



Rough Draft

Minutes

THOMAS TOWNSHIP PLANNING COMMISSION

Thomas Township Public Safety Building, 8215 Shields Drive, Saginaw, MI 48609
October 19, 2011 at 7:00 p.m.

John Bintz called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mr. Bintz were: Ruth, McDonald, Rod Iamurri, Chris Thompson, Diane LaMountain, Rick Lorentzen and Dale Halm. Also present were Dan Sika, Director of Community Development, Susan Coggin, Planning Assistant/Code Enforcement Officer and nine (9) interested parties.

Members Absent: None.

2. Pledge of Allegiance.

3. Approval of Agenda:

It was moved by Mr. Thompson, seconded by Mrs. McDonald to approve the agenda as presented. Motion carried unanimously.

4. Approval of Minutes:

It was moved by Mr. Thompson, seconded by Mrs. McDonald to approve the minutes of September 21, 2011 as presented. Motion carried unanimously.

5. Hearings

- A. Doc Heinz Contracting, Inc of Saginaw, Michigan requested a special use permit to fill in the southern portion of property located at 1000 Gratiot Road, immediately west of 10255 Gratiot Road.***

Mr. Sika stated that in August, 2010, Heinz applied for and was granted a special use permit to complete work started by a previous contractor including removing and/or disbursing the large dirt pile located on the property, removing the discarded asphalt and finally grading and seeding of the property. Heinz stated at that time that the project would run from August, 2010 and be completed in May, 2011. The Planning Commission approved the special use permit as presented upon several contingencies. The large dirt pile was either removed or graded onto the property, the asphalt was removed and a final grade was completed on the property. No activity was observed on the property until the start of the Thomas Township watermain project in the spring of this year. The front of the subject property is being used as a staging point

to store materials needed for the watermain project. In September, a complaint was received regarding a large amount of filling being conducted at the rear of this property. Upon investigation of the property, we found that the property owner was filling the back of the property with dirt received from the watermain project. The owner was contacted and instructed to discontinue the filling of this property.

Mr. Doc Heinz, Mr. Tom Beagle, owner of the property and Mr. Jim Koski were present to answer any questions or concerns regarding this proposed special use permit. Mr. Heinz stated that they are requesting to fill approximately four (4) acres along the southern portion of this property. The process will include stripping the existing topsoil, hauling in available fill, replace the existing topsoil and final grading the property. Mr. Heinz further stated that they have received a soil erosion and sedimentation control permit, a permit from the Department of Natural Resources and Environment for the fill project and have applied for a storm water management plan review.

Mr. Bintz then asked for public comments in favor or in opposition to this proposed special use permit. The following people were heard:

1. Mr. Bintz read a letter from Mr. John A. Slattery, 10048 Gratiot Road. Mr. Slattery is opposed to the special use permit and feels that it will cause a traffic hazard, create mud on the road, as well as dust, noise and diesel fumes.
2. Mr. Dale Stroebel, 420 South Thomas – Mr. Stroebel asked if a copy of the storm water management plan would be available for him to review. Mr. Sika stated that a copy was available and could be reviewed. Mr. Koski explained the storm water management plan to the audience at this time.
3. Mr. Jack Haveman, 10140 Evans – Mr. Haveman was concerned about his property rights and values due to this continuing project. He explained that while he understands that it is not the same contractor, the work has been going on now for over three (3) years. He feels that it is unfair for the adjoining property owners to continually have to listen to the noise, endure the dust and not be able to enjoy the privacy of their own properties.
4. Mr. Earnest Grossman, 520 South Thomas – Mr. Grossman is an adjoining property owner and agrees that they have been dealing with the problem for over three (3) years. Mr. Grossman presented the Planning Commission members with photographs of the current fill area and the elevation change. Mr. Grossman is concerned with drainage, as well as possible standing water on this property and any health hazards this may cause for adjoining property owners. Mr. Grossman compared this project to a project being completed in Tittabawassee Township at the corner of Hospital and Tittabawassee Roads.
5. Mr. Larry Kreager, Lakefield Township – Mr. Kreager is not a resident; however, he would like to know what was the purpose of filling this property. Mr. Beagle stated that it was to improve the lot for future development.

