

Hadley Township Planning Commission

4293 Pratt Rd

P O Box 227

Hadley MI 48440

April 25, 2017

Meeting was called to order by Chairman Shoemaker at 7:30 p.m.

The Pledge of Allegiance was recited.

Roll call of members present: David Hinton, Glenn Walton, Jennifer VanDam, Ron Shoemaker, Kim Hill, Elwyn Brandt and Robert Hartwig.

Approval of Agenda:

Chairman Shoemaker asked to add item #4 to the agenda under IX. New Business - regarding approving the proposed 2017 – 18 Planning Commission Meeting Schedule. Commissioner Glenn motioned to accept the additional item, support by Commissioner Hartwig. Motion carried.

Hadley General Store Fireworks Stand:

Kathy from the Hadley General Store presented a proposal for the temporary fireworks store to be located at 3501 S Pratt Road. All information contained in the site plan is the same as years past (location of tent, exits, and tables). The affected dates will be May 24th – tent to be erected, Opening day May 26th, Last Day of operation July 5th, tent to be taken down on July 7th. Hours of operation will be 8:00 am to 10:00 pm daily, 7 days a week. Commissioner Brandt made a motion to approve the application, support by Commissioner Hartwig. Motion carried.

Special Land Use 3697 Green Corners Rd. Continued

Board Members Present: Hartwig, Brandt, Hill, Shoemaker, Walton, Van Dam, Hinton

#17-01 Continued

Chairman Shoemaker explained this was a continuation of the Special Land Use hearing for Glenn Arens, 3697 Green Corners, for the Flying A Canine Ranch. He explained that the public hearing portion concluded last meeting, and they tabled the board discussion portion to further investigate the noise concerns, and make site visits to the kennel.

Chairman Shoemaker then described his two visits to the kennel and said even though the kennel was busy because of the Easter holiday, he did not find the dog noise excessive, the facility was clean, and drop off time was not loud either.

Commissioner E. Brandt made a visit and was concerned about drainage, but Mr. Arens showed him how that worked and it was okay. He was impressed with the kennel; he noticed there was some barking, but nothing that would be a problem.

Commissioner Van Dam visited Sunday morning, there were 46 dogs at that time, she walked to three of the four property lines and she noticed the noise dropped off greatly at the property lines. She didn't think it was louder than her dogs barking in her yard. She thinks the acoustic fence they were going to install would lessen the noise already there.

Chairman Shoemaker confirmed with Mr. Arens that the Acoustifence would be installed with existing and new fencing. Mr. Arens assured the commission it would be.

Commissioner Walton made a surprise visit on Easter Sunday and said the barking was minimal and a neighbor mowing lawn was louder than the dogs. He stopped and listened at the driveways of both north and south neighbors and he thought it was pretty quiet.

Chairman Shoemaker said he drives Green Corners all the time, and since last meeting has made a point to stop near the kennel, and can't say he heard anything at all. He then asked the board for comments on the site plan. A resident in attendance asked to comment, but Chairman Shoemaker reminded her that the public comment portion was held last month.

Commissioner Van Dam asked about Mr. Arens' current kennel license, and would it apply if his facility were expanded. He said it would because it's renewed annually, and it's for ten or more dogs so the added dogs would be covered.

Commissioner Hartwig asked Mr. Arens if he thought the Acoustifence would make it quieter than it is now and Mr. Arens thought it would.

Commissioner Brandt expressed sympathy with neighbors who had to deal with the noise.

Commissioner Van Dam hopes the new fencing will help mitigate the noise. She then asked Mr. Arens about the new bathroom he's adding, and wondered if his septic system was sufficient. Mr. Arens said it is right now, and he is working with a plumber to determine how much water he's using in the facility.

Commissioner Hartwig asked how many employees he would be adding, and Mr. Arens said he might add a couple more.

Board members then discussed possible conditions if they decided to grant the request.

*Motion by Hartwig, second by Hinton to approve the application by Glenn Arens for a special land use permit to operate and maintain a professional dog grooming, boarding/kennel at Flying A Canine Ranch at 3697 Green Corners Rd.; tax parcel ID # 44-010-008-019-00 subject to the following conditions:

1. If the ownership of the subject parcel (dog kennel) is changed, the transaction must be reported to the Hadley Township Clerk. The Township must be provided with the name, address and phone number of the new owner(s).
2. Maximum of 95 dogs and 12 cats to be boarded at any one time.
3. Commercial kennel license must be maintained with the Lapeer County Animal Control.
4. Septic system and well must be approved by Lapeer County Health Department.
5. Construction must be in compliance with the site plans presented to the Planning Commission dated February 2017.
6. All new fencing and existing fencing will incorporate new Acoustifence technology.

