

Mason County Planning & Zoning Department

102 E. FIFTH STREET
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October 25, 2016

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,
Scottville, on October 25, 2016 at 7:00 p.m.

MEMBERS PRESENT: Michael Shaw, Tom Hooper, Cary Shineldecker, Doug Robidoux,
Janet Anderson, Jim Wincek

MEMBERS ABSENT:

OTHERS PRESENT: Trudy Roy, Mary Reilly

The meeting was called to order at 7:00 p.m. by Tom Hooper.

A motion was made by Mike Shaw and 2nd by Jim Wincek to approve minutes of October 18,
2016 as presented. Motion carried 6 Yes 0 No.

Addition or deletions to the agenda: Cary Shineldecker asked to add a short discussion on
the order and rebuttal in kind of the public hearing.

There was a discussion by the Board about the order in which people are heard. Board
agreed rebuttal in kind would be heard only one time.

Conflict of Interest: Tom Hooper mentioned he knew Mr. Spyker, one of the applicants, and
belong to the same lodge.

Cary Shineldecker asked if Mr. Hooper had any material gain from Mr. Spyker's application
and if he could judge the application fairly.

Tom Hooper stated he would not have any material gain and could judge fairly.

The Board agreed there was no conflict of interest.

Tom Hooper opened public comment.

Evelyn Bergaila read from Section 3.02 Building Grades and Section 18.03 Data Required for
Site Plans. Ms. Bergaila told the Board general statements from the Drain Commissioner are
not in order, the report needs to be from an Engineer or Land Surveyor. "This Commission
has a responsibility to make sure drainage stays on the site".

Tom Hooper closed public comment.

Correspondence: Mary Reilly read a letter from Dr. Squires requesting the 425 agreement
application between Amber Township and the City of Scottville be put on hold. Ms. Reilly
brought the Board up to date on Dr. Simone's site plan and stated she would be meeting Dr.
Simone and Dr. Squires on 11-10-16 on site to go over what still needs to be done.

Tom Hooper stated a revised site plan should be brought back to the Board.

Cary Shineldecker mentioned Dr. Simone and Dr. Squire should come back to the Board together.

A public hearing was held for application PZ16190, a special land use for an agri-business, 5130 S. PM Hwy, Summit Township in an AG district. Mary Reilly gave a staff report (portion below) and presented photos, site plan, and aerial view. Mary Reilly stated there was no correspondence for or against.

DESCRIPTION OF PROJECT: Michigan Food Processors would like to construct a **164' X 160' freezer addition and 54' X 81'** loading dock to an existing agribusiness facility.

BUILDING HEIGHT: 38' (Height exception applied from Section 3.28) one additional foot added to side setback for each height over allowable. 33' side setbacks required. Meets standard. Closest point of building to property line is 140'.

ZONING HISTORY: The area was zoned Agriculture under the previous zoning ordinance. Portions of the facility existed prior to zoning taking effect in 1972. The following special land uses have been issued:

PZ 14004 (2014): Special land use approval to expand an existing Agribusiness facility by approximately 26,240 square feet. Used as a freezer for local produce (apples, cherries, etc.).

#14103 (April 2009): Special land use approval to expand an existing Agribusiness facility by approximately 22,884 square feet. The addition included a 100' X 200' apple cooler, a 50' X 50 loading dock, and a 16' X 24' shipping entrance.

#13787 - approved for a 35' X 80' equipment room 4-15-08 with conditions:

1. Parking striped and dumpster screening by June 15, 2008. Dumpster was moved and this stipulation was removed on 10-7-08. The parking lot by the crate storage was also not required to be striped as this created functional problems for the applicant.
2. One additional handicap space required (2 total) if more than 25 parking spaces.

13643- approved for 39' X 224' addition for storage of fruit/quick freeze and a 24,000 sf freezer addition, 8-21-07.

1. Elevations for freezer addition supplied prior to obtaining building permit—elevations supplied 4/8/08.
2. Lighting to be shielded downward.

PHYSICAL CHARACTERISTICS: The location of the proposed addition will be in the rear of the facility (SE corner). The area is relatively flat and has been used for trucks traffic.

FLOOR PLAN: The entire addition will contain freezer storage and a system of racks.

Doug Robidoux asked about the last sentence in section 16.05 #2

Mary Reilly stated the last sentence was not correct and she will strike it.

Cary Shineldecker asked to have the spelling of Jerome Fenners name corrected.

A motion was made by Janet Anderson and 2nd by Doug Robidoux to accept the staff analysis as amended into the record.

Motion carried 6 Yes 0 No.

Roy Hackert told the Board they need the freezer to put crops in. We did not anticipate a large crop this year. People do not build freezers for farmers anymore. We have to build them ourselves. Mr. Hackert explained why Mason County Holdings had the fire department.

Evelyn Bergaila asked how the steep sand bank will be stabilized.

Roy Hackert stated the slope has been there since 2014 and will be seeded to be stabilized.

Tom Hooper closed the public hearing.

There was a discussion by the Board on the site plan.

