

FREEDOM TOWNSHIP PLANNING COMMISSION
Regular Meeting
November 3, 2015

These minutes are not approved until our next meeting.

We began with the Pledge of Allegiance.

Chairman Lindemann called the meeting to order at 7:30 p.m.

Members present: Dan Schaible, Matt Little, Larry Lindemann, Susan Ochs and Carol Huehl. Planner Rodney Nanney and Township Supervisor Dale Weidmayer were also present.

A motion was made by Little with support from Ochs to adopt the agenda with the addition under new business of Lots added under water (dimensional standards for lake lots.) The motion passed.

A motion was made by Ochs with support from Little to dispense of reading the minutes and approve as presented. The motion passed.

Communications: MTF, an email from Ken Burkhalter that American Aggregate has done the berm which was part of the consent judgment approval. A Letter from Lodi Township on the proposed Master Plan. Saline Township sent a letter on the proposed Master Plan and so did Manchester Township. They had no additional comments to add to it. We received a letter from the Washtenaw Area Transportation System (WATS) in regards to the proposed Master Plan with comments for Chapters 9 and 12. Lodi Township sent us their proposed Master Plan.

Audience Participation: Bruce Manny introduced himself and wanted us to know of his activity with Scio Township in regards to farmland and open preservation. He wondered if we had ever considered doing something like that for the people who live around the lake to help protect it and keep it as it is. He is a Research Fishery Biologist. Larry told him that Freedom Township has a sliding scale that we feel helps protect us and our open space. We also have some land in PDR.

Beth Heuser asked about the Keyhole Ordinance and if it was in effect. We told her it was and had been published.

Old Business:

- 1) TR Transport, LLC conditional use permit. Troy was at our last meeting and told us he would contact our Planner Rodney Nanney with the additional information we had asked him for. He has not contacted Rodney or Larry. Discussions with Troy had started 2 years ago. Larry read the following report from Rodney:

SUPPLEMENTAL REPORT

Freedom Township Planning Commission

TR Transport LLC (Troy Busha), Farm Implement Repair Business
Conditional Use Permit Application
9950 Saline-Waterworks Road
Report Date: October 30, 2015

1. Description

1.01 Action Requested. The applicant is requesting conditional use permit and preliminary site plan approval for a farm implement repair business in the AR (Agricultural-Resource) District in accordance with Section 40.102 (Farm Markets and Agricultural Services) and Article 16.0 (Conditional Uses) of the Freedom Township Zoning Ordinance.

1.02 Applicant. TR Transport LLC, 11467 E. Austin Rd, Manchester, MI 48158.

1.03 Landowner. Troy Busha, 11467 E. Austin Rd, Manchester, MI 48158.

2. Summary of Findings

Our previous report, dated October 5, 2015, summarized the criteria for consideration of Mr. Busha's conditional use permit application and included an evaluation of the revised preliminary site plan dated 9/22/2015. As a supplement to this report, we have prepared the following summary of findings associated with this application for the Planning Commission's use. This list has been compiled in part from our notes and meeting minutes, and may not include all facts relevant to the application under review:

- (1) The Planning Commission held a 6/2/2015 public hearing on the conditional use permit application, and has included this application on its regular meeting agenda for six (6) consecutive meetings (5/7, 6/2, 8/4, 9/1, 10/6 & 11/3). Action on the item has been postponed three (3) times due to incomplete information.
- (2) The conditional use permit application and revised site plan remain incomplete, as the following items of requested information have not been provided:
 - a. The applicant failed to provide requested details regarding the location, extent, and character of proposed repair activities, and whether all such activities will take place within an enclosed building. (5/29/2015 Planner's Report, page 5; and 10/5/2015 Planner's Report, page 3)
 - b. The applicant failed to provide requested information regarding planned pollution control measures, operational plans for fluid/waste handling, including documentation of required above-ground fuel storage permits, approvals, and inspections from outside agencies with jurisdiction. (5/29/2015 Planner's Report, page 5; and 10/5/2015 Planner's Report, pages 4-5)
 - c. The applicant failed to provide requested site plan information regarding the locations of proposed potable water supply and septic systems for employee use while on the site; existing and proposed drainage patterns and flow directions; and exterior lighting details. (5/29/2015 Planner's Report, pages 4-5; and 10/5/2015 Planner's Report, pages 4-5)
 - d. The applicant failed to provide a complete detailed use statement that includes the planned days of operation, extent of building areas to be occupied by each activity, the maximum number of anticipated employees and how many work on-site during business hours. (5/29/2015 Planner's Report, page 5; and 10/5/2015 Planner's Report, pages 4-5)
 - e. The applicant failed to provide requested building floor plan and elevation information, along with planned mitigation measures to minimize noise, dust, fumes, light, and vibration impacts associated with repair activities. (5/29/2015 Planner's Report, page 6; and

