

**MINUTES OF TITTABAWASSEE TOWNSHIP**  
**PLANNING COMMISSION**  
**TOWNSHIP OFFICE 145 SOUTH SECOND STREET**  
**FREELAND, MICHIGAN**  
**MARCH 19<sup>TH</sup>, 2018**

**1. CALL TO ORDER**

The Chairperson Dennis Argyle called the meeting to order at 5:30 P.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**MEMBERS PRESENT**

Carl Neuenfeldt  
Jim Heffel  
Ron Schauman  
Dennis Argyle  
Roger Hupfer  
Paul Garstecki  
Paul Knoerr

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Brandy Federspiel  
Marc McGill  
Kim Reiss  
Grant Murschel  
Allison Riffel

**4. APPROVAL OF AGENDA**

The Chairperson Dennis Argyle proceeded to read a letter from David Meyer of 6340 North River Road in Freeland which was addressed to the Township Clerk Mr. Robert DuCharme. This letter referenced the Zoning Ordinance amendment adopted March 13<sup>th</sup>, 2018 pertaining to Banquet Facilities. The intent of this letter was to stop this Ordinance from going into effect by means of petition under section 401. With this development it was decided to remove item's **B (SUP-18-01) and C (S-18-03)** from the agenda for this meeting.

A motion was made by Ron Schauman, supported by Jim Heffel to approve the updated agenda. Vote: 7- Yeas 0- Nays 0- Absent 0- Abstain Motion Carried

## **5. APPROVAL OF MINUTES FOR THE FEBRUARY 20<sup>TH</sup>,2018 MEETING**

Moved by Jim Heffel, supported by Carl Neuenfeldt to approve the minutes as presented with no discussion.

Vote: 7- Yeas 0- Nays 0- Absent 0- Abstain Motion Carried

## **6. PUBLIC COMMENT**

The Chairperson Dennis Argyle opened public comment at 5:39 P.M.

Art Thayer of 6200 North River Road proceeded to read aloud a letter which outlined the concerns of him and his wife Jackie pertaining to the proposed Special Use Permit being considered which would allow a banquet facility in the Agricultural zone. He feels that farmland outside of the urban growth boundary should remain as such, and also has concerns about home values. He mentioned that there currently is an active banquet facility located at Apple Mountain, and an unused facility at the corner of M-47 and Carter Roads.

Dave Lazarz of 6227 North River Road has concerns about safety and the land, he feels the Commission should oppose the Special Use Permit. Farmland should be preserved in this area, and not turned into a parking lot and banquet facility. He also voiced concern over increased traffic, and potential for more crime.

Mike Dee of 5540 North River Road said he had looked up the Township Ordinance six (6) objectives, and a banquet facility meets none of these. He also stated that this project would not be consistent with the Master Plan, and that this proposed facility is a commercial project.

Dave Meyer of 6340 North River Road (who wrote the letter referenced in item #4)

Stated that this struck a nerve, and the proposed project does not belong in the Ag zone, not a good fit in this area. Quality of life is important to those living in this area, agricultural and rural living. His notice of intent is to challenge the Ordinance for the entire Township, a petition to be placed on the ballot.

Steve Jensen of 25 Hunters Ridge (the applicant) said that he has defended farming and agricultural practices in this area for many years. He has been the owner of

Temptation Farms since the year 2000, and he wanted to address several misconceptions about this project. The handicapped rider program has been a great success, and not a burden to this area of river road. His Daughter wants a venue in a country setting for barn weddings, this facility would look like a barn. There would not be large crowds and it would not serve as a convention center. This facility would benefit the community, and would incorporate waterfalls, coy ponds, and could serve as a place for school events such as proms, etc.

Ryan Rousseau of 1188 Scott Road said that he does entertainment in barn type facilities, and that the Township should consider the other side of this issue.

Tracy Hescott of 6449 River Road voiced concerns about noise and increased traffic. She also agrees with having opportunity, but feels that the Planning Commission must refer to the six (6) points of a Special Use Permit. She said she likes the quiet setting in this area, and feels that a facility like this would be disruptive.

Matt Schauman of 5805 Cotton top feels that the community does not have enough facilities of this type to meet current demand. The noise Ordinance is in effect for everyone, Mr. Jensen would have to also comply. Berms could be erected to buffer the noise, and this venue would most likely only operate 2-3 times per week. The proposed facility would have a farm barn look.

Rebecca Stewart of 6475 North River Road indicated that she is in full support of the special needs program (handicapped rider) program that is conducted at this farm. She said that this is a rural setting in a farm area, and needs to stay harmonious with the Master Plan. Should stay with existing character of the area, and the Commission should stick to black and white of the Ordinance.

Kathleen Vasold of 10406 Vasold Road said that she can hear the farm animals from her yard, and can hear the band's playing at the Walleye Festival. If this is approved it could be an every weekend occurrence. Need to keep the character of the area.

