

Mason County Planning & Zoning Department

102 E. FIFTH STREET
SCOTTVILLE, MICHIGAN 49454
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April 17, 2018

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,
Scottville, April 17, 2018 at 7:00 p.m.

MEMBERS PRESENT: Tom Hooper, Doug Robidoux, Janet Andersen, Jim Wincek,
Cary Shineldecker, Frank Redmond, Michael Shaw

MEMBERS ABSENT: None

OTHERS PRESENT: Fabian Knizacky, Mary Reilly, Cayla Christmas

The meeting was called to order at 7:00 p.m. by Chairman Jim Wincek.

Doug Robidoux made a motion to approve the minutes of the April 3, 2018 meeting as
written. Second by Tom Hooper. Motion carried, 7 yes 0 no.

Additions, deletions or modifications to the agenda: Jim Wincek suggested moving item
1 under unfinished business to be discussed after correspondence. There was no
objection.

Tom Hooper stated the Planning Commission needed to discuss solar and add it to the
agenda soon.

Conflict of Interest: Tom Hooper stated he knew the applicant from PZ18030 through
church functions and had spoken in little detail about the proposed project. The
Planning Commission decided there was no conflict of interest.

Public Comment: Evelyn Bergaila handed out an article about the State of Michigan
adopting the Fire Code. Ms. Bergaila stated the goal of the Planning Commission was
to provide health, safety, and welfare.

Correspondence: None

Unfinished Business: Mary Reilly gave an overview of the meeting with the Rural Fire
Authority. Ms. Reilly stated the authority felt that asking a fire chief to sign off on a site
plan stating there was adequate access was putting too much liability on them without
having the proper knowledge. Ms. Reilly stated the general consensus was the Rural
Fire Authority did not want to be involved, so Ms. Reilly suggested resources may be in
consultants. Ms. Reilly added the Planning Commission members should not become
fire code experts or access experts unless they wanted to.

Mary Reilly stated she spoke with Isabella County's and Emmett County's zoning
departments to see how they address the issue. Ms. Reilly stated she found that they
either don't address the issue or they consult the fire chief.

1
2 Cary Shineldecker stated he did not believe the ordinance should say “must meet state
3 and federal statutes” if they did not know what that meant. Mr. Shineldecker felt they
4 should be careful of what’s in the ordinance.
5

6 Janet Andersen agreed there should not be reference to something that is not followed,
7 but did not think neglecting to reference safety would fix the issue. Ms. Andersen raised
8 the question of should the responsibility be put on the surveyor to include on a site plan.
9

10 Tom Hooper felt they should make sure there is room for fire access.
11

12 Jim Wincek stated if it was the responsibility of the designer or the engineer then they
13 would need to know the rules.
14

15 Mike Shaw stated part of the job of the Planning Commission is to review site plans on
16 a case by case basis. Mr. Shaw felt they should not add things to the ordinance that
17 they do not understand as the ordinance needs to be followed.
18

19 Frank Redmond stated a professional would be needed to help guide the Planning
20 Commission.
21

22 Fabian Knizacky stated there are a number of things in the ordinance that the Planning
23 Commission does not understand and that is the reasoning for consultants. Mr.
24 Knizacky asked if there was anyone.
25

26 Mary Reilly stated she had not found anyone.
27

28 Doug Robidoux agreed the Planning Commission would need help finding an option.
29

30 Cary Shineldecker suggested adopting requirements such as width of access roads and
31 cutting trees to allow a fire truck to access a house, but by doing that a vast majority of
32 the buildings in Mason County would be rendered nonconforming.
33

34 Fabian Knizacky suggested asking Adam Young, a consultant, if he would be able to
35 give names of contacts that may be able to help.
36

37 Cary Shineldecker made a motion to look into a consultant that might help “steer” the
38 Planning Commission in the right direction. Second by Doug Robidoux. Motion carried,
39 7 yes 0 no.
40

41 Fabian Knizacky recognized the fire issue may take a while. He asked if the Planning
42 Commission would like to hold up the update or separate the fire issue and send what is
43 done to the Board of Commissioners and send in the language on fire at a later date.
44

45 Cary Shineldecker stated the Planning Commission owes it to the community to put
46 forth their proposed changes. Mr. Shineldecker felt they have worked very hard on the

1 update and have thought everything through thoroughly.