Board agreed no green belt was needed, approval be contingent on Drain Commission approval and the number of parking spaces be noted on the site plan.

A motion was made by Mike Shaw and 2nd by Janet Anderson to approve Section 18.05 Site plan approval with conditions'

1. Drain Commission approval
2. Number of parking spaces listed on site plan. Location of parking spaces can be determined between the Zoning Administrator and the Owner.

Motion was passed 6 Yes 0 No.

A motion was made by Doug Robidoux and 2nd by Jim Wincek to approve Section 17.03 Agribusiness Uses and Section 16.05 Standards for Approval of Special Land Use per Staff Analysis. Motion carried 6 Yes 0 No.

A public hearing was held for application PZ16180, a site plan review and a special land use for a washer/dryer repair shop with small amount of retail sales, 909 E. US-10, Scottville, Custer Township in a C-3 district. The applicant is John Posema/Anthony Homrich. Mary Reilly gave a staff report and presented site plan. Mary Reilly stated there was no correspondence for or against.

DESCRIPTION: The renter will repair appliances (primarily washing machines, dryers, refrigerators, ovens). Will also buy, sell, trade. Will pick up a broken appliance, fix it and sell it. The renter currently occupies both halves of the existing 34 X64 building.

HISTORY:

ZBA Decision #14392: on 7-7-10, the ZBA determined that the Automotive Repair shop was allowed as a substitution of a nonconforming use but it must go through site plan approval to limit intensity (primarily by way of outdoor storage, signage, noise, hours of operation etc.) because the property is located in a residential area that has always been zoned for residential use. Neighbors were notified (within 300') for the ZBA hearing and there was no opposition to the Automotive Repair facility. The ZBA determined that this was not a "change of use" and determined that the Special Land Use requirements were met under "Automotive Repair Facility" such that the SLU process was not necessary. The ZBA also determined that the Automotive Repair facility would not require Access Management Approval. *Presumably, this is a less intense use than Automotive Repair would fall under the same category and not require change of use, etc. On the other hand, the personal service establishment is listed as a special land use so is it a full change o use?*

ADJACENT LAND USES: E- Residential, W- Residential, N- US-10 (mostly Agriculture), S- wooded.

HISTORY:

1 The building was originally constructed (1979) as a Potato-chip (snack) distributorship as a Special Land Use—use listed
2 as “Commercial Storage.” Quad sales and service (2004).

3
4 In 2010 the building was approved for “Eagle Automotive” through site plan review, and was open for only a few months.
5 The ZBA made an interpretation also in 2010 that the use, automobile repair, was allowable as a substitution of a non
6 conforming use (Section 3.27) and only subject to site plan review (primarily for outside storage) and that this was not to be
7 treated as a change of use and subject to Access Mgt review or special land use public hearing.

8
9 Subsequent uses from the Eagle Automotive include personal storage, private demo-derby prep/personal and all within the
10 enclosed building. After a business went in 2006 with no permit, I instructed the owner to create a “general site plan” so it
11 could be modified slightly as different renters use the building for different purposes. That is why you do not see specific
12 signs/parking spaces (accept for the ones I added) on the site plan itself. Renters come and go frequently—and most are
13 renting space within the building for storage (which does not require any site plan or zoning permit).

14
15 A motion was made by Cary Shineldecker and 2nd by Jim Wincek to accept the staff analysis
16 into the record. Motions carried, 6 Yes 0 No.

17
18 Anthony Homrich gave the Board his idea for the shop. Mr. Homrich stated he would pick up
19 and repair washers and dryers. If some one wants a new one and he has it he will sell it to
20 them. He will pick up and drop off so there will not be much traffic. While I am working in
21 the shop I will put a small sign out and have a washer/dryer or two out front. There will be no
22 outdoor storage.

23
24 Janet Anderson asked if Mr. Homrich was a licensed repairman and what he did with the old
25 washers and dryers.

26
27 Antony Homrich stated he was not at present but looking at getting license in the future.
28 There are not many old washers and dryers

29
30 There was a discussion on the property, type of business and the impact being less intense.

31
32 Tom Hooper closed public hearing.

33
34 Janet Anderson stated her concern was that there be no outdoor storage, all is kept inside
35 the building.

36
37 Cary Shineldecker mentioned the ZBA made a decision on the auto repair and did not see
38 any reason to go back to the ZBA. This is much like the auto repair and past uses just less
39 intense.

40
41 Tom Hooper asked about hours of operation.

42
43 Anthony Homrich stated he would keep the hours to approximately 11 am to 5 pm.

44
45 Tom Hooper went thru Section 16.05 Special Land Use.

46
47 The Planning Commission shall review the particular circumstances and facts applicable to each proposed
48 special land use in terms of the following standards and requirements and shall make a determination as to
49 whether the use proposed and subject site meet all of the following standards and requirements. If it is

determined that the proposed use does meet all of the following standards and requirements, the use shall be allowed. If it is determined that the proposed use does not meet all of the following requirements, the use shall not be allowed.

