

**SHIAWASSEE COUNTY
PLANNING COMMISSION PUBLIC HEARING
October 23, 2013 Board Minutes**

CALL TO ORDER: Chair Don Dickmann called the regularly scheduled monthly public hearing of the Shiawassee County Planning Commission to order at 7:00 P.M. 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: Glenn Love Jr., Henry W. Martin III, Robert Ebmeyer, William Thelen, Bonnie Ott, and Don Dickmann.

Excused Absences: None.

Also present: Peter J. Preston/Community Development Director, Linda Gene Cordier/Zoning Administrator, and County Commissioner Robert McLaren.

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

PROOF OF PUBLICATION: Cordier informed Chair Dickmann that the legal posting for the evening's hearing was published within the Shiawassee County Independent on Sunday, October 6, 2013. Dickmann declared the hearing as legally noticed.

APPROVAL OF BOARD AGENDA: **Motion:** Ebmeyer moved to approve the agenda as printed. **Support:** Ott. **Motion carried: 6 ayes, 0 nays.**

APPROVAL OF BOARD MINUTES: **Motion:** Ott moved to approve the August 28, 2013 board minutes as printed. **Support:** Love. **Motion carried: 6 ayes, 0 nays.**

BOARD OF COMMISSIONER COMMENTS: Commissioner McLaren informed the Planning Commission Board that the 2014 Shiawassee County Budget had been adopted. The Ad-Hoc Committee is continuing to move forward with the replacement of the County Administrator's position.

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

OLD BUSINESS: None.

NEW BUSINESS:

Text Amendment to 1999 Shiawassee County Zoning Ordinance
Amending language within Section 4.3.76 (Wind Energy Conversion Systems)
Action Required: Review and Recommendation to the County Board of Commissioners

Preston informed the board that the proposed amended language to the current Wind Energy Conversion Systems was mailed out to the townships for a fifty (50) day review. Staff received a response back from Sciota Township stating that they agreed with their Sciota Township Planning Commission recommending approval with no further recommendations on the Wind Energy language; however, the township may have concerns with future height limitations. Venice Township also responded with the following recommendations. A couple dealt with typographical errors. The first one located in Section 1.A. – correct spelling of “siting”. Second was the acronym for WECS was transposed within Section 2.F. Section 3.E.1 – the first sentence should read “A Testing Facility is a temporary.... Being location on the premise not more than

two (2).... Also, Section 5.I, is it the belief of the Commission that a change of 100 feet is not a “minor site plan modification.” To allow an adjustment of more than 20 feet would impede the rights of adjacent landowners and deny them the right to be heard in case of protest. The Venice Township Board supported the Venice Township Planning Commission’s recommendations on October 7th.

Preston noted that since the language was first adopted, there have been a couple of amendments to the language. Orisol has since been purchased by BP, but Cliff Williams (representative of Orisol) has continued to work with BP. The intent of the amended language is to assure everyone that there were no gray areas for development of a wind farm. It was recommended to the committee that the height of a turbine be allowed to exceed 500 feet; however, the Rewrite Committee rejected the recommendation. Another area of change was with the expiration date of the permit. As these projects take a longer period of time to gather all permits before construction can commence compared to a typical special land use permit, it is recommended that a special land use permit for a wind farm be extended up to thirty-six (36) months for construction to commence.

Preston continued that relocation of a turbine without coming back before this board would be considered a minor site plan review and could be authorized in house by the Director and/or the Zoning Administrator as long as it had not been relocated over 100 feet and remained on the same parcel. Preston noted that Venice Township had concerns with this. The township felt it could impede adjoining landowners and it should be left up to this body to decide. Preston stated that adjoining property owners would be informed of this during the public hearing process that a turbine could be relocated closer to a property line if needed without coming back to this board for amendment to the site plan.

Ott replied that she was confident staff could make the determination at that time and it wouldn’t need to come back before this body.

Thelen questioned the need to amend an original site plan.

Preston answered that after construction has commenced, the developer may see a need to move a turbine to a different location to be more effective. The technology and equipment on a turbine is changing constantly. If this board feels the developer should come back before them to make the site plan changes, he had no problem with that.

The board concluded that as long as it was 100 feet or less, the applicant would not have to come back.