Mr. Barthel of 5305 North Thomas stated that he has seen lots of changes in the Township in the 50 plus years he has lived here, said that the Commission needs to consider what Mr. Jensen is proposing and the potential benefits.

Rick Hayes of 11789 Wilkinson Road wanted to address Item A from the agenda. He wanted to speak on behalf of the people living in the Muirfield Street area, there is no need to expand or change this parcel to commercial zoning.

Jackie Herring of 6080 North River Road said she has lived on River Road her entire life, and feels that a banquet facility does not belong in this area. The Master Plan has this outside of the urban growth boundary, and this would violate the six (6) points of a Special Use Permit. She also cited increased traffic, and drinking issues.

Ben Coates of 6798 North River Road Said that this parcel is agricultural land, and was surprised of the change in the Ordinance to include a banquet facility in the ag zone. A facility of this type should be in the commercial zone.

The Chairperson Dennis Argyle then closed public comment at 6:25 P.M.

## 7. BUSINESS

A. **ITEM Z-18-04** Consider approval of a request by McDonald Realty Development, LLC c/o Ryan Fournier for a conditional rezoning of a portion of parcel # 29-13-3-28-1103-001 located at 6708 Muirhead from R-1 (Low Density Residential) to C-2 (General Business).

Grant Murschel the Township Consulting Planner proceeded to review his report for the Commission.

The Chairperson Dennis Argyle opened the Public Hearing at 6:35 P.M.

Mr. Thomas McDonald the applicant stated that cars will not violate any sound Ordinances, and that any new lighting will not face down. It will be safer on the walkways and there will be no curb cuts. He also stated that he wants to clean up the site, and there will be fewer traffic issues.

Darrell Schlicker of 6620 Midland Road proceeded to read a letter that he provided to the Commission. Some of his concerns were that this lot serves as a natural buffer between business and residential. Potential issues from new signs and lighting. Conditional rezoning is not mentioned in the Townships Ordinance.

John Neuenfeldt of 6777 Muirfield said that this corner is dark, and new lighting would be a benefit. He asked if Mr. McDonald would put a hood over the light on the existing dealership building so it does not shine on his house. He feels there is more noise generated from the highway, and that there will be a berm and the house will stay. He also said that change is good, let this project happen with restrictions

Leona Flores of 6644 Midland Road said that the lights on the back car lot shine into her window, what will it be like with a parking lot lit up? She also had concerns over the effect on property values, and that this was the third (3<sup>rd</sup>) time that this has been before the Planning Commission.

Don Landeryou of 6682 Muirhead said that they had moved to this area from Saginaw and Detroit for peace and quiet. He said that this subdivision is last on the east side of M-47 before the Sports zone. He feels this will disrupt the neighborhood, and that this is a peaceful area, not the time for this change.

Kim Reiss from the Township stated that if this Conditional Rezoning is approved, a Site Plan would have to also be approved which would include lighting and buffering. If approved they could also ask for deed restrictions.

Jenny Fournier of 6708 Muirhead stated that both her and Ryan are active in the community, and that Ryan is the High School Wrestling coach. There will not be an entrance to Murhead, and no increased safety concerns. She feels that Mr. McDonald will make several improvements to the property, and that they both care about the community and the safety of the children.

The Chairperson Dennis Argyle then closed public comment at 6:56 P.M.

Ron Schauman of the Commission then asked Mr. McDonald if there would be **no** additional signs erected on the property and he indicated that yes the was the plan.

After some discussion and questions a motion was made by Jim Heffel, supported by Ron Schauman to approve the conditional rezoning change

with the following 6 conditions, with no additional signs and deed restrictions.

1. The proposed subject area is at the transition point between Commercial and Low Density Residential purposes within the Future Land Use map of the 2018 Township Master Plan.
2. The applicant has offered voluntary conditions that exclude all future use within the C-2 General Business zoning district except automotive vehicle display, prohibits any future access on M-47 (Midland Road) and Murihead Road, prohibits any buildings, and provides a berm for screening purposes.
3. The conditions offered by the applicant greatly reduces the intensity of any future commercial use of the property thereby allowing for a use that is harmonious with the abutting residential uses.
4. The conditions offered run with the property and can only be removed following the expiration of the 50 year term OR by amendment of the Township Zoning Map, requiring action of the Township Planning Commission and Township Board.
5. Rezoning of the property would allow for the expansion of commercial uses only along the frontage of M-47 (Midland Road); an area that is more suitable to commercial use given the close proximity to the highly traveled state highway corridor.
6. The current property owners have consented to the rezoning request.

This was recommended for approval to the Township Board at their April meeting.

Vote: 4- Yeas Carl- Jim –Ron- Paul G.

2- Nays Roger- Paul K.

0- Absent

1- Abstain - Dennis

Motion Carried.

## **8- ADJOURNMENT**

The meeting was adjourned at 7:07 P.M.

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**ROGER HUPFER- SECRETARY**

DRAFT