

**SHIAWASSEE COUNTY PLANNING COMMISSION
MARCH 27, 2013
PUBLIC HEARING MINUTES**

1. **MEETING CALLED TO ORDER:** Vice Chairman Don Dickmann called the public hearing 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.
Roll Call: Present: Don Dickmann, Henry W. Martin III, Glenn Love Jr., William Thelen, and Bonnie Ott. (Two vacancies.)
Also Present: Peter J. Preston/Community Development Director, Linda Gene Cordier/Zoning Administrator, and County Commissioner Robert McLaren.
- 1a. **Excused Absence:** None.
2. **PLEDGE OF ALLEGIANCE:** Led by Chair Dickmann.
3. **PROOF OF PUBLICATION:** Cordier stated the scheduled agenda had been published within the Shiawassee County Independent on Sunday, March 10, 2013. Chair Dickmann declared the hearing as legally noticed.
4. **APPROVAL OF AGENDA:** Chair Dickmann asked if there were any additions or deletions to the scheduled agenda. **Motion:** Ott moved to approve the agenda as printed. **Support:** Henry W. Martin III. Motion carried: 5 ayes, 0 nays.
5. **APPROVAL OF BOARD MINUTES:** **Motion:** Ott moved to approve the November 28, 2012 Planning Commission minutes as printed. **Support:** Henry W. Martin III. Motion carried: 5 ayes, 0 nays.
6. **BOARD OF COMMISSIONER COMMENTS:** Love stated he would like to introduce to the Planning Commission newly elected County Commissioner Robert McLaren. Commissioner McLaren is also the chairman of the County's Economic and Physical Development Committee.

Commissioner McLaren replied he was attending the evening's public hearing to learn and observe and that he didn't have anything to bring forward to share with the board at this time.

Chair Dickmann thanked him for attending and noted the Planning Commission appreciated receiving information from the commissioners on what they have been working on.
7. **OLD BUSINESS:** None.
8. **NEW BUSINESS:**
Application Number - #PREZ13-001
Applicant – Memorial Healthcare, c/o John R. Peckham, East Lansing, MI
Property Owners – Memorial Healthcare and Maple Grove Cemetery Authority
Request – Rezone property within Middlebury Township
Site Location – North side of M-21 (between Elm Road and M-21), Ovid, MI
Tax Identification - 78-005-17-400-005-00 (portion of), 78-005-17-400-006-000, and 78-005-17-400-012-01 (Section 17, Middlebury Township)
Current Parcel Zoning District – R-1B, One-Family Low Density Residential
Proposed Zoning District Change – B-2, General Business
Action by Planning Commission – Recommendation to the County Board of Commissioners

Chair Dickmann provided a brief summary of the public hearing format: 1) The chair recognizes all speakers. 2) Speakers need to fill out a slip with their name and address and provide to Ms. Cordier for the minutes. Chair Dickmann noted with that in mind, he would ask Mr. Preston for the staff report at this time.

Mr. Preston informed everyone that the Memorial Healthcare, along with the Maple Grove Cemetery Authority, were seeking approval for property located within Middlebury Township to be rezoned to allow for a future medical facility and future expansion of the existing cemetery. The County's 2007 Land Use Plan identifies this area along the north side of West M-21 as Low-Density Residential. Property designated as Low Density Residential consists of existing and proposed low-density residential development. Some of the areas are already serviced by sanitary sewer while the underdeveloped and planned areas are located so that the extension of public services is probable. Planned Unit Development or Cluster Housing would be encouraged in these areas. Preston continued that Middlebury Township's Land Use Plan for the area along the north side of W. M-21 was designated as Commercial. The intent of a Commercial land use designation is to keep higher density development and commercial development within close proximity to the Village of Ovid.

