

DRAFT

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION
JULY 27, 2023

At a regular meeting of the Attica Township Planning Commission held on the 27TH day of July, 2023 at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

The meeting was called to order by Planning Commission Member Gierman at 7:02 p.m. The following members were PRESENT: Geri Berry, Kent Gierman, Nancy Herpolsheimer, Brian Rowley and Mary Tullio. ABSENT: Two (Cara Capizzo, Mark Ochadleus) ALSO, PRESENT: Attorney Gildner, Planner Habben and the public per the attached sheet.

ACCEPT AGENDA:

MOTION by Berry, seconded by Herpolsheimer, to accept the agenda as presented. A vote was taken. Ayes: All. Nays: None. Absent: Two (Capizzo & Ochadleus).

REVIEW MINUTES:

The Board having reviewed the minutes of the June 22, 2023 regular Planning Commission meeting minutes and there being no corrections, additions, or deletions:

MOTION by Berry, seconded by Herpolsheimer to approve the June 22, 2023 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: Two (Capizzo & Ochadleus). **MOTION CARRIED.**

ELECTION OF CHAIRPERSON:

Planning Commission member Herpolsheimer nominated Kent Gierman for the office of Chairperson of the Planning Commission. Gierman accepted the nomination for chairperson of the Planning Commission.

MOTION by Herpolsheimer, seconded by Tullio to have Kent Gierman act as the Planning Commission chairperson. A roll call vote was taken. Rowley: Aye; Herpolsheimer: Aye; Tullio: Aye; Berry: Aye and Gierman: Abstain. Ayes: Four. Nays: None. Abstain: One (Gierman). Absent: Two (Capizzo & Ochadleus). **MOTION CARRIED.**

PUBLIC HEARING: Continuing Public Hearing to consider a special land use and site plan request by Bazco Oil Holdings, LLC. proposed to be located on vacant property at the Intersection of Lake Pleasant Road and Newark Road (Parcel #44-003-021-034-00). Chairman Gierman opened the Public Hearing at 7:06 p.m.

Attorney Gildner reviewed the sequence of events prior to the July 27th, 2023 Bazco Oil Holdings, LLC. Public Hearing. Mr. Gildner went on to explain the duties and regulations of the Planning Commission and addressed the audience on the etiquette at a Public Hearing.

Planner Habben presented her review of the special land use and site plan noting the exterior lighting has missing data on the site plan, the proposed signage does not meet compliance with the zoning ordinance and will need several variances, the off street drainage drains into the Road Commission drain and will need approval, most of the perimeter of the parking lot has lighting spill out that will need to be addressed and due to the known contaminants onsite the Township will need to receive all permits including additional permits for underground storage tanks for gasoline and diesel fuel from other state agencies.

Cory Mayberry PE, of Davis Land Survey, gave a brief presentation noting changes made after listening to the concerns of residents. There are plans to separate car and truck traffic, a bypass lane on north Lake Pleasant Road, high-definition security cameras, LED lighting, an increase in retention ponds to contain 100-year storms and removal of contaminated soil.

Bob Elliot, environmental engineer, stated that Bazco Oil Holdings will use the due care plan to manage the soil contamination, development and any future use of the property following the State of Michigan processes.

The meeting was opened for public comment at 7:56 p.m. and nineteen residents voiced their concerns to the Planning Commission along with two letters (see attached).

After questions from the Planning Commission, and requests for additional input from the public without hearing any, Chairman Gierman closed the Public Hearing at 8:26 p.m.

OLD BUSINESS:

1. Continuing review of Bazco Oil Holdings, LLC special land use application.

There was discussion among the Planning Commission members, applicant, Planner Habben, and Attorney Gildner.

MOTION by Tullio, seconded by Rowley to recommend the Township Board deny the requested special land use for a gas station and drive-thru establishment located at the intersection of Newark and Lake Pleasant Roads (parcel # 44-003-021-034-00) because the applicant does not meet standard 6.2.1.C, that the proposed use shall be designed as to the locations, size, intensity, site payout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights. A roll call vote was taken. Berry: Nay; Tullio: Aye; Rowley: Aye;

Herpolsheimer: Aye and Gierman: Nay. Ayes: Three; Nays: Two.
Absent: Two (Capizzo & Ochadleus). **MOTION CARRIED.**

2. Continuing review of Bazco Oil Holdings, LLC site plan application.

There was discussion.

MOTION by Rowley, seconded by Herpolsheimer to recommend the Township Board deny the requested site plan for a truck stop and drive-thru establishment located at the intersection of Newark and Lake Pleasant Roads (parcel # 44-003-021-034-00) due to the recommended denial of the special land use. A roll call vote was taken. Rowley: Aye; Herpolsheimer: Aye; Tullio: Aye; Berry: Nay and Gierman: Nay. Ayes: Three; Nays: Two. Absent: Two (Capizzo & Ochadleus). **MOTION CARRIED.**

PUBLIC TIME: Thank you to the Attica Days Committee for the festival and incredible fireworks display.

COMMUNICATIONS AND ZONING ADMINISTRATION REPORT: None

PLANNER'S REPORT: In the next several months the Planning Commission will be updating the Zoning Ordinance.

ATTORNEY REPORT: None.

There being no further business before the Planning Commission, **MOTION** by Berry seconded by Herpolsheimer to adjourn the meeting at 8:47 p.m. A vote was taken. Ayes: All. Nays: None. Absent: Two (Capizzo & Ochadleus). **MOTION CARRIED.**

Cara Capizzo, Secretary of the
Planning Commission

Maureen Lemons, Recording
Secretary, Planning Commission