block wall should have been in place first before they commenced construction.

Preston agreed. There were no demolition permits or inspections secured and now there are no building permits or inspections. Preston asked if any construction was taking place on the northern end.

Dingens answered that they were about half done with the excavation.

Preston asked what the intended use would be of this structure if approved.

Dingens answered the old storage barn was intended to be used as a storage barn to store parts in it with a small office area and bathrooms. Now they are proposing a warehouse, mechanic room, bathroom and office.

Preston asked if the intent was to accommodate the use of the southern end until the northern end is ready. This appears to be a smaller version of the northern end. Preston again asked if they were still moving forward with the northern half of the property or will the southern end become the focal point with access on to Britton Road. If we are shifting gears, we are placing the intensity of the business along Britton Road rather than Lansing Road.

Jan Knapp, owner, was present and stated that they were approximately three (3) months behind on the northern end because of the water and sewer contract. Also, their contractor pulled off the job site to go to another while that was taking place, but he is due back on the site. The lighting contractor is scheduled to begin within the next three weeks. The accessory building wasn't the greatest looking so they decided they would re-skin it; however, it was discovered the poles had rotted when they got started. They decided it would be a better move to take it down and start over. They thought they could have indoor storage for trucks hauling produce or items that could freeze if left outside. It would be just for overnight parking inside of the building. Plans were then discussed with Dingens. Knapp stated they do not plan for this building or the southern end to take the place of the Lansing Road development. Knapp apologized about not getting a permit and again mentioned there just wasn't anything left to fix on the old pole barn.

Preston asked if it was the intent then just to use the accessory buildings for storage and light maintenance and that there would be room for nine (9) tractor trailers to park within the parking lot.

Knapp answered yes. All traffic is planned for the northern end with ingress and egress off of Lansing Road. The back area should handle 50 trucks hopefully within six (6) weeks from today, but their goal remains the same, but the site plan has been changed at the southern end.

Martin responded that the site plan reflected ten (10) parking spaces, but only nine (9) are shown. Martin commented on the fact no demolition permits were applied for and no building permit or inspections on the block wall had been applied for.

Knapp said they determined after starting on the renovation of the existing building that it had to come down. Knapp said he would have to agree though they screwed up by not applying for the permits or inspections. The footings are open and could still be inspected. Knapp said they have stopped working on it until they get site plan approval. Knapp also pointed out that it was a concrete poured wall that looks like brick.

Andrews stated the site plan needed to reflect both new structures and not one new and one existing. Permits need to be secured. Andrews asked if Dingens had informed Knapp that permits were required.

Dingens answered that he was just the architect and was only responsible for the drawings.

Andrews said he would have a hard time approving this tonight after what they have learned.

Chair Dickmann agreed. It is difficult to approve a site plan that is already out of whack because the applicant is one step ahead of this board.

Dingens stated the building will still be there. Dingens said he first discussed the site plan in June and it was just now scheduled on the agenda to come before you tonight.

Martin asked if the new building would be barrier free accessible.

Dingens answered the building would be barrier free accessible as well as the bathroom.

Martin agreed with Andrews, the site plan should reflect a new building and not an existing building.

Chair Dickmann agreed as well. The site plan should reflect that there will be two (2) new buildings constructed. An accurate site plan on file is needed. This board will be replaced with new members someday just as within the office and wouldn't know what had taken place. An accurate site plan needs to be on file.

Preston stated this board did not know until tonight that the existing building no longer existed and that it had been taken down.

Chair Dickmann stated that the applicant or owner should have kept staff in the loop on what was taking place on the site. The building was taken down without permits and new construction has commenced without permit approvals or inspections. This puts the application in a different light tonight.

Knapp informed the board he had no intentions of circumventing the board after having gone through the other site plan review earlier in the year. I had let the contractor do his job; I wasn't involved. We stopped work as soon as we found out. I realize it is upsetting. We didn't intentionally plan to take the building down. We thought we would just re-skin it.

