

**Williams Township Planning Commission
Regular Meeting
July 9, 2007**

The Planning Commission of the Charter Township of Williams held a regular meeting on Monday, July 9, 2007 at the Township Hall.

The agenda is attached Exhibit A.

I. Call to Order & Roll Call

Chairperson Steward called the meeting to order at 7:00 p.m. Present: C. Adams, D. Behmlander, W. Steward and P Wasek. J. Hurt arrived at 7:05 p.m. and D. Putt arrived at 7:57 p.m. Absent: B. Plant

Also Present: B. Klemish, Williams Township Zoning Administrator, L. Miller, Township Planner and J. Hammond, Township Attorney. Others present are indicated on the sign in sheet, attached Exhibit B.

II. Pledge of Allegiance

The Pledge of Allegiance to the flag was said in unison.

III. Open to the Public

Toby Bridges, developer of Fisherville Farms subdivision, was present to discuss the decision made at the June 4, 2007 meeting regarding front yard setbacks in R-2 and R-3 zoned subdivisions.

Chairperson Steward explained that changing the setbacks from 40' to 30' was discussed at great length and the decision was made by the Planning Commission members to keep the setbacks as they are, with safety being the main concern.

J. Hammond agreed that the valid safety concerns outweighed the benefit of moving the setback 10'.

J. Hurt arrived at 7:05 p.m.

T. Bridges stated that curves in the street make it difficult to have a 40' front yard and it also limits this architectural style of homes that can be built in the subdivision. He also stated that two other townships in Bay County, Bangor and Monitor, have 25' setbacks.

J. Hammond stated that Bangor Township has a lot of waterfront property and both Bangor and Monitor Townships have older subdivisions.

Chairperson Steward stated there was also a concern of a larger house being built on the lot if the setback was changed.

L. Miller suggested T. Bridges make sketches of his concerns and/or specific problems and submit them to the Planning Commission for review. He also suggested that he include the setbacks of other townships with the information. He stated he does not see a problem with putting a 2000 square foot home on an 80' x 150' lot.

J. Hammond agreed that he should submit the information and suggested that he do it early enough for himself, the Township Planner and Planning Commission members to review before the next meeting.

IV. New Business

A. Warmbier Farms, LLC Special Use Permit, Case No. 07-02-Sput

Chairperson Steward asked the Warmbiers to explain their plans for the special use permit.

Bill Warmbier, 7328 Buck Road, Freeland, explained that they would like to add a petting zoo consisting of farm animals to their retail business located at 5300 Garfield Road. The petting zoo would be open during the months of April to November. The animals in the zoo would be a donkey, small horses, llamas, sheep, goats, rabbits, pigs, chickens, ducks, an alpaca and maybe a calf.

Rorie (Warmbier) Mielens stated she wants the petting zoo to be used as an educational tool for children to learn about different types of farm animals.

B. Warmbier stated the USDA application has been applied for and is a requirement for a petting zoo. They also have established a program of veterinary care and complied with animal welfare regulations.

B. Warmbier then addressed some of the issues that were listed on the memorandum dated June 15, 2007 from J. Hammond and L. Miller.

- They are required to have a 6 ft. fence around the 50' x 80' petting zoo area
- There will be small yard sheds for storage of feed and hay
- There will be no lights on at night
- The inside corner of the area by the building will have water and electricity
- The animal waste will be spread onto the 40 acres of land they own behind their building

- None of the structures will be permanent
- The use will be primarily fall weekends

J. Hammond asked what material the fence would be.

B. Warmbier stated it would be a double penned area with a metal fence with decorative wooden attachments on the outside and corrals on the inside.

Chairperson Steward stated the special use permit should be reviewed every few years to ensure that the use stays in compliance with township ordinances.

Chairperson Steward stated an annual veterinary report should be available to the township and the township should inspect the site annually.

Chairperson Steward asked how many animals would be in the zoo.

R. Mielens stated the most that would be there at one time would be forty. They plan to rotate the animals from their home to the petting zoo.

Chairperson Steward stated the area should not be more than 50' x 80'.

Chairperson Steward asked if children will be able to access the animals inside the fence.

R. Mielens answered no.

Chairperson Steward asked if a hand washing station would be available.

R. Mielens answered yes.

Chairperson Steward asked Planning Commission members for their comments.

C. Adams had no concerns.

D. Behmlander suggested they may want to add lighting to keep people from coming in at night.

J. Hurt asked if the petting zoo would be open for school field trips.

R. Mielens stated she hasn't thought about doing that yet.

P. Wasek asked if there would be some type of shelter for the animals.

B. Warmbier stated the State of Michigan requires them to have shelter for the animals.

L. Miller stated the special use permit should be reviewed every five years. This would ensure any future owners of the business to stay in compliance with the township requirements. He also stated the township ordinance requires the boundaries of the property to be screened, but wondered if the ordinance could be waived for this purpose.

J. Hammond stated the border of natural growth would qualify for their screening. He also stated the Planning Commission does not have the authority to waive the requirement.

J. Hammond stated the township should inspect the site for conformance to ordinance and site plan approval requirements but could not undertake to inspect to assure safety.

