

ATTICA TOWNSHIP  
MINUTES OF THE  
PLANNING COMMISSION  
May 4<sup>th</sup>, 2011

At a regular meeting of the Attica Township Planning Commission held on the 4<sup>th</sup> day of May, 2011, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Chairman David Penzien at 7:00 p.m. The following members were PRESENT: Geraldean Berry, Kent Gierman, Bud Fackler, Phil Madeline, Nancy Szerlag, Robert Stockwell and Dave Penzien. ABSENT: None. ALSO PRESENT: Student member Daniel Gavette, Planner Dave Birchler, Attorney Mike Gildner and the public per the attached sheet.

Minutes of the March 2<sup>nd</sup>, 2011 regular Planning Commission meeting minutes were reviewed and there being no corrections, additions or deletions:

**MOTION** by Berry, seconded by Gierman to approve the March 2<sup>nd</sup>, 2011 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

PUBLIC HEARING:

1. **Mag Motors Inc.:** Special Land Use for used car lot at Market 103

Chairman Penzien opened the meeting at 7:03 p.m. Supervisor Ochadleus asked how many vehicles would be on the lot and if the lot met with local zoning requirements. Secretary Fackler replied that there will be a 10 car maximum on the lot and that it does meet local zoning requirements. The Public Hearing for Mag Motors Inc. Special Land Use was closed at 7:05 p.m.

2. **Victory Auto Enterprise:** Special Land Use for used car lot at Total Marine

Chairman Penzien opened the meeting at 7:05 p.m., and there being no comments from the Public the Public Hearing for Victory Auto Enterprise Special Land Use was closed at 7:06 p.m.

OLD BUSINESS:

1. **Medical Marihuana Ordinance**

Planner Birchler and Attorney Gildner briefly discussed medical

marihuana. There was discussion.

## **2. County Commissioners Planning Functions Resolution**

Secretary Fackler distributed copies of the resolution of the Lapeer County Planning Commissioners. The resolution states that the planning functions of the County Commissioners have been eliminated and local municipalities have authority for planning and zoning.

NEW BUSINESS:

**1. Mag Motors Inc.: Used Car Lot at Market 103.** Decision on Special Land Use request and recommendation to the Township Board.

**MOTION** by Fackler, seconded by Stockwell to recommend to the Township Board the approval of Mag Motors Inc. Special Land Use and Site Plan under the following conditions:

a) If new outdoor lighting is proposed, it must be illustrated on the site plan and catalog data on the fixtures submitted that demonstrates compliance with 4.46.1 and 5.8 of the zoning ordinance.

b) A finding by the Planning Commission and Township Board that the 220 feet of separation and 40 feet of greenbelt satisfies the intent of 4.46.3 of the zoning ordinance.

c) Submission of sign details, conforming to 5.7.5 and 5.7.11 of the zoning ordinance, and issuance of a sign permit.

d) All reasonable conditions placed on the use by the Township Board designed to mitigate any adverse impacts identified by the public during the Planning Commission hearing.

e) A finding by the Planning Commission and Township Board that a revised, professionally prepared site plan is not required, because the request is limited to a change in use, consistent with Section 6.1 Site Plan Review, subsection 1 Requirements, part B Site Plan Drawings, sub-part xii.d.

A vote was taken. Ayes: All; Nays: None. Absent: None.

**MOTION CARRIED.**

**2. Victory Auto Enterprises: Used car lot at Total Marine.** Decision on Special Land Use request and recommendation to the Township Board.

**MOTION** by Fackler, seconded by Berry to recommend to

the Township Board the approval of Victory Auto Enterprises Special Land Use and Site Plan under the following conditions:

- a) If new outdoor lighting is proposed, it must be illustrated on the site plan and catalog data on the fixtures submitted that demonstrates compliance with 4.46.1 and 5.8 of the zoning ordinance.
- b) A finding by the Planning Commission and Township Board that the 125 feet of separation and existing west lot line greenbelt satisfies compliance with 4.46.1 and 5.8.
- c) Submission of sign details, conforming to 5.7.5 and 5.7.11 of the zoning ordinance, and issuance of a sign permit for any new signs proposed.
- d) All reasonable conditions placed on the use by the Township Board designed to mitigate any adverse impacts identified by the public during the Planning Commission hearing.
- e) A finding by the Planning Commission and Township Board that a revised, professionally prepared site plan is not required, because the request is limited to a change in use, consistent with Section 6.1 Site Plan Review, subsection 1 Requirements, part B Site Plan Drawings, sub-part xii.d.

### **3. Planner Birchler: Procedures Manual.**

Planner Birchler reviewed a draft of the Attica Township Development Approval Manual. There was discussion. Planner Birchler suggested posting the Procedures Manual on the Township web site.

### **4. Pizza Depot**

Secretary Fackler asked for direction from the Planning Commissioner, Attorney Gildner and Planner Birchler regarding the Pizza Depot's possible noncompliance with their site plan.

**MOTION** by Penzien seconded by Szerlag to recommend to the Township Board issuance of a Stop Work Order on the Pizza Depot until the Township Board is satisfied that it is in compliance with the site plan approved by the Township Board. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

### **5. Blight Ordinance**

Secretary Fackler discussed the possibility of problems with blight at foreclosed homes and the need to have the blight ordinance brought up to date. There was discussion. Attorney Gildner will draft an amendment to include Municipal Civil Infraction to the Blight Ordinance for the Township Board meeting on May 12<sup>th</sup>.

**6. Delores Loveless Request to Move Home to Property**

Delores Loveless requested moving her double wide home to her property at 3367 Hunters Creek Home. There is an unlivable home on the property now. There was discussion regarding the zoning ordinance which only allows one home per parcel. Attorney Gildner will draft a document stating the unlivable home will never be inhabited. Supervisor Ochedleus and Secretary Fackler will visit the property.

PUBLIC TIME: Chris Hettinger of Victory Auto Enterprises asked about forms he needs signed for his business.

COMMUNICATIONS AND SECRETARY REPORT: None

ATTORNEY AND CONSULTANT REPORTS:

- a) Planner Birchler attended the National Planning Commission Conference.

There being no further business before the Attica Township Planning Commission, **MOTION** by Gierman seconded by Berry to adjourn the meeting at 8 p.m. A vote was taken. Ayes: All; Nays: None. **MOTION CARRIED.**

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Bud Fackler, Secretary of the  
Attica Township Planning Commission

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Valerie Schultz, Recording Secretary