



**Minutes**

THOMAS TOWNSHIP PLANNING COMMISSION  
Thomas Township Public Safety Building, 8215 Shields Drive, Saginaw, MI 48609  
February 17, 2016 at 7:00 p.m.

Rod Iamurri called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mr. Iamurri were: Ruth McDonald, Dave Sommers, Pat Lynch and Steve Yockey. Also present were Dan Sika, Director of Community Development, Connie Watt, Planning Assistant/Code Enforcement Officer and Rob Eggers of Spicer Group.

1. *Call to Order and Roll Call*

2. *Pledge of Allegiance.*

3. *Approval of Agenda:*

It was moved by McDonald, seconded by Lynch to approve the Agenda for the February 17, 2016 meeting. Motion carried unanimously.

4. *Approval of Minutes:*

It was moved by Sommers seconded by McDonald to approve the minutes of January 20, 2016 as presented. Motion carried unanimously.

5. *Communications – Petitions – Citizens Comments – None.*

6. *Presentations-None*

7. *Hearings*

A. *Text Amendment to Sub Section 18.34 (b) 4 (b) “Wireless Communication”*

Public Hearing was opened at 7:05 p.m. Sika explained that the moratorium mentioned in the agenda item had not been put into effect. The Township Manager and Supervisor had proposed changing the requirement to only one (1) carrier. Sika added that this was related to the letter that was received from PCIA regarding the tower currently under site plan review at North River Road. The letter had stated that the ordinance currently was discriminatory. Before you tonight is that change only. The original Ordinance probably had some sort of reasoning as to why it was written the way that it was. Remember this was updated by Cindy Windland a couple of years ago. McDonald asked how this might affect the tower at 3705 N. River? Sika said that site plan will be presented on the March 16<sup>th</sup> agenda for the Planning Commission. Will it affect

them, yes. It was their letter that prompted the revision. He added that depending on how quickly it is in effective then it would affect them. McDonald asked if this left the Township in a position for a lawsuit. Sika responded you never know how it would be decided in a court but yes, it could be a possibility. Iamuuri added that you can be the manufacturer of a tower but not have an antenna on it and negotiate with other carriers for them to use the tower. Sika said yes, exactly. Sommers mentioned that he had a copy of a petition that was signed by 106 residents in the North River area protesting the erection of the tower. Sika noted that the site plan will be brought before the Planning Commission in March. Iamurri added that tonight we are only discussing the number of carriers on a tower and reducing the required number. He asked if this would affect everyone from here forward. Sika answered it would. Sika told the Planning Commission again that the site plan will be brought before them in March and the company will have their opportunity to come before the Planning Commission as well as anyone with public comment. Public Hearing was closed at 7:15 p.m. Motion was made by McDonald, supported by Sommers to recommend approval of the proposed text amendment to sub section 18.34 (b) 4 (b) of Wireless Communications. Motion passed unanimously.

An educational meeting was requested by the members of the Planning Commission.

8. *Sign Board of Appeals-None*

9. *New Business-None*

10. *Old Business*

A. *Wind Energy Ordinance Review-Discussion Only.*

Iamurri stated that the Planning Commission had gone through the wind ordinance several times and had discussed consolidating them to Business and/or Manufacturing districts. He then asked Sika to open the discussion. Sika stated that after the discussion at last month's meeting he had sent the Ordinance over to Spicer for review. Eggers told the Planning Commission he had worked with numerous communities regarding wind energy. He said the first thing he noticed about the ordinance was that it joined both the "small" wind along with the "big" wind even though the rules for the two (2) are very different. He'd suggest taking the "small" wind right out of the Ordinance and allow it to stand on its own. He added that with "big" wind there are several key components. The companies look for large parcels. If requirements are for only industrial or commercial districts you'd be excluding them out of the township or "out zoning" them. Then the Ordinance could be contested. Companies look to lease area with 1000's of acres for several turbines not just one (1). He said he felt that due to the wind speed and residential density turbines would not be something that would be brought into the Township. His thought would be to allow them in any A-1 or A-2 zoning district by Special Use Permit. Not as a Use By Right which is what some zoning districts are currently listed as. He would further that with an exclusion zone for everything east of Swan Creek because of the residential

density where they would then become problematic. He added that there were a lot of details in his report with suggestions offered on setbacks, shadow flicker and sound. Requirements regarding all of those are necessary. Sika stated he would work with Spicer to get the proposed changes incorporated into the existing Ordinance to bring before the Planning Commission in the next month or two. He said this would probably take place at the April meeting.