There was a brief discussion on the process of modifying this special land use application.

Roll call vote: Hinton: aye, Walton: aye, Van Dam: aye, Shoemaker: aye, Hill: aye, Brandt: aye, Hinton: aye; Motion carried.

Chairman Shoemaker explained as part of this process the commission needed to make a Statement of Findings and Conclusions and Basis for the Commission's Decision:

1. There is no evidence of any negative impact on the public health, safety or welfare.
2. The development on the subject property is of such location, size and character that it results in harmony with all applicable AR Agricultural Residential zoning district regulations.
3. The location, size and character of the development is in harmony with the appropriate and orderly development of the surrounding neighborhood.
4. The development relates harmoniously with the physical use of the land in a socially and economically desirable manner.
5. There is no evidence that this development violates any other local, State, or Federal requirements.

Hadley Township Planning Commission

4293 Pratt Rd,
PO Box 227
Hadley, MI. 48440
March 28, 2017

The Hadley Township Planning Commission will act on one appeal request as advertised in The LA View dated April 6, 2017.

#17-02

THE HADLEY TOWNSHIP PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON THE 25TH DAY OF APRIL 2017, BEGINNING AT 7:30 P.M., AT THE HADLEY TOWNSHIP OFFICE BUILDING LOCATED AT 4293 PRATT RD, HADLEY MI, 48440.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO CONSIDER THE SPECIAL LAND USE APPLICATION BY AARON OBERLE FOR PERMISSION TO OPERATE A DESIGN AND MANUFACTURING FACILITY FOR PROTOTYPES AND CUSTOM PARTS/MACHINE SHOP TO BE KNOWN AS “MICHIGAN MACHINE WORX” LOCATED AT 3689 SOUTH HADLEY ROAD; TAX PARCEL ID # 44-010-107-007-00. THE SUBJECT PROPERTY IS ZONED C-1 (COMMERCIAL).

ALL INTERESTED PERSONS ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING TO ASK QUESTIONS OR TO MAKE COMMENTS AS TO THE APPLICATION. WRITTEN COMMENTS MAY BE SUBMITTED TO THE HADLEY TOWNSHIP CLERK AT P.O. BOX 227, HADLEY MI, 48440 AT ANY TIME PRIOR TO THE PUBLIC HEARING.

Chairman Shoemaker gave an overview on how the hearing will proceed. He read the public notice for Petitioner Oberle’s hearing, opened the public hearing and asked the petitioner to explain to the Planning Commission their reason for the application.

Petitioner Oberle explained that he had an engineering company in Lapeer for 17 years which he recently sold. He wants to start a new company called Michigan Metal Worx that is a start-up. It would design and make prototypes and custom one-off parts with 3D machining for its customers. Their customers will be primarily some OEM, Tier 1 and Tier 2 automotive suppliers building prototypes. He has a purchase agreement on this property which is contingent on approval of this Special Land Use (SLU). Initially, they would buy two pieces of equipment; a CNC lathe, and a CNC mill. They would not make many changes to the property. Hours would be 7am -6 pm, Monday through Friday.

Paul Duggan, 11015 Hill Rd., Goodrich, MI: Trustee of the Hadley Community Church, had concerns about the zoning of C-1 section 12.03, said there is no definition that allows the commission to get a SLU for manufacturing. He said according to section 13.01 and 13.02, M-1 is the proper zoning district for this application. He said Hadley has no M-1 that he knows of.

Commissioner Van Dam asked Supervisor Monroe if there is a location for M-1 that the Master Plan allows for. She thought there was.

Supervisor Monroe didn’t think so, but doesn’t know for sure.

Commissioner Hinton thought they needed to look closely at section M.

Chairman Shoemaker added section M, of 12.03 says, “Uses similar to the principal permitted uses.”

Glen Arens, 5697 Green Corners Rd.: Asked what would be the similar uses.

Commissioner Hinton said it would be the permitted uses A-I.

Paul Duggan said he thought he would be in conflict with 13.01.

Chairman Shoemaker explained the districts aren’t mutually exclusive, but overlapping activities in the different districts. Mr. Duggan agreed, but didn’t think there was any M-1 in Hadley. Shoemaker believed in the Master Plan there is a proposed area for M-1.