- (3) The applicant and his project engineer have not contacted the Township Planner, Mr. Nanney, at any point since the 6/2/2015 public hearing with any questions about the Planner's reports, ordinance requirements or other issues of concern.
- (4) The applicant failed to respond in a timely manner to the Planning Commission's request for additional land use information to confirm that the principal land use would be farm implement repair with trucking operations only as a secondary or accessory activity. (10/6/2015 Commission meeting minutes)
- (5) The applicant failed to respond in a timely manner to the Planning Commission's request for a copy of his license to operate a repair facility. (6/2/2015 Commission meeting minutes)
- (6) The detailed use statement on the revised 9/22/2015 site plan includes non-farm warehouse/storage and trucking or bulk hauling related activities that exceed the limited scope of the "farm implement repair" land use as allowed in the AR (Agricultural-Resource) zoning district, and that are not consistent with Master Plan policies for the area. (10/5/2015 Planner's Report, pages 2, 4)
- (7) The proposed site layout shown on the revised 9/22/2015 site plan creates potential vehicle-pedestrian and parking-related conflicts within the site. (10/5/2015 Planner's Report, pages 3, 5)
- (8) The more intensive non-farm warehouse/storage and trucking or bulk hauling related activities included as part of the proposed business activities on the site would have the potential to cause noise, dust, fumes, and other impacts on neighboring properties that are not consistent with Section 16.04 (Standards for Conditional Use Approval). The proposed screening improvements shown on the 9/22/2015 revised site plan are insufficient to mitigate anticipated impacts. (10/5/2015 Planner's Report, pages 3, 6)
- (9) The farm implement repair and trucking or bulk hauling related activities would also have the potential to create additional safety impacts that are not consistent with Section 16.04 (Standards for Conditional Use Approval), including vehicle conflicts on the Township's rural roads, and potential safety/pollution control issues associated with fuel storage and other motor vehicle fluid storage and disposal. (10/5/2015 Planner's Report, page 4)
- (10) At least a portion of Mr. Busha's business activities on the site may have been acceptable under the "home occupation" provisions of the Township Zoning Ordinance while the Busha family occupied the property as their primary residence. However, when the Busha family moved their residence to Bridgewater Township at some point after 2011, Mr. Busha's business activities became an unlawful land use as defined in Section 7.03 (Unlawful Uses) of the Zoning Ordinance. The applicant's actions and ongoing business activities on the property have resulted in continuing violations of the following Zoning Ordinance provisions:
 - a. Operating a non-farm warehouse/storage and trucking or bulk hauling operation in the AR zoning district in violation of Article 4.0 (Land Use Table), which does not allow this land use as a principal use or conditional use in this district.
 - b. Operating a farm implement repair business in the AR zoning district without the required conditional use permit and site plan approval, which is a violation of Article 4.0 (Land Use Table) and Section 15.02 (Site Plan Approval Required).

- c. Continuing operation of unlawful land uses on the property in violation of Section 1.05 (Compliance Required).
- d. Continuing importation of fill materials, asphalt millings and other material of unknown quality and condition on to the property in violation of Section 5.0 of the Township's Extraction Ordinance (Ord. No. 32).

Respectfully submitted,

Donald N. Pennington
Rodney C. Nanney, AICP
Township Planning Consultants

Little said we know he's bringing products in and we don't know what they are or where they are coming from. Notice has to be given to him in regards to the conditional use application and our decision on it. Then, we have to let him know his current business is not in compliance with our ordinance. Little asked Rodney to explain Roberts Rule in a little more detail. It mainly has value in regards to the change of heart aspect. Larry tried several times to get additional information from Troy and has not gotten any responses from him. He let him know that the additional information was needed 10 days prior to our meeting. A motion was made by Little with support from Lindemann to deny the conditional use application for TRTransport, LLC based on the summary of findings read into the minutes and the comments from Little and Lindemann. A roll call vote was taken, Dan Schaible-yes, Matt Little-yes, Larry Lindemann-yes, Susan Ochs-yes and Carol Huehl-yes. The motion passed. Rodney is going to draft a letter that will be sent to Troy along with a copy of the draft minutes prepared by Huehl.

2) HRWC (Huron River Watershed Council) work session dates were talked about. This is to be a training session for the Planning Commission and the Township Board. The possible dates chosen were Saturday January 9, 2016 from 8:30 to 10:30 a.m. or Thursday January 14, 2016 from 7:00 to 9:00 p.m. Larry will contact them and let us know.

3) Master Plan discussion. We looked at the comments sent to us from WATS and changed on page 9-1 under sustainability sentence 4 to read Residential development shall be compliant with regulations controlling septic, well and storm water. On page 9-7 at #8 add to end of sentence because Pleasant Lake is a private lake. Lindemann made a motion to set a Public Hearing for the revised draft of the Master Plan dated 4-24-2015 for December 1, 2015 at 7:30 p.m. with our regular meeting to follow. Ochs supported the motion and the motion passed.

New Business:

1) Lots added under water (dimensional standards for lake lots.) Rodney is going to check into this and will report back to us.

Reports: Lindemann received an email from Carl Rose and asked to apply for a land variance. Larry directed him to send to the Township Clerk first and then to ZBA as we had denied this application. Tom Pigott has contacted Lindemann about what's needed for application for extraction of the Keebler Gravel Pit. Nothing new on the Rover Pipeline; however, Supervisor Weidmayer has an upcoming meeting at 9:00 a.m. at the Lima Townhall. Planner Rodney Nanney reported that the fence on the Hieber Road property is in compliance with

the Ordinance. An appeal of the application was received but the application for the fence was not complete. He also informed us the House of Representatives has a new set of bills on marijuana and will be coming on a future ballot. Rodney feels we need to have the Township Attorney involved with us in making any decisions on this.

Audience participation – nothing more.

Chairman Lindemann adjourned the meeting at 9:45 p.m.