

Sumpter Township
Planning Commission Meeting
Tuesday, August 21, 2018, 6:00 p.m.
23480 Sumpter Rd., Belleville, MI 48111
Minutes

Meeting called to order by Chairperson Stalmack at 6:00 p.m. Showing present: Clark, Stalmack, Rush, Oddy, Pokerwinski and Sherwood. Excused absence: Belinski. Unexcused absence: Borden & Cichewicz. Also showing present: Planner Atkin, Deputy Clerk Hadyniak, Attorney Young and 27 residents.

4. Minutes:

- A. Motion by Oddy, supported by Rush to approve the Regular Planning Commission Minutes of July 12, 2018. Commissioner Oddy recused himself from the vote. Motion carried.

5. Unfinished Business:

A. Per the request of the township board, the planning commission is to provide clarification to the July 12, 2018 motion for the Special Land Use and Site Plan Review for the proposed slaughterhouse operation at 50425 Bemis Rd.

Chairperson Stalmack opened the meeting by stating there are three (3) items that need to be addressed for the motion for 50425 Bemis Rd. First, chairperson Stalmack stated the parking lot needs to be hard surfaced, second adjusting height. Planner Atkin interjected Chairperson Stalmack that the motion could be met by stating a meeting with the planner to make the necessary correction to the site plan. Commissioner Oddy asked could the motion just state on page six (6) of the Carlisle Wortman Packet "Special Land Use and Site Plan Review for Sumpter Township, Michigan" request the recommendations listed one (1) through nine (9). Attorney Young stated items listed one (1) through nine (9) incorporate the conditions that were recommended for special land use which also include some site plan matters that Planner Atkin stated earlier. Attorney Young stated that Planner Atkin reviewed the site plan and setup the conditions as to what you wanted to see and include a site plan review with the planner. Planner Atkin addressed the commission by stating the following items have already been addressed by the applicant. Number four (4) on the Carlisle Wortman packet concerning the landscaping was replaced by the property owner. The applicant provided a location and details for the dumpster enclosure which was number five (5) in the packet. Planner Atkin stated number six (6) in the Carlisle Wortman packet is a general condition for the zoning/planning ordinance. Planner Atkin said when he spoke with the applicant regarding the fencing it was discussed a six (6) foot fence would surround the east side (number seven (7) in packet). The applicant also provided a parking lot layout to the planner. Planner Atkin then went on saying that deliveries will be done as stated by the applicant in the July 12, 2018 meeting by trailer, the parking lot to be hard surfaced and a maximum of twenty (20) animal's onsite. Commissioner Rush stated the motion should also include daily removal of waste from the dumpster. Chairperson Stalmack read the list of recommendations from the Carlisle Wortman packet on page six (6) to the residents, so they could be advised. Commissioner Oddy agreed with Commissioner Rush about the daily removal of waste from the dumpster to help with the odor. Commissioner Oddy then reaffirmed that the fence should be six (6) feet height to enclose the livestock. Commissioner Oddy then stated additional recommendations; number ten (10) stay in consist communication with the Township planner and number eleven (11) a maximum of

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twenty (20) animals allowed. Commissioner Clark said you can't define the number of animals without placing them into categories. Attorney Young then emphasized that the method of delivery would be a trailer. Commissioner Clark stated you can't put a restriction on a method of delivery to those who want to bring animals to the slaughterhouse themselves. Attorney Young then clarified he wasn't restricting the individuals (customers) bringing the animals to the slaughterhouse, this was what the applicant had stated in the July 12, 2018 meeting would be his method of delivery. Attorney Young stated the dumpster is to be removed daily only if the applicant had business that day, to help with odor.

Motion by Rush, supported by Pokerwinski to approve the special land use and site plan review with the items discussed in the July 12, 2018 public hearing meeting, the recommendation from page six (6) items one (1) through nine (9) of the Carlisle Wortman packet, and items discussed during the August 21, 2018 Planning Commission Special meeting. Motion carried.

6. New Business:

A. Special Land Use extension for 20060 Haggerty Rd. Wireless Communication Tower.

Planner Atkin explained back in 2017 a special land use came in front of the commission for a wireless tower. Planner Atkins then went on to explain the applicants have been doing there due diligence but have been met by some road blocks with Wayne County. Wayne County is requesting the applicant put in detention basins around the cell tower. The applicant had expressed to Planner Atkin that with all the setbacks from Wayne County he doesn't believe the work will be done within the year. Planner Atkin stated the applicant is requesting a one (1) year extension. Commission Rush expressed his thoughts that is would be a great idea for the Township to request the extension.

Motion by Rush, supported by Clark to extent a one (1) year extension from the original date of expiration for the Wireless Communication Tower at 20060 Haggerty Rd. Motion carried.