Thelen questioned extending the expiration of the special use permit to thirty-six (36) months versus twelve (12) months and wondered if that would set a precedent for other special land use applications.

Preston answered no precedent would be set because the thirty-six (36) months would only pertain to a wind farm application. All other special land use permit applications would have to comply with the provisions under Article 12.

Thelen stated he concurred with Ott and that the language was acceptable and felt confident staff would be able to review and approve minor site plan changes.

Dickmann discussed applications for multiple wind farms; specifically 3.D. and an application for one (1) special land use permit if the properties were contiguous. What if the properties within a township were not contiguous; discussion followed. Dickmann also questioned 5.G. #4 pertaining to decommissioning particularly the last sentence. Preston discussed the reasoning of the statement, but stated he had no problem removing it if the board felt it should be stricken.

Ebmeyer discussed a single permit with contiguous parcels being owned by different land owners.

Preston stated he didn't want to have handle 60 permits or more to try and sort out when an applicant could have "x" about of turbines in one township under one special use permit as long as the parcels were contiguous. One township may have for example three (3) and another township maybe 25 or more. It would keep the confusion, notification, and advertising down to a more manageable process. Preston added this would only pertain to a wind farm operation and not an individual wind turbine for residential use. The board agreed with Preston.

Dickmann answered he would proceed with the public hearing on the proposed text amendment. Dickmann informed the public of the Rules of Procedure, which was available for handout. The Planning Commission process is outlined on the handout for the public to follow along. Dickmann asked Cordier if the amendment had been properly noticed.

Cordier responded that it had been placed within the legal notice of October 6th and that the Township Boards and Township Planning Commissions were given a 50-day review period and notified of tonight's hearing.

Dickmann declared the amendment as legally noticed and then called for Board Member Ex-Parte contact. Hearing none, he noted the staff had already provided a review of the proposed changes including response from the townships. Dickmann opened the floor for public input. No public input received. Dickmann closed the public hearing and called for a board motion and reminded the members that a motion to recommend approval to the County Board of Commissioners would be needed.

Motion: Thelen moved to close the public hearing. **Support: Ott. Motion carried – 6 ayes, 0 nays** to close the public hearing.

Motion: Ott moved to recommend to the County Board of Commissioners the proposed text amendment to Section 4.3.76 (Wind Energy Conversion Systems) with the corrections and amendments as stated by Venice Township and changes by changes stated by this board be **approved. Support: Martin.**

Roll Call: Ayes to Recommend Approval: Glenn Love Jr., Henry W. Martin III, William Thelen, Robert Ebmeyer, Bonnie Ott, and Don Dickmann. **Nays: None. Motion carried: 6 ayes, 0 nays.**

Site Plan Review for Consideration of Approval, Application #PSPR13-006

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

Property Owner – Joseph Doerfner/Natascha Mc Cuan; Wm. H. Doerfner/Estate

Site Location – West Lansing Road, Perry, MI; Section 10, Perry Township

Tax Identification – 78-014-10-400-009 & 78-014-10-400-009-02

Request – Site plan development for commercial fleet trucking

Action Required: Review and approval of Site Plan prior to Zoning/Building Permit approvals

Chair Dickmann stated the proposed commercial development will be located within Section 10 of Perry Township for a Commercial truck terminal including an office, warehouse, and parking. It is a use by right; however, it requires Site Plan approval by this board before construction can commence.

Preston provided the staff report. The proposed site is located directly west of the Perry Industrial Park with frontage along Lansing Highway. The parcel extends to the South with access to Britton Road. The development at this time is for the northern and middle portion of the property. The southern portion of the property will not be developed at this time. Preston informed the board that he was concerned due to the fact there currently is extensive grading going on in the southern portion without any Earth Grade permits from the department. If the earth grade is associated with this permit; no work should be taking place until final approval has been granted. Preston said information provided at the time of application was limited and information as required under Article 14 had not been provided on the site plan. Information should be identification such as intended use of each bay. This information is also needed by the Environmental Health Department. The layout of the truck parking may be of concern. Proposed landscaping, grass medians, greenbelts or berm areas as required under Article 8 are needed. Symbols are needed to reflect existing and what is proposed. A previous site plan provided to staff showed use of an existing building and gravel area along the southern portion of the property with access off of West Britton Road. The current site plan is unclear if this portion of the property is intended for use. The Road Commission has control over access from the public road to the site; however, no comments have been received as of this date from the Road Commission.