2
3 Fabian Knizacky made a motion to send the Mason County Zoning Ordinance update to
4 the appropriate committee at the County Board level and on this particular issue
5 (reference to fire safety) leave the language the way it is currently written. Second by
6 Frank Redmond. Motion carried, 8 yes 0 no.

7
8 Jim Wincek opened the public hearing for application PZ18026, a request by Acres
9 Cooperative to expand an existing storage facility with a 14' x 60' lean-to addition to an
10 existing building. The property is located in the Neighborhood Commercial (C-2) zoning
11 district in Amber Township at parcel 001-013-026-10 access 709 W. US 10. Mary Reilly
12 presented the staff report and site plan. A portion of the staff report is below.

13
14 **FINDINGS OF FACT:**

- 15 1. The use is classified as "Agricultural Storage Facility", a special land use
- 16 2. An expansion of the facility was approved in 2013 (grain storage/grain legs, electrical building)
- 17 3. A sand mining permit was granted 2012 but was not acted upon- and was canceled 2014.
- 18 4. Existing building is 60 X 72, used for storage and has open front (4320 sf)
- 19 5. Addition is 14 X 60—(840 sf)—a 19.4% increase in square footage of a non conforming building.
- 20 6. The building contains different kinds of fertilizer. There is a fertilizer mixer near the building so
- 21 farmers can make "custom order" of various mixes. The new addition will also contain fertilizer.
- 22 7. The building is located 13' from the property line. The addition will not worsen the non-
- 23 conformity.
- 24 8. While not currently in use, there are still physical remnants of the Co-op using a rail spur to load
- 25 grain on to rail cars.
- 26 9. The 18' silo near the building will be moved if the variance is granted to build the addition.

27 The Zoning Board of Appeals is hearing a variance on April 18 for the expansion of the building within
28 the 50' required setback. *Approval by the PC should be conditioned on ZBA approval.*

29
30 Mary Reilly did not receive any correspondence regarding the application.

31
32 Janet Andersen made a motion to accept the staff report as presented. Second by Tom
33 Hooper. Motion carried, 7 yes 0 no.

34
35 Jim Wincek asked the applicant if there was more they would like to add. They did not.

36
37 Jim Wincek closed the public hearing.

38
39 The Planning Commission agreed they didn't have any issues to discuss with the
40 project.

41
42 Doug Robidoux made a motion to approve application PZ18026 based on standards
43 17.04a, 18.05, and 16.05 as presented on the staff analysis conditional upon the
44 approval of the Zoning Board of Appeals. Second by Frank Redmond. Motion carried, 7
45 yes 0 no.

1 Jim Wincek opened the public hearing for application PZ18030, a site plan review only
2 for a new retail/grocery store (West Shore Market). The property is located in the
3 Neighborhood Commercial (C-2) zoning district in Amber Township at parcel 001-014-
4 013-00, access 850 W US 10. Mary Reilly presented the site plan and stated the
5 Planning Commission's approval would be conditional upon the approval of the DEQ as
6 well as the approval of the Drain Commissioner.

7
8 Cary Shineldecker made a motion to accept the staff report as presented. Second by
9 Mike Shaw. Motion carried, 7 yes 0 no.

10
11 Doug Robidoux asked Mary Reilly if there was concern over snow storage.

12
13 Mary Reilly stated there was concern with the greenbelt trees. Ms. Reilly stated those
14 trees should be closer to the road right of way than the parking lot.

15
16 Jim Wincek read through Section 18.05 Standards for Granting Site Plan Approval.

17
18 **1) Arrangement of Structures: Site plans shall demonstrate that buildings,**
19 **parking areas, signs, walls, fences, and the like are designed to minimize**
20 **adverse affects on development users and the occupants of adjacent**
21 **properties.** Approval from the DEQ is required.

22
23 **2) Natural Features: Site plans shall demonstrate that as many natural**
24 **features as possible have been retained, particularly where such features**
25 **provide a buffer between adjoining properties or assist in preserving the**
26 **general appearance of the neighborhood or help control soil erosion or**
27 **storm water.** The Applicant will have to fill in some wetland. By adding the
28 retention pond, that concern was handled very well. Meets standard, 7 yes 0 no.

