

**SHIAWASSEE COUNTY PLANNING COMMISSION
BOARD MINUTES – NOVEMBER 19, 2014**

Meeting Called to Order: Chair Don Dickmann called the County Planning Commission public hearing to order at 7:00 P.M. The meeting 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, Henry W. Martin III, Robert Ebmeyer, and Don Dickmann. Absent: Bonnie Ott and William Thelen. Also present: Peter J. Preston/Community Development Director and Linda Gene Cordier/Zoning Administrator.

Excused Absence: Cordier stated Thelen had contacted the office that he would be out of town. Martin stated he recalled Ott stated at last month's meeting she would not be able to attend the November hearing.

Pledge of Allegiance: Chair Dickmann led the Pledge of Allegiance to the flag.

Proof of Publication: Cordier informed the chair that the regular meeting notice was placed in the Shiawassee Independent on Sunday, November 2nd. The rezoning notice was published on October 26th and November 16th. She noted that there was a typo in the rezoning notice; but was corrected in the November 2nd posting. Chair Dickmann declared the hearing as legally noticed.

Approval of Agenda: Ebmeyer stated he would like to add to the agenda a report on the Genesee County Planning Commission meeting. **Motion:** Ebmeyer moved to approve the agenda with the addition. **Support:** Henry W. Martin III. Motion carried: 4 ayes, 0 nays.

Approval of Board Minutes: Ebmeyer noted that on page two of the minutes; the word "precedence" should read "*precedent*". **Motion:** Henry W. Martin III moved to approve the October 22, 2014 board minutes as amended. **Support:** Steve Andrews.

Board of Commissioner Comments: None.

Call to the public on non-agenda items: None.

Old Business: None.

New Business:

Application Request #PREZ14-004

Applicant/Owner – Dennis Fijalkowski, 4820 Leland Road, Laingsburg, MI 48848

Location of Parcel to Rezone – 4820 Leland Road, Laingsburg, MI (southwest of the intersection of Leland and Garrison Roads) approximately 102 acres within Section 9 of Sciota Twp., **Tax Id.** – 78-009-09-400-001

Current Zoning Classification – A-1, Agricultural Production

Proposed Zoning Classification – A-1½, Agricultural Production

Applicant's Intent – Additional rights to divide the property

Action Required – Planning Commission to submit recommendations to the County Board of Commissioners

Chair Dickmann reviewed the Rules of Procedure to the public in attendance. Dickmann asked if the request was properly noticed. Cordier stated he was advertised within the paper, the

applicant, township, and surrounding property owners received notice. Dickmann called for ex-parte contact of the board members. Hearing none, he called for staff input.

Preston provided the staff report. The definition of A-1 and A-1½ was provided, which has to do with a density requirement per acreage since 1982. The applicant has asked to rezone to the A-1 ½ district in order to have the ability to divide the parcels into smaller sizes. The parent parcel is 102 acres in size. Under the current A-1 district, one (1) build site remains. If the A-1½ were approved, it would allow for nine additional divisions for potential build sites on a minimum/maximum lot size. The parcel has approximately 1600 feet of road frontage on Leland Road. The applicant submitted a letter yesterday asking for a postponement of the request as there may be an avenue to divide his property without the need of the rezoning through Land Division. Again, the difference between the A-1 and A-1½ is with the A-1 it is one (1) build site per vacant 40 since 1982; A-1½ is one (1) build site per vacant ten (10) acres.

Chair Dickmann stated that although the applicant has requested a postponement, the board would hold its public hearing due to the fact it had been advertised and notices sent to the surrounding land owners. Dickmann opened the floor for public input in support of the request. Hearing none, the floor was opened for public input in opposition of the request.

Speaker #1 – Susan Farr, 8990 Garrison Road. Farr stated she was at Mr. Fijalkowski’s home earlier in the day and he had informed her that he had withdrawn his request. She wasn’t sure if he had told the other surrounding neighbors the same thing or not. She had contacted the office just before 5:00 P.M. and was told the public hearing was still going to be held.

Preston answered although the applicant submitted a request to be postponed, staff recommended the public hearing be held as the petition had been advertised and the neighbor’s notified. The board can act on his request and table it if they so chose after the public hearing.

Farr stated the applicant stated she didn’t have to come.

Preston reminded her that was the applicant speaking not staff or this board.

Farr stated she didn’t understand why the board would act on this if the applicant wanted it postponed. If the board grants approval, it will allow one build site per 10 acres and he owns a lot of land.