Preston continued, off-street parking and storage area needs to be defined, all maneuvering lanes, service lanes, and off-street unloading spaces within the development was needed. A cross-section and elevation plan was needed. All on-site lighting needed to be on the plans.

Preston said the issue of the layout of northern portion of the property versus the southern portion of the property was vital. The date of the staff review should read October 17, 2013 and not October 17, 2012. Changes have been made to the site plan since that time. During the Site Plan Review Committee and the Perry Township Planning Commission hearing last week, the following concerns were raised: Use of the bays for maintenance of trucks/trailers, on-site storage of hazardous materials, planned use of warehouse, parking layout, and landscaping along the boundary line to the east by the former D.N.R. building.

Preston said the number of parking spaces based on employees appeared to be adequate and meet code. The concern is with the travel lanes and trucks coming and going. The print calls for the parking area and drive to be constructed of Asphalt Fines; however, staff has concerns with the upkeep of it. Another issue is how many trucks are anticipated at this site and how many would be stored.

Preston noted that during the Site Plan Review Committee meeting, Tony Newman/County Drain Commissioner, discussed a detention area that will be needed in the upper northeast corner of the parcel. Newman had a different site plan that reflected the detention pond than what we had received. It currently is not showing on our plans. The Environmental Health Department is working on the water system with the applicant and it appears it will be connected to the public sewer system. This board has the option to approve or postpone the request before them tonight; there is no reason to deny the request.

Chair Dickmann thanked Preston and called for township input. Preston noted that Sid Grinnell/Perry Township Supervisor was not present this evening. Preston did note that the Perry Township Planning Commission did provide a recommendation. Dickmann asked Preston if he would read the Perry Township Planning Commission's recommendation.

“October 17th: Ocenasek moved, second by Place, to recommend the application with the following conditions: 1) They provide information as outlined in Item 3 of the County Site Plan Review. 2) Resolve issues as presented in Item 4 as required for site plan approval. 3) There will be a minimum of at least 8' pine trees planted (staggered) every 12 feet for a buffer between the two properties (Spadafore building and truck terminal) and incorporate in the site plan. 4) Truck trailers that are disabled or unusable not be permitted on the property over 180 days and this area should be incorporated into the site plan. 5) The asphalt composition for the parking lot should be incorporated in the site plan. 6) The lighting type and intensity of lights should be incorporated in the site plan. Roll call: Ayes, Saxton, Ocenasek, Paez, Place, Fraser, and Michalek.”

Preston noted that no recommendation had been received from the Township Board.

Chair Dickmann asked Mr. Dingens to proceed with his application request.

Jed Dingens stated he has 22 years experience as a Planning Commission member. He thanked both the township and county for moving this along. Dingens stated the property has been transferred and Jan Knapp/President is present this evening. Knapp had purchased the property last year.

Knapp informed the board that he had talked with Ms. Cordier last year about development of the property. There are plans for 32 trucks. All maintenance is currently farmed out. In order for his company to grow he needed to expand the business and this property came up for sale. Due to the cost associated with this procedure, we have had to scale down and only be able to add about 10 trucks a year over the next couple of years.

Dickmann asked how many trucks he had in operation at the present time.

Knapp replied 32. We intend to increase the number of trucks provided the economy promotes growth.

Dingens responded that the plan reflects the potential for 87 trucks. The drivers back the trucks up by using the driver's side mirror. Even if they were off a little, it wouldn't be a big deal. Plans are to put a base down of 6" gravel, 6" sand, and 4" asphalt fines. Dingens stated he has talked with the Road Commission and others on what would be needed and acceptable. The asphalt fines will come from the I-69 project through M.D.O.T. The parking area will be stripped and probably have to be re-stripped every three years. Dingens stated he had responded to Preston's review and amended the site plan. They now have a legal description. The docks may have to be raised; there will be a 12,000-sf dock structure with a 40'x60' office. The area to the far south has a small red barn on it and an existing parking area. The barn may come down; that hasn't been decided. They are currently improving the parking lot.

Knapp explained that when the original site plan was drawn, it was believed that M.D.O.T. approved access from Lansing Road. It took us six months going back and forth with M.D.O.T. so we began working on the southern end of the property because I could park ten (10) vehicles

there by right. We have just found out that M.D.O.T. will give us approval along Lansing Road, but we haven't received the paperwork yet.