The properties as they exist basically run east to west. However, if the rezoning is approved, the properties would run north to south. The western portion of the parcel would then be set aside for future expansion of the existing cemetery. In order for the cemetery to expand, a special land use would be required under a B-2 district. Preston noted he had originally recommended the Memorial Healthcare seek a B-1, Neighborhood Commercial, District. However, the cemetery would not have been able to apply for an expansion within the B-1 District. The staff report was amended to reflect both parcels proposed as B-2, General Business.

The area is surrounded by a lot of mixed uses. Along the north side (north side of Elm Road) the area is vacant agricultural land, which probably will be developed in the future as residential. Across the road (M-21) is a commercial business (Great Lakes Hybrids) and residential homes. There is no sanitary sewer or water to the site; however, the pre-preliminary site plan reflects that there will be an on-site septic system and well.

Preston informed the board that while they are reviewing the rezoning request, they need to keep in mind that the rezoning to the B-2 district isn't just for one particular use. Should the property be rezoned and something happened and Memorial Healthcare was to back out, the property could be sold and would allow any use listed within the B-2 District such as a Fast Food/Drive through Restaurant as a Use by Right. The board will need to determine if the proposed zoning classification complies with the Township's Land Use Plan and the County's Land Use Plan. Preston discussed the plans as being different and wasn't sure if that just happened to be an error on the map when the County adopted their plan. The board can state concerns to the applicant and the applicant could then request to amend the application by stating the site would only be allowed for use as a medical facility under a Conditional Rezoning Request. This board cannot stipulate or request any conditions. The conditions must be offered by the applicant and then the board can consider them. The board can make known to the applicant their concerns. Preston stated he did not believe Memorial Healthcare would back out as there has been different article written the newspapers on a number of occasions. Preston again stressed that the board needed to determine if this fit would be appropriate with the mixed use within the area. Middlebury Township has responded. They met last week and recommended approval of the proposed zoning change.

Chair Dickmann asked if the rezoning had been properly noticed. Cordier answered it had. The legal notice and public hearing was placed in the March 10, 2013 Shiawassee County Independent, the applicant, property owners, township and surrounding property owners were notified by mail fifteen days

in advance of tonight's hearing. Chair Dickmann then asked board members if there was any Ex-Parte contact to bring forward. None noted.

John Peckham, representative for Memorial Healthcare, stated the hospital was interested in expanding so as to serve the county and surrounding area. This is just part of their long-term objective of a bigger plan. The hospital is willing to work out what is needed to make this work so they can build the medical facility. Peckham added that Mr. Preston had summarized their request quite well. We had chosen the B-2 district so it would allow the cemetery an option in the future to expand without having to seek another rezoning or variance. It just seemed appropriate to consider their future plans as well. The township has met and recommended approval. We are hoping for recommended approval by this board so we can continue moving forward.

Chair Dickmann thanked Peckham. Dickmann opened the floor for public input in support of the applicant's request. Hearing none, Dickmann opened the floor for public input in opposition of the request. Hearing none, Dickmann add that a copy of Middlebury Township's recommendation had been provided to each board member.

Speaker #1:

Douglas Perry, of Great Lakes Hybrids, 9915 West M-21, Ovid, stated he would like to speak to the request, however, it dealt more with if they were allowed to build rather than the rezoning. Perry stated he was representing Great Lakes Hybrids. They are directly across the road of the proposed development. Great Lakes Hybrids have two entrances. The far west drive is for production and trucks. The eastern drive is to access the offices. They are concerned with the traffic flow. This is on a curve and depending on which direction traffic is coming from could be an issue with additional traffic associated with the medical facility. There use to be a pull off lane; however, when M-21 was resurfaced, the pull off lane disappeared. Perry asked if they would be requiring a deceleration or pull off lane to the medical facility? Perry discussed the traffic flow and speed limit in the area. They have 30 employees alone in the office portion of the building let alone the number of employees located within the production area.