Preston answered that the applicant has not withdrawn at this time. As everything had been noticed staff recommended we proceed with the public hearing, it doesn’t mean the board has to act on it tonight. In fact, the board probably won’t be taking any action.

Farr again stated that Fijalkowski stated he had withdrawn. She wondered what the county would gain by rezoning the property.

Preston answered the rezoning is reviewed at the township and county level. The county reviews it with the Future Land Use Plan. A public hearing is required as part of the process. The final review and decision is handled by the County Board of Commissioners. The applicant is not obligated to provide a detailed site plan when seeking a rezoning request.

Chair Dickmann discussed certain rights that go with a zoning district. Some uses are considered a use by right, while others may require a special use permit. There is no benefit to the county if the petition is approved. The board has to make sure the procedure is followed and that it is not

considered “spot” zoning, and that it follows the intent of the Future Land Use Plan. Dickmann continued by reading into the record Mr. Fijalkowski’s letter:

November 18, 2014: Linda: I have a buyer for 50.56 acres, which will give 49.7 acres as the remaining parcel. I want the last building site to go with Parcel 2 (49.7 acres). Since I can accomplish this w/o rezoning I want to table my rezoning app until further notice. You don’t have to have a meeting tomorrow just for me. I hope I will be able to withdraw the application. Please call me if you need anything. I was hoping I could present the app to my Twp. Planning Com. On December 1 and then the Twp. Board on Dec. 8. Thank you for your patience with me. Dennis Fijalkowski.

Farr asked if the board was going to honor his request.

Chair Dickmann answered they needed to proceed with the public hearing.

Speaker #2: Bob Krefl. Krefl noted he resided to the south of the Fijalkowski property. If the rezoning is approved, it will influence more property development.

Discussion followed on the area being rural with limited housing. Dickmann noted that a few years ago Sciota Township adopted a resolution that anyone that came forward and sought a rezoning from the A-1 zoning to A-1½ it would be recommended approval. It doesn’t mean it’s an automatic. Recommendation of approval still comes from this board with the final decision rendered by the County Board of Commissioners. It can be a hard decision to make.

Andrews added that further development of the property could also increase the value of the neighboring parcels.

Discussion followed on the public hearing process, tracking of divisions, township recommendation to approve, and postponing the request.

Farr asked if the application is withdrawn, will the board still proceed with the rezoning.

Preston answered no; this neither board nor staff initiated the petition to rezone the property. If it is withdrawn the file is closed.

Chair Dickmann closed the public hearing.

Motion: Steve Andrews replied there was no reason to move forward at this time and entered a motion to postpone PREZ14-004 of Dennis Fijalkowski, Tax Id. 78-009-09-400-001, per the applicant’s request until the January 2015 public hearing. If the applicant has not responded by that time, the application will become null and void. **Support:** Robert Ebmeyer.

Roll Call to Postpone: Ayes: Henry W. Martin III, Robert Ebmeyer, Steve Andrews, and Don Dickmann. **Nays:** None. Motion carried: 4 ayes, 0 nays.

Special Land Use/Site Plan Application Request #PSUP14-04

Applicant/Owner – Jason Rierson, 5090 S. Durand Road, Durand, MI

Site Location – 5110 and 5090 S. Durand Road, Durand, MI

Tax Id. – 78-012-16-200-005-01 and 012-16-200-005-02; Section 16, Vernon Township

Request – SUP/Site Plan for a Contractor’s Business and Limited Salvage Yard within the M-1 Zoning District

Chair Dickmann informed the public that the next request for a special land use permit would end with the Planning Commission board approving or disapproving and not by the Board of Commissioners as with a rezoning application.

Preston provided the staff report. The property was recently rezoned to the M-1 district this past summer by the Board of Commissioners under a Conditional Rezoning request. The business has been there for a number of years. In order for Rierson to obtain his state license, the county had to sign that it was properly zoned. Upon inspection and review of the ordinance, it was determined he needed the M-1 district, which also required him to have a special land use and site plan. Preston commented on how the proposed business correlated with the ordinance. Rierson has a small scrap business that is unique due to the fact he pulls them inside, scraps them out, and the materials are hauled off to a recycle center off site. The township will not take action on the request until December. Preston stated he also received an email from Amy Roddy, Durand City Manager, earlier in the day and read it aloud:

RE: Shiawassee County Planning Commission Public Hearing: Special Land Use and Site Plan – 5090 and 5110 S. Durand Road, Vernon Township.

Dear Pete: The City of Durand is very interested in sending representatives to attend the public hearing and voice its concerns regarding the proposed Special Land Use and Site Plan for a Contractor's Business and Limited Salvage Yard at the above noted addresses. These parcels are located directly across Durand Road from parcels within the City of Durand; therefore we would like to speak on the topic.