Preston stated it was the understanding of the Site Plan Review Committee that M.D.O.T. had given control back to the Road Commission.

Knapp answered M.D.O.T. still owned the right-of-way along there (Lansing Road). We originally hadn't planned on anything along Britton Road at this time. The neighbors along Britton Road have been very happy that the area is being cleaned up. The area would be used for a smaller trucking facility.

Preston discussed the improvements taking place on the property without a permit. He also questioned the site plan that reflects an existing interior road and asked if that would be connected to the northern proposed development.

Dingens stated it was an existing drive.

Preston explained that they needed to apply for a Zoning Permit for an earth grade permit.

Dingens continued that the owner of the former D.N.R. building owned by Mr. Spadafore requested landscaping between the adjoining parcels. We thought about a berm and fence, but Spadafore asked if trees could be planted instead. We looked into Spruces and White Pines. The trees will be 8 feet in height. There will be the typical shrubbery around the building. The less active trailers will be stored. They will all be licensed to go on the road but stored outdoors in the quiet area. Dingens discussed the proposed lighting system. They will be LED type lights approximately 35' in height and located in the main parking area with plug-ins. An enclosed dumpster will be by the building.

Justin Horvath, representing Shiawassee County Chamber of Commerce, was thankful that they were able to keep the momentum moving forward. Perry Township is a great place for this type of development especially with the I-69 Corridor project. We are very excited about this.

Further discussion followed on the required detention area. Dingens noted that they were originally informed it wouldn't be necessary by Commissioner Plowman and others in Perry; however, when the Drain Commissioner reviewed it they were told one was needed. Dingens discussed the 100-year storm water calculations. Board members continued discussion on the 100-year storm water calculations and if it was based on 1 hour or 24 hour runoff.

Ott asked if the proposed operation would be 24/7.

Knapp answered yes.

Love questioned what the trucks would be hauling and transferred from truck to truck.

Knapp stated he hauls mostly dry goods and no perishables. He does not haul any hazardous materials at the present time.

Martin asked if he thought he might haul hazardous materials in the future.

Knapp answered they may, but he would need approval with M.D.O.T.

Discussion continued noting that all trailers were currently licensed and that if the applicant wished to pursue the opportunity to haul hazardous materials, he would have to come back to amend the application. Preston noted it probably wouldn't be out of line because it will be a commercial based trucking operation. Board members discussed trucks pulling in to unload and reload with the applicant and owner.

Horvath again noted that they were very excited about this; it will face I-69 with close access to and from the freeway. It will be great to see a growing trucking business in this area. There were a lot of good comments made on what was needed on the site plan, but he hoped this board would keep the development moving forward.

Chair Dickmann responded that this body was receptive to the concept and would like to see it moving forward as well; however, there have been a number of changes made to the site plan since the plan we received earlier in the month. This application has been on a fast track to get to this point this evening. The board needs to deliberate on the request. It is very important that everything that is needed is spelled out so there are no questions or gray areas.

Love agreed and added he wanted to make sure this is done right the first time.

Martin answered that although an amended site plan was handed out at the beginning of the hearing, it was only on an 8"x11" sheet of paper, which made it very difficult to read.

Chair Dickmann again noted that there has been a number of changes made to the site plan and felt the board needed to receive a full-sized set of plans to review.

Martin asked the owner if he would handle Canadian Trucks as well. Knapp answered yes. Knapp stated if all went well he would be back before this board to expand in two or three years.

Chair Dickmann felt they were at a point that needed a motion; however, the issue with the loading docks that were just changed prior to the meeting this evening needs to be reviewed. The board should have revised site plans with all changes on it and to scale so it is legible without squinting and not this 8 ½ x 11 inch print handed out tonight.

Ott stated she felt staff was capable of reviewing and approving the updated plan so it could be kept moving.

Ebmeyer stated he had concerns with the staff report and making sure all information was answered, but said he would agree with Ott that Preston could approve the final draft so it is kept moving.

Chair Dickmann responded he would agree and was confident that staff was capable of signing off on the site plan, but new information has been brought forward at the last minute which is not in front of us tonight. He felt it was the responsibility of this board to oversee the final draft.