Preston responded that tonight's hearing was to consider whether or not rezoning of the property should be recommended for approval. If the property is rezoned by the County Board of Commissioners, the applicant will have to come back to this board for a Site Plan approval at which time issues such as driveway access would be handled. As the entrance along M-21 is a State Highway, the Road Commission would not be involved. Access approval would be from the Michigan Department of Transportation (M.D.O.T.). If Elm Road is utilized, the Road Commission would have jurisdiction for the Elm Road access. The pre-preliminary site plan does reflect Elm Road as a secondary access to the site. Preston said the information provided to them tonight will be taken into account.

Ott said she had to agree with Perry and wondered if the speed limit in that area was 55 MPH?

Martin stated he had contacted the Road Commission and M.D.O.T. M.D.O.T. was closed for the holiday. Martin said he was concerned as well about ingress/egress to the site based on the curve in the road and the traffic speed. You have people heading East out of Ovid getting up to speed.

Ott asked Peckham if a traffic study had been done for the area. Ott stated she knew of a web site they could visit to obtain this information.

Peckham answered no that they had not had one done at this time. If the rezoning is approved, the engineers will check into that. They didn't want to spend the money on one if the rezoning were denied.

Chair Dickmann noted that concerns such as access to and from the site in relation to traffic safety will be addressed at the time of site plan review. Dickmann closed the public hearing segment and asked for board comment.

Thelen asked if sewer and water was available to the site.

Peckham answered that the extension would have to be an agreement with the Township, City of Ovid, the Sewer Authority, and D.E.Q. Peckham stated they had checked into it, but the cost to extend it to the site would cost equivalent to half of the cost to build the building. It just wasn't economically feasible. They have talked with the Environmental Health Department and they are working with them for an on-site septic and well system. It was the hospital's intent to have public sewer and water, but again it just wasn't feasible due to the cost.

The board discussed the location of the sewer system and how far away it was from the site. It is believed to be at least 700-800 feet away to the west of the property along M-21 and closer to Ovid.

Thelen asked if Peckham knew if the site was within the flood plain because certain type structures cannot be built within a 100-to-200 year flood plain. At one time a fire department or senior care housing development couldn't be built within those areas.

Peckham said he couldn't answer that at this time. Once the rezoning has been approved, studies will be done such as soil borings and a topographical study.

Thelen said he brought it up because of the Maple River that travels through there.

Peckham replied he would make sure to relay the information on to their engineers.

The board discussed the Master Plan again with Preston. Preston noted the proposed zoning change would fit with the township's master plan. The Master Plan is used as a guide. We have a lot of mixed uses. Was it intended to be residential or was the intent to review it parcel by parcel? Does the proposed request fit the intent based on what is there or was it just a mapping error? Dickmann wondered if it would be considered "spot" zoning if approved. Preston discussed how "spot" zoning was defined. Preston noted the Land Use Plan can be amended if the board felt it needed to be corrected. Preston referred to the amended plan a few years ago that took place with a rezoning request within Perry Township. The board needs to consider what is already in the area and if this will fit in.

Findings of Fact:

1. What, if any, identifiable conditions related to the petition have changed which justifies the petitioned change in zoning?

Staff: There appears to be no change in identifiable conditions that justify the petitioned change in zoning. This corridor along W. M-21 east of the Village of Ovid is a mixed-use area (including residential, commercial, and industrial) and is anticipated to continue to be so in the future. The western portion to be owned by the cemetery is planned for future expansion of the cemetery, which has been a long established use already to the west of this. Board – Concur with staff's findings.

2. What, if any error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?

Staff: There does not appear to be any error in judgment, procedure or administration was made in the original Ordinance. As stated above, this corridor along W. M-21 east of the

Village of Ovid is a mixed-use area (including residential, commercial, and industrial) and is anticipated to continue to be so in the future.

Board – Concur with staff’s findings.

3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?

Staff: It does not appear that any precedent would result from approval or denial of the petition due to the mixed-use nature of the general area. If the board has concerns about other uses that are permitted by right within the B-2 district, the board can discuss those concerns with the applicant. Staff believes in all honesty that they will be reviewing a site plan in the very near future for Memorial Healthcare’s new medical facility.