Andrews again noted that a new site plan would be needed for the board to consider. He understood what was being proposed, but he had to do the same thing when he wanted to start his

business. He had to go before the Zoning Board of Appeals and Planning Commission to get everything in order and compliant with the zoning ordinance. Permits are required before anything is torn down, buildings moved, or prior to commencement of construction. We don't have an accurate site plan before us now because circumstances have changed since it was drawn.

Ott asked when they realized permits were needed and stopped the contractor from continuing.

Knapp answered about 45 days ago. Knapp discussed pending issues on the site plan which was to reflect two new structures, correct the parking spaces and entrance use, and apply for demolition permits.

Preston noted that a permit can be held up if violations on a parcel or other parcel have not been resolved per the zoning ordinance. The board needs to determine if other items are needed that may be missing on the site plan as well. Preston said he did note the lighting was on the print. The use of the structure and entrance still needed to be nailed down. Preston also asked about the height of the lighting.

Dingens questioned the height of the lighting.

Preston said it was needed due to the intensity. We need to know where the existing houses are in the area and additional landscaping may be needed.

Motion: Henry W. Martin III moved to postpone the amendments to SPR13-006, Transfleet Inc., an application for site plan approval for a trucking terminal (including trailer storage, warehousing, and office, an addition to an existing structure and a private road way to be located on property as legally described, based on the following reasoning: 1) The existing structure was demolished without permit approvals. 2) Additional information is required to access if requirements and standards set forth under Article 14 of the Ordinance have been or can be met subject to conditions. **Support: Steve Andrews.**

Roll Call (Ayes to Postpone): Bonnie Ott, Robert Ebmeyer, Steve Andrews, Henry W. Martin III, and Don Dickmann. **Nays:** None. Motion carried to postpone: 5 ayes, 0 nays.

Discussion: Chair Dickmann said an applicant can't come in and just throw any plan at us for approval. This board is trying to work with you in any way that we can, but in this case you are always one step ahead of us and where we are at in terms of reviewing plans. If someone would have notified the office staff about the demolition of the existing building and plans to commence with the new building, we would have been looking at this entirely differently. The owner would have been made aware of what permits were needed and what he could or couldn't do until the site plan was approved.

Dingens said he agreed; but he has worked in 50 other counties and never has had to go through this. I didn't receive the staff report until tonight's meeting. I have never received staff reports anywhere else on the night of the meeting.

Preston explained that the board didn't receive their staff report until this evening as well.

Martin stated that this didn't have anything to do with staff.

Ott stated that when they first came before this board, she was very receptive and open to the plan and concept. It was upsetting to hear that they knew 45 days ago permits were needed. Someone

could have gone to the office to rectify the issue and submit an amended site plan. Ott stated she was very excited to see this project move forward.

Martin agreed with Ott and noted that the site plan received in his packet was stamped as received by staff on August 11, 2014.

Chair Dickmann stated they needed to move on with the rest of the hearing.

COMMITTEE REPORTS:

Ordinance Revision (Rewrite): Martin stated that the committee met prior to the Planning Commission hearing. Article 5 and 16 were reviewed for changes. The next committee meeting is tentatively set for the 4th Wednesday of October prior to the Planning Commission meeting.

Future Planning: Ebmeyer replied that he had nothing new to report.

Parks and Recreation: Ebmeyer replied that the committee met in August but didn't have a quorum so no action was taken.

Gravel Committee: Dickmann answered that the gravel committee did visit three (3) existing operations, but would let Thelen provide the report at that time.

COMMUNICATIONS RECEIVED: None.

DIRECTOR'S COMMENTS: None.

PUBLIC COMMENTS: None.

ADJOURNMENT: **Motion:** Bonnie Ott moved to adjourn the public hearing. **Support:** Henry W. Martin III. Motion carried: 5 ayes, 0 nays. Meeting adjourned at approximately 7:45 p.m.

Recording Secretary - Linda Gene Cordier

% William Thelen, Vice-Chairman
Don Dickmann, Chairman
Shiawassee County Planning Commission

September 24, 2014
Approval Date of Minutes