Thelen agreed. The ordinance has a system in which applications are to be handled. The system is outlined so everyone coming before us is treated in the same manner. There have been so many changes made to the site plan that we need to look at an amended site plan that is legible before voting on it.

Dickmann informed the applicant and owner again that the proposal is a great idea and this body has no issues with the intent, but you have put this board in a position that they shouldn't have to

be in. Dickmann noted that the November public hearing is scheduled for November 20th; however, it could be moved up a week and be held on November 13th as the Zoning Board of Appeals will not be meeting that evening. That would only be a three (3) week delay. That would give Mr. Dingen's time to provide the office with updated plans to scale so they could be mailed out to us prior to the meeting. It would put this body in a better position to make a decision on it.

The board agreed, a full-sized print with all information and detailed was needed. Preston stated he has a much better understand of the development and intended use after tonight's hearing. Preston added that if the Britton Road access and use along the southern end is part of the development (commercial trucking operation), then it will need to be included as part of this site plan.

The board was asked if they could hold a special meeting. Preston noted the 13th was the quickest it could be handled so as to meet advertising requirements. Also, they know the use of the room is available on the 13th for them as the ZBA has cancelled their public hearing.

MOTION: Thelen moved to postpone the Site Plan #PSPR13-006 submitted by applicant Jed Dingens and Owner TCM Real Estate Investments LLC, proposed for West Lansing Road, Section 10, Perry Township, involving Tax Roll Parcels 014-10-400-009 and 014-10-400-009-02, and that revised site plans be submitted with all detail requirements as outlined on the plan; and be placed on the next available Planning Commission public hearing. **Support: Love.**

Roll Call to Postpone: Ayes: Henry W. Martin III, Bonnie Ott, Robert Ebmeyer, Glenn Love Jr., William Thelen, and Don Dickmann. **Nays: None. Motion carried to postpone: 6 ayes, 0 nays.**

MOTION: Ott moved that the regularly scheduled County Planning Commission public hearing set for November 20th, 2013 be moved to November 13th, 2013 at 7:00 P.M. **Support: Ebmeyer. Motion carried: 6 ayes, 0 nays.**

Discussion followed with the applicant about obtaining the Earth Grade Permit and Soil Erosion Permit. Martin stated he wanted to make sure the applicant understand that they were proceeding with earth grade at their own risk because they hadn't obtained a final approval on the site plan. Dingens stated that they were only grading and balancing the property.

COMMITTEE REPORTS:

Ordinance Revision – Martin stated the committee had not met, but plans are to meet in November. He informed the board that he had attended a meeting at Caledonia Charter Township Hall hosted by MSU Extension on Wind Turbines. He also attended a meeting sponsored by the Friends of the Shiawassee River on October 17th at Baker College regarding protecting our river.

Future Gravel Committee – Love stated they did not meet.

Gravel Committee – Thelen stated they were supposed to visit four (4) sites on October 17th; however, it was postponed due to weather conditions. The committee has made plans to visit the sites on November 7th. Ebmeyer questioned the former pit on Bennington Road between Shia Town and Vernon; he noticed a truck coming out of there about a week ago. Preston stated they would look into it.

COMMUNICATIONS RECEIVED:

Cordier informed the board that she received a copy of the Village of Lennon's adopted Master Land Use Plan if anyone wished to borrow it. All other correspondence received had been included in the board's packet for tonight's hearing.

DIRECTOR'S COMMENTS: None.

PUBLIC COMMENTS: Ott informed everyone that there were three (3) girls present this evening and are students in her business class at Baker College. She suggested they might want to attend to see how government proceedings are handled. One girl stated she found it interesting and would be beneficial to her in class.

Commissioner McLaren stated he has had the opportunity to attend the hearings over the past nine (9) months. This board is very thorough in reviewing all documents that come before them before making a decision. He would have hoped for a motion tonight granting approval; however, he clearly understood the importance of getting the site plan done correctly.

ADJOURNMENT: **Motion:** Ott moved to adjourn. **Support:** Love. **Motion carried:** 6 ayes, 0 nays. The meeting adjourned at approximately 8:30 p.m.

Recording Secretary – Linda Gene Cordier

Don Dickmann, Chairman
Shiawassee County Planning Commission

November 13, 2013
Approval Date of Minutes