29
30 **3) Vehicular and Pedestrian Traffic: Site plans shall fully conform to the**
31 **driveway traffic and access standards of the Michigan Department of**
32 **Transportation and Mason County. Further, the site plan shall demonstrate**
33 **that there is a proper relationship between existing and proposed**
34 **roadways, parking areas, and that the safety and convenience of**
35 **pedestrian and vehicular traffic has been assured.** The driveway is being
36 relocated. Meets standard, 7 yes 0 no.

37
38 **4) Public Safety: Site plans shall fully conform to the applicable fire safety**
39 **and emergency vehicle access requirements of the State of Michigan**
40 **International Code.** Meets standard, 7 yes 0 no.

- 1 **5) Drainage: Site plans shall fully conform to the Mason County Drain**
2 **Commission standards.** Contingent upon approval of the Drain Commissioner.
3
4 **6) Erosion: Site plans shall fully conform to the Mason County Soil Erosion**
5 **and Sedimentation Control Ordinance.** Contingent upon approval of the Soil
6 Erosion Agent.
7
8 **7) Hazardous Waste Management: Site plans shall demonstrate that**
9 **reasonable precautions will be taken to prevent hazardous materials from**
10 **entering the environment.** Meets standard, 7 yes 0 no.
11
12 **8) Public Health: Site plans shall fully conform to the requirements of the**
13 **Michigan Department of Public Health and the Mason County Health**
14 **Department.** Contingent upon approval from the City of Scottville.
15
16 **9) Statutory Compliance: Site plans shall fully conform to all applicable state**
17 **and federal statutes.** Meets standard, 7 yes 0 no.
18
19 **10)All parking areas, landscaped areas, service drives and the like shall be**
20 **separated by well defined mechanisms such as concrete curbing, rolled**
21 **asphalt curbing, or similar method as determined by the Planning**
22 **Commission.** The applicant is using concrete. Meets standard, 7 yes 0 no.
23
24 **11)Lighting: Site plans for all non-residential uses and multiple-family uses**
25 **shall include only lighting that is night sky compliant.** Meets standard, 7 yes
26 0 no.
27
28 **12)In addition to any and all access requirements of this Ordinance,**
29 **acceleration and/or deceleration lanes may be required by the Planning**
30 **Commission after consultation with the access management advisory**
31 **committee.** Contingent upon DOT approval.

32
33 Mike Shaw made a motion to approve application PZ18030 based on the standards
34 from Section 18.05 with the changes made. Second by Tom Hooper. Motion carried, 7
35 yes 0 no.

36
37 New Business: Cary Shineldecker stated he made an observation at the Jawors
38 Brothers Blueberry Farm that the pine trees providing a buffer are all dead.

39
40 Mary Reilly stated the trees would need to be replaced.
41

1 Jim Wincek stated the Planning Commission would need to speak about solar energy at
2 a meeting in the near future.

3
4 Unfinished Business: Jim Wincek stated there were three options for a new meeting
5 place for the Planning Commission. Those options included the Mason County District
6 Library in Scottville, the Mason County Airport, and the new ERN building on Tinkham in
7 Ludington.

8
9 The Planning Commission agreed to look into using the airport building and to keep the
10 current meeting schedule.

11
12 Zoning Director's Report: Mary Reilly stated there were no new applications and asked
13 if they should plan to cancel their next scheduled meeting on May 1st subject to call of
14 the chair.

15
16 The Planning Commissioners agreed to cancel the meeting scheduled for May 1st.

17
18 Zoning Board of Appeals: Cary Shineldecker stated the next ZBA meeting would be
19 April 18th.

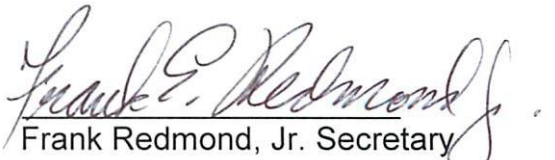
20
21 Jim Wincek opened public comment.

22
23 Evelyn Bergaila stated by leaving something out of the ordinance does not take away
24 responsibility from the Planning Commission. Ms. Bergaila added an engineer should
25 have fire standards listed on a site plan.

26
27 Jim Wincek closed the public comment period.

28
29 Janet Andersen asked Mary Reilly if she had heard anything about sound testing. Ms.
30 Reilly stated she would forward any information received.

31
32 Meeting adjourned at 9:01 PM.


Frank Redmond, Jr. Secretary
Mason County Planning Commission