

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION

May 23, 2019

At a regular meeting of the Attica Township Planning Commission held on the 23rd day of May, 2019, at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Chairman Penzien at 7 p.m. The following members were PRESENT: Dave Penzien, Phil Madeline, Kent Gierman, Mark Ochadleus, and Geri Berry. ABSENT: Robert Stockwell. ALSO PRESENT: Planner Caitlyn Habben and Attorney Mike Gildner and the public per the attached sheet.

REVIEW MINUTES:

The Board having reviewed the minutes of the April 25, 2019 regular Planning Commission meeting minutes and there being no corrections, additions or deletions:

MOTION by Berry, seconded by to Ochadleus approve the April 25, 2019 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

PUBLIC HEARING: None

OLD BUSINESS:

1. Discussion and Motion for Owen Tree Service Special Land Use:

Attorney Gildner explained that the reason the Planning Commission is revisiting the Special Land Use for Owen Tree Service is due to the fact that after the meeting it was pointed out that a member of the Planning Commission was ineligible to sit on the Planning Commission. Therefore action needs to be taken without the member that resigned.

Planner Habben stated that whether Lake George Road is a primary road is still being investigated and the options the Planning Commission has in regards to the road.

Attorney Gildner distributed, for the public record, two agreements; an agreement between Lapeer County and Owen Tree Service and an agreement between Lapeer County and Barret Paving which infers that Lake George Road is under Lapeer County jurisdiction.

Planning Commission member Phil Madeline discussed his concern regarding

the Right to Farm Act as it relates to Owen Tree Service.

Attorney Gildner informed the Planning Commission members that he prepared two sample motions (one motion for approval of the Special Land Use and one motion to deny the Special Land Use). Attorney Gildner went on to state that the motions were created using information from the Zoning Ordinance without discussion with any Planning Commission members.

There was discussion.

MOTION by Gierman, seconded by Berry to recommend the Attica Township Board approve the Owen Tree Service Special Land use based upon the following:

1. The proposed use is of a location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and of the applicable regulations of the AG zoning district based upon the following conditions:

- The applicant maintains a 100 foot setback between all mulching operations and all property lines;
- The applicant implements and maintains the existing vegetation along the roadway and side and rear yards to screen his operations from neighbors or plants a greenbelt buffer along the roadway to block the view from the roadway and neighboring properties;
- The applicant maintains noise-cancelling or noise-buffering techniques on his equipment, and in his practices, to minimize noise resulting from his operations;

2. For the reasons stated in the Planner's report, the proposed use is such that it will make vehicular and pedestrian traffic no more hazardous than is normal for the AG district.

3. For the reasons and on the conditions stated in the Planner's report, which conditions we impose, the proposed use is designed and will be operated in such a way that it will not constitute a public nuisance.

4. For the reasons and on the conditions stated in the Planner's report, which conditions we impose, the proposed use will not interfere with or discourage the development of neighboring property and it will not unreasonably affect the value of those properties.

5. For the reasons and on the conditions stated in the Planner's report, which conditions we impose, the proposed use is harmonious with the adjacent land uses.

6. The proposed use is necessary for the public convenience at this location.

7. For the reasons and on the conditions stated in the Planner's report, which conditions we impose, the public health, safety and welfare will be protected.

8. For the reasons and on the conditions stated in the Planner's report, which conditions we impose, the proposed use will not cause substantial injury to the value of other properties and it will not be detrimental to existing or permitted land uses in the AG zoning district.

Owen Tree Service must abide by the attached list of special conditions.

Further, I find that the proposed use is an agribusiness use that is acceptable here under Section 4.29 because:

- (a) it is located on or will utilize a county primary road, evidenced by Exhibits 1 and 2 that are attached hereto;
- (b) all buildings, equipment, materials or other items being stored for sale will be set back at least 100 feet from all property lines;
- (c) any display area is permitted within the required setback area for merchandise for sale, not to exceed 400 square feet in area;
- (d) no more than 1 non-illuminated sign, not exceeding a total of 32 square feet and 8 feet in height will be installed;
- (e) because the property is not open to the general public, there are no off-street parking concerns;
- (f) the greenbelt buffer that is at least 10 feet in height will be maintained along the entire property line adjoining residential districts.

Even if the proposed use does not qualify as an

agribusiness, or meet the conditions of an agribusiness set by Section 4.29, I find that it is similar to principal permitted uses and special land uses in the AG zoning district. Specifically, the proposed use is similar to the mining of topsoil, clay, sand, gravel, rock or aggregates. Further, I find that the specific standards found in Section 4.58 of the Zoning Ordinance are encompassed by or similar to the findings in Nos. 1-8 above.

A vote was taken on the motion as amended to include the special conditions. Ayes: Four (Berry, Gierman, Penzien, Ochadleus). Nays: One (Madeline). Absent: One (Stockwell). **MOTION CARRIED.**

NEW BUSINESS: None

PUBLIC TIME:

- a) Mary Tullio discussed her concerns with granting Owen Tree Service a Special Land Use.
- b) Tom Tullio stated that he offered a video and no one wanted to see it.
- c) Supervisor Ochadleus discussed the process to rescind a Special Land Use due to non-compliance.

COMMUNICATIONS AND SECRETARY'S REPORT: None.

PLANNER'S REPORT: None.

ATTORNEY REPORT: None.

There being no further business before the Planning Commission, **MOTION** by Berry seconded by Gierman to adjourn the meeting 7:28 at p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Stockwell). **MOTION CARRIED.**

Dave Penzien, Chairman of the
Planning Commission

Valerie Schultz, Recording Secretary