

ATTICA TOWNSHIP
MINUTES OF THE
PLANNING COMMISSION
SEPTEMBER 28, 2023

At a regular meeting of the Attica Township Planning Commission held on the 28th day of September, 2023 at the Attica Township Hall, 4350 Peppermill Road, Attica, MI 48412.

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

ACCEPT AGENDA:

MOTION by Berry, seconded by Capizzo, to accept the agenda as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Gierman). **MOTION CARRIED.**

REVIEW MINUTES:

The Board having reviewed the minutes of the August 24, 2023 regular Planning Commission meeting minutes and there being no corrections, additions, or deletions:

MOTION by Berry, seconded by Herpolsheimer to approve the August 24, 2023 regular Planning Commission meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Gierman). **MOTION CARRIED.**

PUBLIC HEARING: Public Hearing to consider a Special Land Use and Site Plan request by Joshua Bishop to operate a short-term rental, located at 4690 Imlay City Road (Parcel ID #44-003-010-005-00). Vice chairman Ochadleus opened the Public Hearing at 7:04 p.m.

Planner Habben presented her September 19, 2023 review detailing concerns and omissions on the site plan. Planner Habben stated the residence would be rented when the owners are out of town, which needs clarification since the owners live out of state. Mr. Bishop was not in attendance.

Attorney Gildner stated the residents should address the chair, not the audience members, refrain from clapping or cheering and limit their comments to two minutes.

The meeting was opened for public comment at 7:11 p.m. and 8 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, Vice Chairman Ochadleus closed the Public Hearing at 7:24 p.m.

New Business:

1. **Motion for Special Land Use and**
2. **Site Plan request for Joshua Bishop, for a short-term rental:**

MOTION by Berry, seconded by Capizzo to recommend the Attica Township Board postpone the requested special land use and site plan for a short-term rental located at 4690 Imlay City Road because the applicant has not provided sufficient information to make a decision as requested. The applicant at a following meeting shall provide revised site plans that:

- Address all outstanding Wade Trim Inc, planning review comments.
- Include a boating policy.
- Time frame that property will be rented.

A roll call vote was taken. Rowley: Aye; Herpolsheimer: Aye; Capizzo: Aye; Berry: Aye; Ochadleus: Aye; Tullio: Aye. Ayes: All. Nays: None. Absent: One (Gierman). **MOTION CARRIED.**

PUBLIC HEARING: Public Hearing to consider a special land use and site plan request by Bazco Oil Holdings for a gas station and drive-thru establishment located at the Intersection of Lake Pleasant Road and Newark Road (Parcel #44-003-021-034-00). Vice Chairman Ochadleus opened the Public Hearing at 7:39 p.m.

Planner Habben addressed the remaining missing requirements from the Lapeer County Road Commission and EGLE, outstanding Rowe Professional Services engineering review comments and Wade Trim pending review.

Alli Bazzi stated that Bazco Oil Holdings is a family-owned business servicing southeast Michigan that engages with and becomes part of the community they service, with programs like Give Back Hero Mugs, Angel Tree Program at Christmas and Friday Night Lights for schools. Safety and environmental concerns are very important to Bazco. Mr. Bazzi stated that the company is not looking to have overnight parking.

Cory Maybery, Davis Land Surveying & Engineering, summarized the changes made to the site plan. The site plan has been reduced to a fuel station, drive through restaurant and convenience store. The shower facilities and overnight truck parking have been removed which leaves more room for truck traffic, keeping it on the northside so trucks can exit on Lake Pleasant.

Even though there is a 57% reduction in the site plan, the retention ponds will remain the same size. The lighting will be shielded and downward facing. The contaminated area will be removed, backfilled with clean material and regulated by the State of Michigan.

The meeting was opened for public comment at 8:00 p.m. and 17 residents voiced their opinions to the Planning Commission along with two letters (see attached).

Planning Commission member Tullio questioned the hours of operation and what plans were in place to prevent overnight electric charging and overnight sleeping in the lot. Planning Commission member Rowley questioned how long the property had been zoned B-2.

After questions from the Planning Commission, and requests for additional input from the public without hearing any, Vice Chairman Ochadleus closed the Public Hearing at 8:35 p.m.

OLD BUSINESS:

1. Motion for Bazco Oil Holdings special land use application:

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

MOTION by Berry, seconded by **none** to recommend the Township Board Postpone action on special land use requested by Bazco Oil Holdings for a gas station and drive-thru establishment located at the intersection of Newark and Lake Pleasant Roads (parcel # 44-003-021-034-00). **MOTION FAILED FOR LACK OF SUPPORT.**

2. Motion for Bazco Oil Holdings special land use:

MOTION by Capizzo, seconded by Tullio 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 the standards in Section 6.2.1.C,

- The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

A roll call vote was taken. Herpolsheimer: Aye; Berry: Nay; Rowley : Aye; Capizzo: Aye; Tullio: Aye and Ochadleus: Aye. Ayes: Five; Nays: One (Berry). Absent: One (Gierman). **MOTION CARRIED.**

PUBLIC TIME: The following residents spoke during public time:

Cindy Goerlitz, 4775 Northway Drive, asked when Bazco Oil Holdings will go before the Board. Felicia Slack, 4252 Hunters Creek, was concerned about the electric chargers.

COMMUNICATIONS AND ZONING ADMINISTRATION REPORT: None.

PLANNER’S REPORT:

Next Planning Commission Meeting Planner Habben will begin the process of updating the Zoning Ordinances.

ATTORNEY REPORT: None.

There being no further business before the Planning Commission, **MOTION** by Berry seconded by Ochadleus to adjourn the meeting at 8:49 p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Gierman). **MOTION CARRIED.**

Cara Capizzo, Secretary of the
Planning Commission

Maureen Lemons, Recording
Secretary, Planning Commission