Board – Concur with staff’s findings.

4. What is the impact of the amendment on the ability of the County and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?

Staff: The petitioned rezoning is to a more intensive district. It is not clear if public services and facilities will be necessary, but if they are, the property owner or user of the property will be required to extend such services or facilities. Any development of the site will require application and review by the Community Development Department and/or Planning Commission. Again, the applicant is indicating that there will be on-site septic and well services provided and details are being worked out with the Environmental Health Department.

Board - Concur with staff’s findings.

5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?

Staff: The petitioned rezoning is to a more intensive district. It does not appear that the petitioned change would adversely affect the environmental conditions or value of the surrounding property as long as the standards of development as outlined in the Ordinance, including other agency standards are met. Any development of the site will require application and review by the Community Development Department and/or Planning Commission with regard to issues such as M.D.O.T. or if it is within a Flood Plain.

Board: Concur with staff’s findings.

6. Does the petitioned zoning change generally comply with the adopted Future Land Use Plan of Shiawassee County?

Staff: It is staff’s opinion that the proposed zoning change complies with the adopted Future Land Use Plan of the County. The County has designated this general area with a mix of “residential” and “commercial” designations. Staff’s opinion of compliance is based on the geographic location of the property east of the Village of Ovid and the mix of land uses that comprise the W. M-21 corridor. Again, as stated earlier, we have a mix-use of development in the immediate area.

Board: Concur with staff’s findings.

7. Are there any significant negative environmental impacts which would reasonably occur to surface water drainage if the petitioned zoning change and resulting allowed structures were to be built.

Staff: Again, the petitioned rezoning is to a more intensive district. It does not appear that the petitioned change would create significant negative environmental impacts as long as the standards of development as outlined in the Ordinance, including other agency

standards, are met. Any development of the site will require application and review by the Community Development Department and/or Planning Commission.

Board: Concur with staff's findings.

Preston asked if he could combine number eight through ten as one based on staff's response was the same for all three questions. Chair Dickmann replied he could.

8. Are there any significant negative environmental impacts which would reasonably occur to waste water disposal if the petitioned zoning change and resulting allowed structures were built?
9. Are there any significant negative environmental impacts which would reasonably occur to surface or subsurface water quality if the petitioned zoning change and resulting allowed structures were built.
10. Are there any significant negative environmental impacts which would reasonably result in the loss of valuable natural resources such as forest, wetlands, historic sites, wildlife, mineral deposits, or valuable agricultural land if the petitioned zoning change and resulting allowed structures were built?

Staff: Again, the petitioned rezoning is to a more intense district. It does not appear that the petitioned change would create significant negative environmental impacts as long as the standards of development as outlined in the Ordinance, including other agency standards are met. Any development of the site will require application and review by the Community Development Department and/or Planning Commission, M.D.O.T., and D.E.Q.

Board: Concur with staff's findings.

Preston noted that any conditions such as the site could only be used for a medical care facility associated with the rezoning would have to be offered by the applicant.

Dickmann asked the board for their input as to if there were any concerns with the property being rezoned to the B-2 district and the various uses by right. Preston added he didn't believe the hospital would be selling the property to a McDonald's Fast Food chain as an example.

Doug Perry asked if he could speak again.

Chair Dickmann replied yes.

Perry stated that he lives in Laingsburg and the Laingsburg medical facility was closing. What will happen to that building? Although that building is in Laingsburg, Perry said the same scenario could happen here on this parcel.

Preston agreed it is a concern even for this board especially down the road.

Dickmann agreed as well. Anything that is permitted within the B-2 district could move to this site. Preston reviewed a few businesses that are a permitted use by right within the B-2 district. Uses listed were: assembly of electrical and electronic parts and computer components, a business service establishment, or convenience retail establishments.

Ott stated she felt the B-2 rezoning request was appropriate for that area and had no problems or objections to the request.

Thelen discussed the township plan and adoption of the county's land use plan. It basically is the same except the county deviated from the township's plan a little bit.

