

**SHIAWASSEE COUNTY PLANNING COMMISSION
SEPTEMBER 24, 2014**

CALL TO ORDER: The September 24, 2014 Shiawassee County Planning Commission public hearing was called to order at 7:00 P.M. by Vice-Chairman, William Thelen. 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: Henry W. Martin III, William Thelen, Steve Andrews, Bonnie Ott, and Robert Ebmeyer. Absent: Don Dickmann. Also present: Peter J. Preston/Community Development Director and Linda Gene Cordier/Zoning Administrator.

EXCUSED ABSENCE: Cordier informed the board that Mr. Dickmann had contacted her and stated he was unable to attend the hearing due to he and his wife were in the final stages of moving. **Motion:** Ott moved to excuse Dickmann from the hearing. **Support:** Ebmeyer. **Motion carried:** 5 ayes, 0 nays.

PLEDGE OF ALLEGIANCE: Vice Chair Thelen led the Pledge of Allegiance to the Flag.

PROOF OF PUBLICATION: Cordier stated the legal notice for the evening's agenda was published within the Shiawassee Independent on Sunday, September 7, 2014. **Vice Chair Thelen** declared the hearing as legally noticed.

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

APPROVAL OF BOARD MINUTES: **Motion:** Ebmeyer moved to approve the August 27, 2014 Planning Commission minutes as printed. **Support:** Ott. **Motion carried:** 5 ayes, 0 nays.

BOARD OF COMMISSIONER COMMENTS: None.

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

OLD BUSINESS:

Application #PSPR13-006

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

Property Owners – TCM Real Estate Investments, LLC., 11699 Fenner Rd., Perry, MI

Site Location – 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 – Amendment to site plan to develop southern end of property for future maintenance and parking associated with a commercial trucking operation (construction of new structure(s)
Postponed from August 27, 2014

Chair Thelen asked if tonight's request required a public hearing.

Preston answered no; it was just an amendment to the site plan.

Chair Thelen opened the floor to the applicant and property owner.

Jan Knapp, property owner, explained that they had submitted a revised site plan and felt they had addressed all the issues that were missing last month.

Chair Thelen questioned the activity that had taken place already on the southern end of the property without Site Plan approval and also wondered what the orange posts were for.

Knapp stated the orange posts were to verify the boundary line.

Chair Thelen asked staff what the minimum setback for a driveway was from a property line.

Preston answered a minimum of 15 feet was required. Preston noted that originally when this board reviewed the northern portion for development, the interior drive was not going to be developed for access to the southern end. The existing drive connecting the two is currently less than 15 feet from the boundary line.

Chair Thelen asked if it had been reflected on the original site plan.

Preston responded that it had been discussed back in January and the board was informed the drive would not be improved until sometime in the future and that the board had nothing to worry about. Preston also discussed the issue that more buffering may be needed around the house located on the southern end.

Knapp answered that he had talked with the owner and the owner was really anticipating the area cleaned up and the brush removed. Knapp noted that he had left some of the trees for screening.

Chair Thelen noted that when he visited the site there were semi-trailers already being parked on the southern end and wondered what activities Knapp was allowing out there.

Knapp said some were being used for tool storage as they no longer had the barn that was there. Others were allowed to pull in temporarily and then pull back out. Knapp added that he had allowed one person to park there because that person had to relocate to an area that would allow him to park overnight. He allowed him to park overnight for a one-week period.

Chair Thelen asked for an update on the sewer connection along the northern end of the property.

Knapp answered that it was completed and he was waiting for the contractor to commence construction.

Chair Thelen noted the property was zoned M-1, Light Industry, and asked if the proposed buildings on this end would have bathroom facilities.

Preston noted that originally the former accessory building was going to be rehabbed to include an office and bathroom with a 40'x80' addition. That has been changed as the former building was razed.

Chair Thelen asked if the new buildings would be connected into the sewer and water or would it be on its own septic system and well.

Preston answered that would be up to the Environmental Health Department due to the proposed limited use of the structure.

Jed Dingens (architect) informed the board that the plans call for two bathrooms. One is for the office staff and the other is for the maintenance workers to use.

Knapp again stated that it was their intent to rehab the original structure, but it was beyond repairs and had to be taken down.

Ebmeyer asked what the status was on the new building and foundation as the board was informed last month that one wall was already up without an approved permit or inspection.

Knapp said they stopped working on it about 75 days ago.

Martin said when he visited the site he found three foundation walls were in.

Knapp said most of the debris from the demolition project had been removed and that there was one small pile left to be taken care of.

Martin said he saw a fuel tank on site and wondered what it was being used for.

Knapp stated it was placed there for the contractors to be able to refuel equipment on site.

Andrews informed Knapp that the tank should be on a concrete cradle or slab in case of oil spills so there is no ground contamination and that it was required under law.

Chair Thelen agreed and suggested Knapp contact D.E.Q. so he isn't fined.

Knapp stated he hadn't realized that and would check into it.

Chair Thelen asked if the board had additional questions. Hearing none, he asked Preston to provide an update.