Commissioner Brandt asked Duggan about his objection to the application and Duggan explained said the church is planning on putting in a new parking lot and they're worried about traffic turning around in their lot, especially large trucks.

Commissioner Hartwig asked about the size of trucks that would be coming to Mr. Oberle's business and Mr. Oberle said the trucks would not be large. He said the parts he would be making, he could pick up with his own two hands, mostly aluminum components, no tractor trailers, or semi types except when the initial equipment is delivered.

Commissioner Hartwig then confirmed with Oberle there would be no stamping machines or presses now or in the future. He assured Hartwig there would be no production, just prototypes, no large volume.

Commissioner Hartwig then asked Duggan if that was okay. Duggan stated he was a member of the Atlas Planning Commission and said ordinances are made so there is not a mishmash. He asked if they grant it, what they would do for the next person who comes along. Commissioner Hartwig said there would be guidelines. Chairman Shoemaker explained if the new owner discontinues the activity for six months the SLU expires, and any conditions the Planning Commission sets would be enforced with the new owner of the property if they choose to maintain the same business. Duggan then said Hadley paid for a planner to create a community under these rules, even though the petitioner seems like a nice guy, they should be followed.

Kent Copeman, 3654 Hadley Rd., Hadley: He was concerned about big trucks, stamping machines, and Sunday hours. Since these will not happen with this business, he has no objection. He offered to refer to this as something other than manufacturing.

Oberle said they would not be a stamping plant, they will specialize and there would be days that no machines run because he'd be designing something. Scrap would be kept indoors and recycled because it's mostly aluminum. There would be nothing outside and he would ask the current owners to clean up the property before they moved.

Brenda Reamer, 3488 Youngsway: Her mother-in-law and mother own neighboring properties close to the property in question. She said there is a lot of traffic for the current business, and there's a lot of stuff behind the business. She said if stuff behind the building was cleaned up there would be room for trucks to turn around. From what she heard today she doesn't have any complaints for the new business.

Oberle then explained the two air compressors that are currently used in the business are louder than anything in the building now or in the future.

John Rios, 3674 Hadley Rd., Hadley: He lives right across the road and said it sounds like an awesome business and hopes he does well, but was concerned with any hazardous material that he would be using. Oberle explained there is a water soluble coolant that the machines use which is changed 6 months to a year, but it is contained within the machine and taken away after it is changed.

Chairman Shoemaker said there was no correspondence regarding the application and hearing no further questions or concerns, he declared the public hearing portion of the meeting closed.

Commissioner Brandt asked Oberle if a lot of water was used for his business. Oberle said maybe 2-5 gallons a week per machine to replenish water to evaporation.

Chairman Shoemaker asked about the maximum number of employees he would employ. Oberle said maybe 4-6 long term, but short term it would be he, his wife and his teenage son. Chairman Shoemaker then asked if there would be overtime longer than 7am – 6 pm, or a second or third shift. He said he may be working by himself overtime if needed. Oberle said there won't be multiple shifts.

Commissioner Hartwig and Shoemaker asked Supervisor Monroe if he had received any complaints about the air compressor noise at MST Construction, the current business, and Monroe replied he had not.

Commissioner Brandt asked what MST Construction was operating under and Chairman Shoemaker answered they had a Special Land Use Permit for their business.

Commissioner Walton asked if Oberle would only use the two machines he mentioned earlier. Oberle said there would be support tools like grinders and sanders. He then asked if the building could hold more machines, if so, how many. Oberle said there's room for 6 CNC machines, and he has room out back if he needed it to expand. Commissioner Walton then said he agreed with Mr. Duggan that laws are laws and rules are rules, and it may be difficult if they open the can of worms. Commissioner Van Dam agreed. She said his application fits 13.02 -A3.

The commissioners proceeded to have a discussion on how this application would fit into any of the permitted uses allowed under section 12.03, "Permitted Uses After special Approval". Chairman Shoemaker referenced section 18.47, "Uses Similar to Principal Permitted Uses", and section 12.01, "Commercial District - Statement of Purpose". He didn't know how this application would meet those standards. Commissioner Van Dam added the intent of the township is to keep M-1 south of the Fire Station. Commissioner Brandt also commented that he didn't know where it would fit in.