There being no further public comments, Mr. Bintz closed the public hearing portion of this special use permit request.

Discussion followed among the Planning Commission members regarding what regulations could be placed on this project to help both the adjoining neighbors and the property owner. Discussion followed regarding limiting the number of days per week, regulating the operation hours and the project completion date.

Motion by Mr. Thompson, supported by Mrs. McDonald to approve the special use permit to fill the southern portion of 1000 Gratiot Road upon the following contingencies:

1. Approval of a storm water management plan must be completed.
2. Wet down temporary driveway on a daily basis with water to keep dust conditions under control.
3. Keep Gratiot Road clean and free of debris and dirt.
4. The project may operate Monday through Saturday from 7:30 a.m. through 6:30 a.m.
5. The project must be completed by July 1, 2012.
6. Upon completion of the project, the area shall be graded and seeded.

Motion carried unanimously.

B. Text Amendment – Section 10-30-2 – Confirm the Establishment of a Planning Commission with Zoning Authority.

Mr. Sika stated that in 2008, Senate Bill No. 206, the Michigan Planning Enabling Act, was passed. Although our current ordinance text complies with the Michigan Planning Enabling Act, Otto Brandt, Township Attorney, feels that we could make it more in line with the updated language found in the revised law. Section 10-30-2 of the Thomas Township Zoning Ordinance regulates the creation, membership, organization, procedures, compensation and meeting dates of the Planning Commission. This proposed amendment would update this section.

Mr. Bintz then asked for public comments in favor or in opposition to this proposed text amendment. There being no public comments, Mr. Bintz closed the public hearing portion of this proposed text amendment.

Motion by Mr. Halm, supported by Mrs. LaMountain, to recommend approval to the Township Board the proposed text amendment to the Thomas Township Zoning Ordinance, Section 10-30-2, Establishment of a Planning Commission with authority as presented. Motion carried unanimously.

- 6. Presentations – None.**
- 7. Sign Board of Appeals – None.**
- 8. Old Business – None.**

9. New Business

A. Discussion Only – Amendment to the Zoning Ordinance – Utility Line Ordinance.

Mr. Sika stated that as Thomas Township continues to evolve and redevelop, one of our goals has been to have utility lines buried in order to improve the overall aesthetics of our business as well as residential areas. In addition, the removal of poles will make the road safer. Section 10-2-12(j) of the Zoning Ordinance currently states the following:

Gas, Electric and Cable.

- 1. Bury Lines. All gas, electric and cable lines must be buried according to the specifications of Consumer's Energy or the energy and/or cable company that owns the lines.*
- 2. Utility boxes. All gas, cable and electrical boxes must be installed in the side yard behind the front principal building line and screened from view of the street with landscaping or other approved structures.*

The proposed ordinance would regulate the placement of utility lines within public right-of-way and public property in order to promote the public health, safety and welfare by improving the visual quality along major traveled ways and other areas in Thomas Township, minimize the disruption of overhead utility services as a result of inclement weather and to bring about the removal of utility poles which present visual or physical inconvenience to the motoring or pedestrian public.

It was the consensus of the Planning Commission members to schedule this proposed text amendment for the next available Planning Commission meeting.

B. Discussion Only – Request for Proposals and Bid Results – Legal Review of the Thomas Township Zoning Ordinance.

Mr. Sika stated that on September 15, 2011, a Request for Proposal was mailed to solicit bids from qualified businesses with expertise to perform a complete review of the Thomas Township Zoning Code. The review will include a legal review for compliance with state and federal law as well as compliance with state regulations. The successful bidder will complete the review and present any recommended changes to the Thomas Township Planning Commission at a public hearing with a final presentation to the Township Board. The bids were opened on September 27, 2011 and the results were as follows:

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| ○ Crescent Consulting, Midland Michigan | \$ 7,800.00 |
| ○ Municode, Tallahassee, Florida | \$10,380.00 |

10. Adjournment:

Motion by Mr. Halm, seconded by Mrs. McDonald to adjourn the meeting at 8:30 p.m.
Motion carried unanimously. The next meeting date is Wednesday, ***November 16, 2011.***

Respectfully submitted by Susan Coggin, Planning Assistant/Code Enforcement Officer