Preston said the driveway location remained an outstanding issue. If it is going to be connected to the northern end, then a detailed cross-section will be needed including site location and setbacks from the boundary line of at least 15 feet. Preston said he wasn't overly concerned with that as an issue if the board wished to proceed with moving forward with this tonight. The lighting will remain as planned on the initial site plan reflecting the northern half. The final description of use as outlined in 3.4. of the staff report should be provided to staff. The applicant is seeking to amend the site plan to reflect the construction of two (2) accessory buildings (40'x40' and 40'x80') on the southern end of the property for an office, warehouse, minor maintenance, and trailer storage.

There will be seven (7) parking spaces for vehicles and ten (10) parking spaces for tractor-trailers. Preston suggested the board discuss whether or not additional buffering or landscaping should be provided due to the residential homes within the immediate area. Everything else would remain as reflected on the original plan as approved on January 2014. Preston verified that the zoning and building permits were obtained for the demolition of the original structure last month. The building permit for the new buildings cannot be obtained until the Site Plan has been approved by this board and any changes to the site plan signed off on by staff.

Martin asked if the building was being proposed for maintenance, then why was two bathrooms needed?

Dingens answered that one bathroom would be for the office staff and the other bathroom would be for the maintenance staff. A shower will be installed in the bathroom for the maintenance workers to use so they can clean up.

Chair Thelen discussed the fact that back in January the southern end was going to have limited activity with the use of the accessory barn that was on site at that time. Plans have now changed for the southern end. To Industrial Park is located directly to the east of this property. Thelen said he noticed that a lot of the businesses have chain link fences around their buildings and wondered if the board should consider fencing as well.

Preston stated that the individual business owners may have wanted fencing for security purposes, especially if they had outdoor storage of equipment. If in the future if Knapp should decide fencing is needed, he would have to submit a "minor" site plan review amendment to the office..

Discussion: Martin asked staff if the board should include a condition that would state if the existing trees or shrubbery was removed and/or if they died it would have to be replaced. Knapp stated the brush was on his property. When the property was surveyed, they discovered the neighbor's house is only five (5) feet off the property line. We decided to leave the brush for a buffer. Ott answered she did not feel additional landscaping, buffering, or a condition be required on the permit to replace it. Ott said she felt it should be left up to the adjacent land owner and the applicant to work it out. Chair Thelen replied the adjacent owner may not always reside there. The board needed to consider if there was enough buffering now as well as in the future. Discussion continued on buffering, landscaping, and allowing the existing scrub brush to remain as a screen. Chair Thelen recommended that it be left up to the applicant to decide whether or not the existing trees and brush be replaced. Knapp replied he would agree to that.

Discussion: Chair Thelen questioned the fact that he proceeded with the demolition of the building and then the commencement on the new building without applying for permits or inspections. Knapp answered that it was his intent to rehab the original building. They were going to replace the siding and roof. When his contractor started working on the building, it was discovered the poles had rotted off. We tried to get the permits needed, but we were stopped because we needed to amend the site plan and come back before this board. We were told about 3-4 months ago that we needed to submit a Site Plan Review amendment. We have since applied for the demolition permits. Chair Thelen said that the board has tried to work with him when he first came before them last fall; however, when a project is started without permit approvals you lose your integrity or honesty with this board. Knapp said he understood.

Preston informed Thelen that at last month's meeting it was discovered that the existing accessory building was no longer there even though it was indicated on the site plan as still in existence. Board members also noted that construction on the new building had commenced without permits or inspections. A stop work order was placed on the property the next day by staff. Preston reminded the board that a building permit could not be issued until this board approves the site plan. Once the site plan has been signed off by staff, the applicant or contractor can apply for the building permit and request an inspection. Knapp apologized stating he did not realize he had to come back before this board, he thought they only had to apply for the permits.

Chair Thelen said he would call for a motion unless the board or staff had additional questions.

Motion: Bonnie Ott moved to approve the amendment to SPR13-006, Transfleet, Inc., an application for site plan approval for a trucking terminal (including office, warehouse, minor maintenance, and site trailer storage) an addition to an existing structure and a private road way to be located on property as legally described, based on the following reasoning and subject to the following reasoning and conditions:

Reasoning: 1) Requirements and standards set forth under Article 14 of the Ordinance have been or can be met subject to the conditions set forth below. 2) Any additional reasoning as set forth by members of the Site Plan Review Committee.

Conditions: 1) Provide information as outlined in Item 3, above, as it concerns informational requirements for site plan approval. 2) Resolve issues as presented in Item 4, above, as required for site plan approval. 3) All previous conditions of approval resulting from the Planning Commission's site plan approval on January 22, 2014. 4) Driveway/Road setback from property line as outlined within the Zoning Ordinance of 15 feet minimum. Existing brush and trees as a buffer and landscaping to be remain and replaced as needed. Support: Steve Andrews.

Discussion: The wording "an addition to an existing structure and to" be stricken from the motion.

Amendment to Motion: Ott moved to amend the motion to have the wording as stated removed. Support: Andrews. Motion carried: 5 ayes, 0 nays.