Supervisor Monroe said that MST will sell the building and whoever moves in may have a bigger impact on the community than this business. Commissioner Van Dam replied if they grant this, another industrial use business can argue they should be allowed in as well. Commissioner Brandt agreed it could be worse, but they have rules to go by.

The Commissioners agreed that no one is against this business; it just doesn't fit the commercial district. Oberle said he was here for a Special Land Use Permit. Chairman Shoemaker agreed, but explained even these permits need to fit into what the intent of the district is. He added there are permitted uses after special approval, and they don't see where his business fits. The Commissioners then discussed consulting the township attorney. They then discussed at length section 12.03, Item M to try to determine the permitted principal uses this application might be similar to, but found none that fit. Chairman Shoemaker also stated the business in C-1 should benefit the residential area. This business, for the most part, would service mostly tier 1 and tier 2 automotive companies.

*Motion by Van Dam, second by Shoemaker to deny the Special Land Use Application by Aaron Oberle of Michigan Machine Worx, located at 3689 South Hadley Road; tax parcel ID # 44-101-107-007-00 because it does not comply with the ordinance.

Commissioner Hartwig thought a professional planner should be consulted.

Commissioner Walton thought we could put certain restrictions on it. Chairman Shoemaker agreed, but emphasized their decision should be guided by the ordinance. He said Oberle could go in front of the Zoning Board of Appeals. There was a brief discussion on spot zoning by the commission.

Roll Call Vote: Hartwig: nay, Brandt: nay, Hill: nay, Shoemaker: aye, Van Dam: aye, Walton: aye, Hinton: nay.
Motion failed.

*Motion by Hartwig, second by Brandt to table the Special Land Use Application by Aaron Oberle of Michigan Machine Worx, located at 3689 South Hadley Road; tax parcel ID # 44-101-107-007-00, and to consult a planner to get a recommendation on this application.

Oberle says he cannot wait another month as he already extended his purchase agreement and there is another buyer waiting. The Commissioners then discussed how quickly they could get an appointment with a planner and schedule another meeting.

Roll Call Vote: Hinton: aye, Walton: nay, Van Dam: nay, Shoemaker: nay, Hill: nay, Brandt: nay, Hartwig: aye.
Motion failed.

*Motion by Van Dam, second by Shoemaker to deny the Special Land Use Application by Aaron Oberle of Michigan Machine Worx, located at 3689 South Hadley Road; tax parcel ID # 44-101-107-007-00 because it does not comply with the ordinance.

Roll Call Vote: Hartwig: nay, Brandt: nay, Hill: aye, Shoemaker: aye, Van Dam: aye, Walton: aye, Hinton: nay.
Motion carried.

Approval of Minutes:

Commissioner Hartwig motioned to accept March's minutes with the noted correction, support by Commissioner Brandt. Motion carried.

Commissioner VanDam motioned to accept the minutes for the special meeting held on April 19th, support by Commissioner Hinton. Motion carried.

Old Business:

- 1.) Sidewalk Ordinance – the Sidewalk Ordinance has been approved by the Township Board and will go into effect 30 days after its publication.
- 2.) Fireworks Ordinance – the Fireworks Ordinance has been sent to the attorney for approval. If he approves the latest update it will be sent onto the Township Board in May.
- 3.) Blight Ordinance – we will review this in our May meeting.

New Business:

- 1.) ZBA report – Mr. Burwell's request for a variance to build his garage was granted.
- 2.) Township Board Report – the Sidewalk Ordinance was approved and the Township purchased 2 new benches.
- 3.) Correspondence – none

4.) Meeting schedule for 2017 / 18 – we will continue to meet on the 3rd Tuesday of each month. Next meeting is May 16th.

Public Time:

None

Commissioner Comments:

Commissioner Hinton asked why the Township accepted Mr. Oberle's money when our ordinance prohibited their Special Land Use. Chairman Shoemaker explained that this is the normal process.

Commissioner Hinton also questioned our definition of industrial versus manufacturing.

Commissioner VanDam announced that she will be stepping down from the Commission after the May meeting.

Chairman Shoemaker expressed regrets about the denial of the Special Land Use permit but stated that is the Commission express purpose – following the ordinances.

Commissioner Brandt issued kudos to the Commission for following the rules and also expressed regrets.

Adjourn

Motion by Commissioner Walton, support by Commissioner Hartwig to adjourn.

Motion carried. The meeting was adjourned at 9:54 pm

Respectfully submitted,

Kimberly S Hill