7. Open Floor:

Denise Adkins of 48631 Sully Dr. wanted to know if the Township is going to stop the wind. Ms. Adkins then stated she had stopped by the Township to review the list of residents notified of the public hearing and stated it was DTE, DeBucks and Auto Insurance Auction. Planner Atkin stated according to the Zoning Enabling Act, the Township is only required to notify residents within the three hundred (300) feet of the property line. Planner Atkin explained a notice was published in the local paper, not only once but twice due to an error in the first publication. A resident then voiced that he was worried about his property value. Planner Atkin read the notification dates of each Public Hearing notice; the first publication was posted in the May 24th edition then the second publication was posted on June 14th edition of the *Belleville Independent*. Another resident then stated the publication didn't state the address of the slaughterhouse. Planner Atkin read the publication to the audience members to affirm that the address was provided in the notice. Ms.

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Adkins stated the residents aren't happy and she has circulated a petition. Ms. Adkins expressed her opinion by stating she felt the Township was trying to slide this through. Attorney Young then proceeded to explain the process the Township is required to take by law for a special land use. Once the applicant files his/her paperwork, residents within three (300) hundred feet are notified. Attorney Young stated this isn't a Township rule it's a State of Michigan law all communities are required to send out notification and publish in the newspaper. No public hearing can just slide through without following these steps, which then is preceded with a public hearing meeting. Attorney Young then stated according to the zoning ordinance slaughterhouses are a permitted use in the General Industrial (GI). That is why a public hearing was conducted on July 12, 2018 for the conditional use. Attorney Young then stated this meeting was for the Planning Commission to incorporate the items discussed in today's meeting so they can bring a motion in front of the Board. Legally the Township can't deny the request but can make the applicant abide by the condition set forth by the Planning Commission because it's a permitted use.

Alfred Dinglie of 17500 Lohr Rd. wanted to know how the property was purchased. Did the applicant purchase the property with the intent of putting a slaughterhouse on the property? Was the Township aware of the purchase before the notification was sent out? The applicant stated it was purchase through an agent and his original intent wasn't for a slaughterhouse. Mr. Dinglie stated east of the property is all residential, what about odor control? Commissioner Clark stated there are horses down the road, there is a smell coming from there. Attorney Young stated odor from the operation will be addressed by the Township ordinance officer. Commissioner Sherwood stated this isn't in my backyard but it is in my front yard (1 mile). Commissioner Sherwood explained when she attended the July 12, 2018 meeting, she had all intensions to vote no that evening. During that meeting the applicant convinced her he seems to want to follow all the rules. Commissioner Oddy explained that the Township doesn't get involved in the purchase of private property.

Norman DeBuck of 13003 Edgedale St. stated he was one of the residents who received the notice. Mr. DeBuck stated he was happy to know the dumpster was going to be picked up daily, to help with odor. Mr. DeBuck would like to know if they applicants are going to use heavy duty fencing for their livestock. He runs the sod farm next to the slaughterhouse and doesn't want his turf to get ruined. What will happen if the applicants don't comply with the conditions? Attorney Young explained the special land use will be revoked and ordered to shut down operations. If the applicant doesn't comply with the shutdown order then the Township will bring it in front of the judge. Who may or may not order the shutdown.

Jay Bardell of 22161 Elwell Rd. offered a suggestion to the applicant to help control the odor is to use lime. Mr. Bardell asked how many chickens would be a good number for the applicants to process. Mr. Bardell welcomed the slaughterhouse to the community because there isn't anything close to this area. Mr. Bardell stated the animals have to be processed somewhere.

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Mark Turner of 49217 Bemis Rd. stated this was the first time hearing about the public notice. Can you read the *Independent* online? Mr. Turner stated he doesn't read the newspaper.

Roy Martin lived in Augusta Twp. off Rawsonville Rd. in the manufactured home community and stated he had notified the management office of the community. Mr. Martin wanted to know does it matter who complains about the property. Do they need to be a resident? Attorney Young states it doesn't matter who complains about the smell.

Richard Cronk of 48617 Sully Rd. stated his lives next the house with the horse and he doesn't smell anything. Mr. Cronk expressed his concern about selling his house in the future and the value of the house. Mr. Cronk stated he was worried about the odor; the wind comes from the east pushing the horse smell away. Mr. Cronk didn't think it was right for Commissioner Clark to bring up the horse farm from the down the road.

Norman DeBuck of 13003 Edgedale St. explained Michigan has a "Right to Farm Act" where there will be odors present; people need to tolerant and be reasonable concerning the smells.

Jay Bardell of 22161 Elwell Rd. stated there are dead animals on the side of the road causing smells. The applicants are going to be removing the dumpster daily.

Denise Adkins of 48631 Sully Dr. asked where you can get a copy of the rules and regulation. Commissioner Oddy stated as soon as it's certified by the Board you can obtain a copy in the Clerk's office. Ms. Adkins wanted to know when they bring in a cow will it be killed that day or how long can it stay on the property.

8. Adjournment: Motion by Rush, supported by Clark to adjourn at 6:48 p.m. Motion carried.

Minutes prepared by,
Dawn Hadyniak
Deputy Clerk
Sumpter Township