NEW BUSINESS: None.

COMMITTEE REPORTS:

Ordinance Revision (Rewrite) – Chair Martin stated the committee did not meet prior to the public hearing tonight. It was possible the committee could meet on October 22nd prior to the Planning Commission hearing or Wednesday evening November 12th prior to the ZBA hearing. Ott stated she would be unavailable on the third Wednesday of the month.

Future Planning: Chair Ebmeyer stated he met with staff earlier this evening prior to the Planning Commission hearing. There were four (4) P.A. 116 applications to review for recommendation to the County Board of Commissioners. The first one was Green Meadow Farms, Inc. in Fairfield Township containing 30 acres within the A-1 District for a 50-year period. The second application was by Green-Dorr Land & Cattle LLC. containing two parcels totaling 117 acres within Sciota Township zoned A-1 for a 50-year period. The third application was Green-Dorr Land & Cattle LLC. containing 58.06 acres within Middlebury Township zoned A-2, for a 50-year period; and, the 4th one was by Green-Dorr Land & Cattle LLC. for two parcels totaling 79 plus acres within Fairfield Township zoned A-1 for a 50-year period. Ebmeyer stated they appeared to meet the requirements per P.A. 116.

Motion: Ott moved to recommend approval to the Board of Commissioners. Support: Martin. Motion carried: 5 ayes, 0 nays.

Ebmeyer continued that the committee also discussed the Future Land Use Plan and asked Preston to provide additional input. Preston stated that Ebmeyer was provided with the 2007 Land Use Plan to peruse. Preston stated he would like to see added to the plan a section on Wind Energy, Agricultural Preservation, and Surface Mining. It would also need to be added to the map. The mapping should be done by next summer. Preston noted that currently Ebmeyer was the only member as Glenn Love Jr. was term-limited last December and was no longer a Planning Commission member. Ott stated she was willing to be a member on that committee. Preston stated the chairman normally appoints the members to the various committees.

Chair Thelen stated he would appoint Bonnie Ott to the Future Planning Committee.

Discussion: Thelen continued and stated he was concerned that the Future Land Use Plan was over 5-years old. Preston said the board has held a public hearing giving notice of intent to update the plan. Thelen asked about amending the 2.5 acre maximum lot size requirement based on the fact there had been a number of requests recently before the Zoning Board of Appeals. Preston explained that amendment language to change that had been sent out to the townships on three separate occasions. but received no support. The rewrite committee has been looking back into it for possible amendment.

Preston discussed the time line for review process by the various boards. A special use permit/site plan can take upwards of ninety plus days from the time it is submitted. A rezoning request can take upwards of 120 days. In some cases a rezoning is needed and then a special land use/site plan required after that. The applicant is looking at a minimum of 7-8 months before a decision is rendered. Then they need to come in and apply for the building and trade permits. Preston stated he would like to reduce the time line so that when the office receives a request notification is sent to the township, it is published in the newspaper, and then the surrounding property owners receive notice of township meeting dates and the County Planning Commission hearing. This will allow the neighbors a chance to receive notice of what is proposed so they can attend a township meeting prior to the County hearing. Preston said he would like to see a minimum of a 45-day turn around. That way when the staff report is written, it can include the response from the Site Plan Review Committee and from the township boards.

The board agreed that the process for review needed to be streamlined. It would inform the surrounding neighbors so they would have a chance to attend the township hearing prior to the County's hearing. The board referenced a recent hearing where the neighbors first heard about a special use request when the County sent notice and that they had not been notified when it was handled at the township level.

Parks and Recreation: Ebmeyer will be meeting again in October and hopefully have a board quorum.

Gravel Committee: Chair Thelen stated that he and Don Dickmann met with staff and visited three sites (Fitzgerald Sand and Gravel, Al-Par, and Schlegel Sand and Gravel) on Friday, August 8th. All sites appeared to be following their guidelines. Fitzgerald's were doing a good job. Al-Par's had some sand and gravel dug, but the operator had not been back. Schlegel's should probably come back in for review when their permit is up for renewal.

COMMUNICATIONS RECEIVED: Cordier stated the only correspondence received was the notice that included in the packets for an upcoming meeting on October 24th for the 9th annual Genesee County Planning Forum. Registration is due by October 10th.

DIRECTOR'S COMMENTS: Cordier stated the next Planning Commission hearing will be scheduled for October 22nd.

PUBLIC COMMENTS: Martin discussed gas lines being proposed along the east side of the County and what type of permits might be needed. Preston answered underground gas lines were exempt. Martin said he heard fracking might be coming to Michigan and would permits be required. Preston again noted that underground gas and oil were exempt including fracking.

ADJOURNMENT: Motion: Martin moved to adjourn the public hearing. Support: Ott. Motion carried: 5 ayes, 0 nays. Meeting adjourned at 8:00 P.M.

Recording Secretary – Linda Gene Cordier

Don Dickmann, Chairman
Shiawassee County Planning Commission

October 22, 2014
Approval Date