### ***B. Master Plan Update***

Sika went over the schedule and stated that the review of the Master Plan is going as planned.

Eggers stated that at the last meeting he had handed out a sheet with the “old” goals from the Master Plan for the Planning Commission to review. He has went through them and has had some discussion with Sika on them regarding changes he feels are needed. For the most part the goals and subdivided goals look pretty good. The first one he wanted to discuss was #2

2. Encourage a cluster development pattern which builds upon existing urban development in a contiguous fashion, provides adequate space for future developments and encourages and supports rural lifestyles and agricultural pursuits. **Consider regulations to permit cluster development. DONE?**

Eggers questioned if this has already been done and regulations are in place. He said this references “eating up” land which at one time was a big concern but not so much now. Sika stated the regulations should be reviewed and felt that some type of reference to this should be kept but possibly take out the statement to develop and permit them. The Township does permit them in its current Ordinance.

Next goal:

4. Require that suitable and adequate land use transition areas or physical buffers be established between residential, commercial and industrial areas to maintain property values and physical attractiveness. **DONE?**

Is already in the Zoning Ordinance and should be removed.

6. Investigate grant and loan opportunities to help offset development costs through such programs as the Farmer's Home Administration and Community Development Block Grant Program. **STILL VALID?**

These are no longer used for residential development and will be removed.

11. Consider the establishment of land trusts and conservancies for the protection of open space and agricultural land. **STILL VALID??**

Eggers noted that sometimes land trusts are good to have for wetlands or recreational areas. Sika agreed. It was felt that the phrase agricultural land should be eliminated.

12. Implement regulations for Protection of the Environment, Agriculture and the Rural Landscape ("PEARL"). **STILL VALID??**

Eggers said he was not familiar with this. Sika said it was similar to the open space concept. He will check in the Ordinance before it is decided to remove this goal. He believes there is a reference to it. The Ordinance allows PUD Developments and it is an option for developers. PEARL could be removed.

#### Commercial Development:

1. Continue to implement a ~~create a~~ subarea development plan for Gratiot Road to enhance the appearance and function of the commercial corridor.

A change will be made from create to continue to implement.

- ~~2. Consider the establishment of a Downtown Development Authority to plan for public improvements within the corridor, utilizing tax increment financing as a method of paying for the improvements at no additional cost to taxpayers and residents.~~

Remove this goal completely since this has been done.

#### Industrial Development

Encourage a variety of **light** **(??)** industrial development with attractive sites which will strengthen the tax base and provide a place of employment for area residents.

Eggers was unsure of the use of the word light here and if it should be eliminated considering the Great Lakes Tech Park. Sika felt that maybe the wording should be changed to reflect the Great Lakes Tech Park Overlay District wording.

5. Incorporate a series of comprehensive performance standards governing industrial uses. **Not sure what these are??**

Eggers felt that the Township already has these standards. Sika said yes there are. He also felt that it was not good wording. This goal will be removed.

#### Community Facilities

5. Develop a plan for community facilities including fire stations, libraries, general utilities, community parks and Township offices. **DONE??**

Eggers said he felt this probably had been completed. Sika noted that there are still long range plans. He felt that the change from develop to continue to should be made.

7. Pursue the development of a schedule of impact fees that requires new development to share in the costs of new growth. **KEEP?**

Eggers stated that the wording of this should be watched as far as “impact” fees. The Planning Commission needed further explanation. Eggers explained that it means when new development comes into the area they might be charged a fee for developing here. He added that it can be required to have an escrow account or fees for studies but just saying fees for the project could be a problem. Sika noted that the term “impact” fees has been challenged. He added it could be noted that we have fee schedules in place but not a fee to come into our community. Eggers said he will change the terminology to fee schedules and costs associated with their development. It was agreed that this was the way to go.

#### Recreation and Open Space

The Recreation and Open Space goals and objectives are outlined and defined in the Township’s most recent Parks and Recreation Master Plan, adopted on \_\_\_\_\_ . A copy of the plan is available on the Township website. **????**

#### Goal

~~Preserve the natural resources of Thomas Township and provide for the recreational needs of all Township residents.~~

#### Objectives

- ~~1. Cooperate with the State of Michigan and adjoining communities in the development of recreation and community facilities.~~
- ~~2. Promote the development of existing recreational facilities and preserve sufficient open space to satisfy the needs of the Township residents.~~
- ~~3. Coordinate the review of plats and site plans with the Michigan Department of Natural Resources and applicable County offices.~~

~~4. Prepare a containment and storage ordinance requiring the secondary containment of hazardous materials in the event of a spill.~~