L. Miller stated a list of the specific animals should be submitted to the township.

J. Hammond stated the location of the storage sheds needs to be shown on a revised site plan.

Public comment was opened at 7:46 p.m. by unanimous consent.

Lyle Popp, 5260 S. Garfield Road, Auburn, asked if the petting zoo would be open every weekend.

B. Warmbier answered yes, during the season.

L. Popp asked if the animals would be there all the time.

B. Warmbier stated the animals will rotate back and forth from the zoo to their home.

L. Popp asked if the animals will make noise.

B. Warmbier stated some of the animals make noises such as the sheep.

Mary Ellen Warmbier stated they would address any noise problems immediately.

L. Popp asked if there would be a foul odor from the manure.

B. Warmbier stated the zoo area would be cleaned daily and the manure would be spread over the 40 acres they own behind their barn.

L. Popp asked what recourse he would have if the petting zoo is approved and there becomes an odor problem.

J. Hammond stated that noise and odor nuisance requirements could be part of the special use permit approval.

Public comment was closed at 7:51 p.m. by unanimous consent.

Chairperson Steward asked Planning Commission members if they had any more questions or comments.

No comments were made.

B. Klemish stated if there was a smell nuisance that was not resolved it should be brought to the attention of the township office.

Motion by J. Hurt, supported by D. Behmlander to approve the special use permit submitted by Warmbier Farms LLC dated 6-8-07 to add a petting zoo to their retail business located at 5300 Garfield Road subject to conditions set forth as follows:

- Planning Commission will review the permit every five years
- Annual veterinary report shall be submitted to township
- Township Zoning Administrator will make inspections at reasonable times for compliance with applicable ordinances and site plan approval conditions
- No more than 40 animals are allowed at the zoo at one time
- Petting zoo area cannot be larger than 50' x 80'
- Annual list of all animals shall be submitted to township
- Seasonal operation only from March until November
- Zoo area must be double gated
- Natural screening on the perimeter of the property is allowed along with decorative screening on the fence around the zoo area
- Noise and odor from the zoo area shall not cause a nuisance; if there is a nuisance, special use permit approval may be removed by the Planning Commission
- An new site plan including water, electrical, storage sheds and animal shelters must be submitted for approval

D. Putt arrived at 7:57 p.m. and did not vote because he was not present for discussion.

5 Ayes 0 Nays Absent: B. Plant

Motion carried. IT IS SO RESOLVED.

B. A. P. Smillie Storage Units site Plan Review, Case No. 07-02-Spr

Chairperson Steward asked Mike Smillie, A. P. Smillie Storage Units (formerly Wee Warehouse) if he received a copy of the memorandum dated June 18, 2007 from J. Hammond and L. Miller.

M. Smillie answered yes.

Chairperson Steward explained that the same site plan had been submitted by the former owner of the site, David Bacon. The Planning Commission approved it at its January 6,

1997 meeting, but Mr. Bacon never constructed the building. The amended site plan approval lapsed.

Chairperson Steward asked M. Smillie to explain his plans.

M. Smillie stated he would like to add another 28' x 80' x 15' storage building to his C-2 zoned site.

Chairperson Steward stated a memorandum from Auburn/Williams Fire Chief Mike Snyder dated 7-9-07 states that due to the current spacing of the existing fire hydrants on Garfield Road a new hydrant will be required to be installed near the entrance to the facility.

Chairperson Steward asked Planning commission members for questions or comments.

C. Adams asked what the setbacks were between building #4 and #6.

M. Smillie stated he had not measured the distance.

L. Miller measured the distance on the proposed site plan and concluded it was 24'.

D. Putt had no comment.

D. Behmlander asked if any hazardous materials would be stored in the proposed building.

M. Smillie answered no.

J. Hurt had no comment.

P. Wasek stated the closest fire hydrant was 660' from the facility and a new hydrant would be installed across the road.

Chairperson Steward asked when construction would begin on the building.

M. Smillie stated he had not decided on a start date because he wanted to get approval first.

J. Hammond told M. Smillie the approval would expire in one year. A sixty day extension may be filed if needed. He also told M. Smillie a revised site plan would need to be submitted showing down-shielded lighting.

Motion by J. Hurt, supported by D. Behmlander to approve the amended site plan to add another storage building to A. P. Smillie Storage Units submitted by M. Smillie.

6 Ayes 0 Nays Absent: B. Plant
Motion carried. IT IS SO RESOLVED.

V. Unfinished Business

Due to the resignation of Suzette Reed from the Planning Commission as Vice Chairperson, a new Vice Chairperson needs to be appointed.

Chairperson Steward nominated D. Putt.

D. Putt declined.

Chairperson Steward nominated P. Wasek.

P. Wasek accepted.

Motion by C. Adams, supported by J. Hurt to nominate Paul Wasek as the Vice Chairperson for the Williams Township Planning Commission.

6 Ayes 0 Nays Absent: B. Plant
Motion carried. IT IS SO RESOLVED.

VI. Adjournment

Motion was made by C. Adams and seconded by D. Putt to adjourn the meeting at 8:13 p.m.

6 Ayes 0 Nays Absent: B. Plant
Motion carried. IT IS SO RESOLVED.

LeAnne Johansson
Williams Township Deputy Clerk