The public hearing notice sent via first class mail by the Zoning Administrator was received in our offices on Thursday, November 13, 2014, just six days prior to tonight's meeting. The city's Zoning Administrator was on vacation until yesterday and began preparing a presentation. Since the city did not receive the notice 15 days prior to the meeting, we are asking that we be provided more time to prepare our presentation for the Planning Commission. Your consideration in this matter is greatly appreciated. Sincerely, Amy J. Roddy, City Manager.

Preston continued that staff sent out notification of the hearing on November 4th and couldn't speak for the mail service. The letter was also discussed earlier this evening with Rierson. No correspondence was received back in the summer from the city when the rezoning request was being handled. Preston continued this was similar to the last case and recommended the board proceed with the public hearing as it had been published in the paper and surrounding property owners had been notified.

Chair Dickmann confirmed with Cordier that it was legally published and correspondence sent to the township and surrounding property owners of the petitioned request. Dickmann called for ex-parte contact by board members; hearing none, he asked the petitioner if he would like to speak.

Jason Rierson stated he was blown away by the letter from the city. His business has been there for five (5) years. The city scraps with him. No one contacted him or stopped by prior to the meeting. Rierson stated he just didn't know what to say at this time. Across the road is a trucking business, Perrin's Construction and Deisler Electric are behind this.

Ebmeyer questioned his statement that no one contacted him.

Rierson answered that was correct. No one ever responded when he asked to rezone his property to M-1.

Preston informed the board that the next hearing for the Planning Commission would be December 10th. Rierson has been working very diligently to get all the necessary permits so he can apply for his license with the state.

Chair Dickmann opened the floor for public input in support of the request. Hearing none. Dickmann called for public input in opposition of the request. Hearing none, he closed the public hearing. It was noted the township had not acted on the request due to the fact they needed to table the request.

Motion: Henry W. Martin III moved to postpone the request until the December 10, 2014 public hearing in order to allow Vernon Township to hold their hearing in December and the letter received by the City Manager. **Support:** Steve Andrews.

Roll Call: Ayes to Postpone: Steve Andrews, Robert Ebmeyer, Henry W. Martin III, and Don Dickmann. **Nays:** None. Motion carried: 4 ayes, 0 nays.

Genesee County Planning Commission: Ebmeyer stated he attended the workshop in October and although it pertained mainly to Genesee County, he found it very informative. He purchased a booklet that is considered a tool kit or guide as to what a planning commission should be doing. Statistics were also provided on Shiawassee County that dealt with income levels for a family of four and if they were making it, number of persons in the county with a B.A. degree, concerns with the aging population, employment decline, health care increase, and work force.

Ordinance Revision: Martin stated they did not meet this month; however, last month proposed text amendments to Section 5.1.2.2. (Keeping of Animals), Section 5.3.1. (Accessory structures), Articles 12, 14, and 19. for review. Preston stated that if the board would like to move forward, a motion is in order to direct staff to notify the townships of the proposed amendments and to schedule a public hearing the first of the year.

Discussion: Ebmeyer discussed changed to Article 12 and Article 14. Preston stated he would make the necessary changes.

Motion: Robert Ebmeyer **moved** to send the amended proposed text language out to the townships for a fifty-day review to make recommendations back to the Planning Commission. **Support:** Steve Andrews. Motion carried: 4 ayes, 0 nays.

Parks and Recreation: Ebmeyer stated they met in October and probably won't meet again until January. With the sheriff's millage defeat there will probably be little hope for maintenance of the parks.

Gravel Committee: Dickmann noted that the committee did not meet.

Future Land Use: Ebmeyer stated he had nothing to report.

Communications Received: Cordier stated the office received a notice from the City of Laingsburg of their Intent to Plan by updating their City Master Plan. Preston added they would be updating their Parks and Recreation Plan as well.

Martin asked where the Future Land Use Committee was with updating the County's Future Land Use Plan. Preston stated they were waiting on maps.

Director's Comments: None.

Public Comments: Martin wondered if the Sciota Township property would qualify for Cluster Development. Dickmann stated it was possible.

Adjournment: Motion: Robert Ebmeyer moved to adjourn the hearing. **Support:** Andrews. Motion carried: 4 ayes, 0 nays. Meeting adjourned at approximately 8:15 p.m.

Recording Secretary – Linda Gene Cordier

Donald Dickmann, Chairman
Shiawassee County Planning Commission

December 10, 2014
Approval Date of Minutes