1. Will be in accordance with the goals and objectives of the Mason County Comprehensive Plan. Meets standard. Board Agreed
2. Will be designed, constructed, operated, and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. Has had this use on and off since 1979. Meets standard. Board Agreed
3. Will not be hazardous or disturbing to existing or future permitted uses in the same general vicinity and in the community as a whole. Meets standard. Board Agreed
4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for t Meets standard. Board Agreed
5. His establishment of the proposed use shall be able to provide adequately for such services. Meets standard. Board Agreed
6. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community. Meets standard. Board Agreed
7. Will not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare, or odors. Meets standard. Board Agreed
8. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, adequate setback from water courses, and by topographic modifications which result in maximum harmony with adjacent areas. Meets standard. Board Agreed
9. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District. Meets standard. Board Agree
10. Will comply with the requirements of this Ordinance, including Article 21, Access Management and Highway Overlay District. N/A

A motion was made by Jim Wincek and 2nd by Doug Robidoux to approve Section 16.05 Standards for Approval of a Special Land Use. Motion carried 6 Yes 0 No.

A motion was made by Cary Shineldecker and 2nd by Mike Shaw to approve Section 18.05 Standards for Granting Site Plan Approval with condition that there is no outdoor storage and limit hours of operation to 8 am to 8 pm. Motion carried 6 Yes 0 No

A public hearing was held for application PZ16202, a special land use for a new warehouse at 467 W. US 10, Amber Township in a C2 district. The applicant is Spyker Paddlesports.

1 Mary Reilly gave a staff report (portion below) and presented photos, site plan, and aerial
2 view. Mary Reilly stated there was no correspondence for or against.

3
4 PROJECT DESCRIPTION: The applicant received a special land use to establish a warehouse at this
5 location in 2013. **The owner would like to add 11,628 sf to the rear of the existing warehouse.** The
6 business consists of buying project direct from sources (usually abroad), then selling the products
7 wholesale. Products generally consist of paddles, lifejackets, flotation devices and other items used by
8 canoe/kayak/or other float type outfitters around the United States. Canoes, kayaks, and stand up
9 paddle boards are sold (retail) at the front of the building.

10
11 PHYSICAL SITE CHARACTERISTICS: The site is relatively flat and drains to the south toward the
12 railroad tracks. Soils are heavy and laden with clay (per Dave Hasenbank). Most of the parcel and
13 area around existing structures is covered with asphalt. The parcel is serviced with private well and
14 septic. The well is located on the NE corner of the building. Location of septic is unknown. Public
15 water lines are located on the south side of US-10 and sewer is located on the north side of US-10.

16
17 ACCESS MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION:

18 After a meeting held on January 5, 2011 the recommendation of the Advisory Committee was **no**
19 **change** to the existing configuration of access to the site. Minutes are attached to this staff report.
20 Note that a cross access easement is in place to allow the Pump Engineering traffic to enter through
21 this property. The easement is not reciprocal—it does not allow for traffic from the warehouse to enter
22 through Pump Engineering. There is no physical access across the front of the property to provide for
23 this access, but there is a recorded easement in place.

24
25 ANTICIPATED TRAFFIC/USE of BUILDING: The owner anticipates 1 semi-load per day and 3
26 Federal Express per day. Number of employees range from 7 to 10 depending on time of year. Hours
27 are daytime hours or may run until 6 or 7 PM during busy times. The applicant has indicated there will
28 be no occasion for late night deliveries of any kind by semi-truck such that trucks would need to
29 remain on site and idle for several hours.

30
31 OTHER/SIGN:

32 No change—will use current signs.

33
34 A motion was made by Janet Anderson and 2nd by Doug Robidoux to accept the Staff
35 Analysis in to the minutes.

36
37 Sondra Johnson mentioned with the warehouse addition space she should be able to cut
38 down on the trucks that come in because she will be able to get large containers at a time.

39
40 Tom Hooper closed the public hearing.

41
42 There was a discussion by the Board on loading space and all agreed it was good to see a
43 growing business

44
45 A motion was made by Mike Shaw and 2nd by Jim Wincek to approve Section 18.05
46 Standards for granting site plan approval per the staff analysis. Motion carried, 6 Yes 0 No.

A motion was made by Doug Robidoux and 2nd by Mike Shaw to approve Section 17.67 Warehouses per the staff analysis. Motion carried, 6 Yes 0 No.

A motion was made by Janet Anderson and 2nd by Doug Robidoux to approve Section 16.05 Standards for Approval, Special Land Use per the staff analysis. Motion carried, 6 Yes 0 No.

New business: None

Unfinished business: None

Zoning Directors Report: Mary Reilly advised the Board that next meeting on November 1st will be with Adam Young to get to the zoning ordinance update. The testing on the nacelle went well and gave the Board a summary of how the testing was done.

There was a discussion on when to have the meeting at the end of November.

Zoning Board of Appeals: Cary Shineldecker told the Board the ZBA will have 2 variance applications on the agenda at the next meeting on 11-2-16.

Public comment– None

The next meeting will be Tuesday, November 1, 2016 at 7:00 PM.

Meeting adjourned at 9:15 PM.


Jim Wincer, Secretary
Mason County Planning Commission