Dickmann noted that the county plan is basically a compilation of all the townships. It could have just been an oversight. Martin added that this board was in the process of updating the County's Future Land Use Plan and the map could be amended.

Motion: Glenn Love Jr. moved to recommend to the Shiawassee County Board of Commissioners to approve the petition to amend the zoning district from R-1B, One-Family Low Density Residential, to B-2, General Business, district for property located on the north side of W. M-21 (Parcel Id. 78-005-17-400-005-00 (portion), 78-005-17-400-006-00, and 78-005-17-400-012-01), Section 17, Middlebury Township and as legally described in the petition based on the following reasoning:

- 1) The ten (10) finding of fact outlined in Section 19.5. and as detailed in the staff report have been met and satisfied by the County Planning Commission.

Support: Bonnie Ott.

Roll Call: Ayes to recommend approval: Henry W. Martin III, William Thelen, Bonnie Ott, Glenn Love Jr., and Don Dickmann. **Nays:** None. **Motion carried: 5 ayes, 0 nays.**

9b. ELECTION OF OFFICERS:

Chair Dickmann asked Cordier to proceed and stepped down.

Cordier opened the floor for nominations for a Chairman for the 2013 calendar year.

Motion: Glenn Love Jr. moved to elect Don Dickmann as chairman. **Support:** William Thelen. Nominations closed. Motion carried: Ayes: 5 ayes, 0 nays.

Cordier turned the floor back to newly appointed Chair Dickmann. Chair Dickmann called for nominations for a Vice Chairman.

Motion: Martin moved to elect Bill Thelen. **Support:** Bonnie Ott. Nominations closed. Motion carried: Ayes: 5 ayes, 0 nays.

Preston noted that two vacancies remain on the board. Preston introduced Robert Ebmeyer. Mr. Ebmeyer was interested in serving on this board and was invited to attend the meeting to observe this board's functions.

10. Subcommittees:

Future Land Use – Chairman Glenn Love Jr.; (vacancy)

Ordinance Revision – Chairman Henry Martin, Bonnie Ott, and Glenn Love Jr.

Gravel Committee – Don Dickmann (vacancies)

Land Division – Bill Thelen

Dickmann replied that the committees will be filled once there are two new members.

Thelen briefly discussed the Land Division Ordinance. Preston noted that it had gotten set aside for awhile. Things will run a little smoother now with him working within the Equalization Department as well. Preston said his goal for 2013 was updating the maps.

Future Land Use Committee: Chair Love stated Henry Martin, Linda Gene Cordier, and he met to review the proposed rezoning amendment by Memorial Healthcare within Caledonia Township. A copy of the request and the committee's response were handed out.

Ordinance Revision/Rewrite Committee: Preston passed out to the committee a "draft" of the reformatted ordinance for review. Preston noted Martin had suggested it be printed out and copies distributed for review before having it duplicated. The committee felt it would be easier to read through than from a digital format.

11. **COMMUNICATIONS RECEIVED:**

Cordier passed out copies of the Venice Township Master Land Use Plan update. Preston noted that Linda had passed out the 2012 Zoning and Planning Year-End Report that was approved and placed on file by the Board of Commissioners earlier this month. Cordier informed the board that a public hearing would be held on April 24th at which time a special land use permit application and site plan for a commercial dog kennel proposed in Vernon Township would be handled.

12. **DIRECTOR'S COMMENTS:**

Preston noted staff would be sending out a notice to the townships in April of the County's intent to review and update the 2007 Future Land Use Plan.

13. **PUBLIC COMMENTS:** None.

14. **ADJOURNMENT:** **Motion:** Ott moved to adjourn. **Support:** Dickmann. Motion carried: 5 Ayes, 0 nays. Meeting adjourned at approximately 8:13 p.m.

Recording Secretary – Linda Gene Cordier

Don Dickmann, Chairman
Shiawassee County Planning Commission

April 24, 2013

Approval Date