~~5. Prepare a tree protection ordinance to discourage the clear cutting of land and to require the preservation or replacement of large or landmark trees.~~

~~6. Work with the Drain Commissioner's office to establish regulations limiting the direct discharge of storm water runoff from a developed site into area drains, and to require the implementation of a series of best management practices ("BMP's") to better manage flooding and pollution associated with storm water runoff.~~

Eggers stated that one concern he has of having goals for recreation listed here is that there is already a "Recreation Plan" that gets updated every five (5) years. One plan would be updated with new goals when the other was not. He felt there should not be one set of goals here and one in the "Recreation Plan" in case they get changed. He felt the "Recreation Plan" was the best place to have them listed. He added that they could be referenced here or placed in an appendix in the Master Plan. Sika mentioned that there needs to be some sort of limited goals listed in the Master Plan because of the grants that are applied for. He felt that the Trail System was a good example of this. Eggers agreed that maybe a limited list with the trail system, overall quality of life and utilization of the Tittabawassee River would be a good start. Based upon the strong survey results that mentioned these. It was decided he will work on that list of goals along with Sika so they'd be listed here.

After completing the changes he felt were needed in the Master Plan goals, Eggers did state that the Master Plan update is on schedule. The next portion of the update will be that of the "Future Land Use Map". He felt this should be covered at the April meeting since at least forty-five (45) minutes or more of discussion would be needed. He will provide a draft of the "Future Land Use Map" and other documents for the March meeting but Iamurri agreed to hold off until April's meeting for Eggers presentation.

**13. *Receive and File All Correspondence-Planning & Zoning News-January 2016***

A copy of an article from the Davison Index newspaper was distributed to the Planning Commission members at the request of the Township Manager. It references the duties of being a Planning Commission member.

**14. *Adjournment***

Motion by Yockey seconded by McDonald to adjourn the meeting at 8:00 p.m. Motion carried unanimously. **The next meeting date is March 16, 2016.**

*Respectfully submitted by Connie Watt, Planning Assistant/Code Enforcement Officer*



2016-02-11 / Viewpoint

## The VIEW from here

### The high-wire act of public service



Paula Barbee — Staff Writer

At a recent Grand Blanc Township Planning Commission meeting, I was once again reminded of the fact our public at large, is for the most part, unfamiliar with many of the legislative processes and procedures that are at work behind the scenes of what is apparent in their day to day lives.

The planning commission, for example, has multiple layers of jurisdiction, this particular one was a Special Land Use hearing, a preliminary step which asks for special permission of a particular use in a particular zoning district.

Other layers include site plan review and site plan approval, which may occur separately or together.

[Enlarge Map](#)

Like journalists, municipal leaders often have to find a treacherous balance between representing resident's concerns and the opposing party's concerns—in this case a property developer. On the one hand, the commission must weigh one property owner's desire for peace and quiet against the other property owner's desire for return on his investment — both of which are equal rights.

Satisfying these competing interests is simply not always possible — and the commission uses various tools, such as master plans and other ordinances as a basis for decisions which treat each person, property and point of view in a fair and consistent manner.

Decision makers must, within the constraints of the law, allow for development which is consistent with the existing or planned character of the community and reject that which is not. Their job is not to design the site but identify areas of concern for the applicant to address.

Regardless of how many people show up to oppose or support a project, the commission must represent the



longterm interests of entire community, not just those at the public hearing. Also, just being opposed to, or not liking a project is not a valid reason for rejection; and as has been said, must be balanced against the rights of the developer.

A roomful of people who show up to oppose a project should not be the only reason for denial. Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met.

Yes, as someone mentioned at this particular meeting, coming to a meeting is, technically, being involved; however, one meeting alone does not give a resident the "big picture" of what the commission's job is and what restrictions they have to work under.

The role of the public is to provide information to the decision makers, not dictate their decision. One resident asked if something other than a gas station had been considered.

Another resident said, quite accurately, that it isn't needed, as there are other stations close by. However, the commercial property owner again has a right to do what he feels will get him the best return on his investment.

Some complained it would draw crime from people outside the neighborhood. I think it's highly unlikely a busy, thriving business would draw more crime than a vacant store front.

It may be difficult for the homes immediately next door, but the commission requires screening, and the plaza was obviously there when most of those people probably bought their homes. It is too late now to cry "foul".

I find it hard to believe a business owner would set out to intentionally poison people— not that it can't happen; however, I doubt, based on evidence given in the meeting that this station would be a hazard to the neighborhood. [pschmidt@mihomepaper.com](mailto:pschmidt@mihomepaper.com)

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