

WORTH TOWNSHIP PLANNING COMMISSION MINUTES

WEDNESDAY, JANUARY 5, 2022

6903 LAKESHORE ROAD, LEXINGTON, MI 48450

MEETING CALL TO ORDER: Chairman Lessard called meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Stan Lessard, Byron Wilson, John Cuppen, Boni Lillibridge, Tom Gilbert

APPROVAL OF AGENDA: Agenda amended to include selection of new officers for 2022.

APPROVAL OF MINUTES: Motion by Mr. Wilson, supported by Mr. Cuppen to approve December 1, 2021, minutes. Motion carried.

ANNOUNCEMENTS AND CORRESPONDENCE: Letter from Megan Leyva Kelly thanking Planning Commission for amending the minutes from the Oct. 6, 2021, meeting. Three letters received concerning the proposed Re-zoning at 8058 Lakeshore Rd. that will be read during the public hearing.

PUBLIC COMMENTS (AGENDA ITEMS ONLY): Comments from Terry Baxter, 8076 Lakeshore Road, Lexington, MI 48450. Mr. Baxter stated his concerns regarding the proposed re-zoning due to noise, dangerous curve, accidents, lack of road space for drivers entering M-25.

ZONING/OEO REPORTS: Mr. Yatros will give a full report at February's meeting.

TRUSTEE REPORTS: Mr. Wilson stated that from last months discussion concerning roadside memorials, he had contacted Sanilac Road Commission and they do not have a policy concerning the memorials.

SITE PLANS/PUBLIC HEARING: Re-zoning from agricultural to commercial.

Larry Holman(owner); 8058 Lakeshore Rd. Parcel ID # 261-030-100-200-00.

Legal Description: T9N R17E SEC 30 COM AT N ¼ POST SEC 30, TH E 660 FT ALONG N LINE SD SEC, TH S 1D 20M E 500.29 FT TO POB, 51D 02M 30S E

108.82 FT ALONG WLY LINE HWY US-25, TH 138.76 FT ALONG ARC OF A CURVE TO RIGHT, ALONG WLY LINE HWY US-25 RADIUS 1860.10 FT WHOSE LONG CHORD BEARS S 48D 54M 17S E138.72 FT, TH S 89D 45M 03S W 185.43 FT, TH N 1D 20M 160.45 FT TO POB ALSO COM AT N ¼ POST SD SEC 30, TH E 660FT ALONG N LINE OF SD SEC 30, TH S 1D 20M E 660.74 FT TO POB, TH N89D 45M 03S E 185.43 FT TO WLY LINE OF HWY US-25 100 FT WIDE TH 20 FT ALONG ARCOF A CURVE TO THE RIGHT ALONG WLY LINE HWY M-25 RADIUS 1860.10 FT WHOSE LONG CHORD BEARS S 43D 15S E 199.91 FT, TH S 89D 45M 03S W 320.13 FT, TH N 1D 20M W 145.18 FT TO POB.

Secretary Lillibridge stated that the Notice of Public Hearing was published in the Jeffersonian on December 10 & 17, 2021 and the Sanilac County News on December 15 & 22, 2021. Lillibridge stated that 7 property owners were notified on December 15, 2021.

Chairman Lessard stated that we are talking about rezoning from agricultural to commercial at 8058 Lakeshore Road. This property is about one acre, and it has one building on it. How does it separate without a house on it? I thought we had to have houses wherever buildings were?

Mr. Yatros answered that doesn't include agricultural.

Chairman Lessard stated that we have a 1.1-acre property with a building on it and it is on a terrible corner which would probably be up to the State or the County; I'm not sure which one approves driveways.

Mr. Yatros stated that the coming in and out but even if it wasn't commercial; say a small farm; there will still be people coming in and out of a small driveway. Those are five hidden driveways. It should be posted.

Mr. Gilbert stated that he has checked on why there is not signs along there concerning hidden driveways. He stated that he had made a call to Rob Falls and asked why there are not "Hidden Driveway" signs. Mr. Falls asked if you could put them on Michigan highways. Mr. Gilbert said that he sees the "Hidden Driveway" signs all over the highways going up north and he doesn't understand why that hasn't been done in this area. Mr. Falls estimated that a sign of that nature would be roughly \$100.00 each. So, if you put one North bound and one South bound, you have \$200.00. That would help with that corner, I know that it is a dangerous corner. I've been up here 26 years and there are accidents all the time there. In my

opinion, that is more due to the lack of attention by the county road commission. As far as it being a dangerous corner; yes, it is; but my opinion being where it is; I don't remember if it is the county or the state that Rob told me today; about the driveway size. They dictate the size of the driveway. Other than that, a truck going in at night, the afternoon or in the morning is pretty light traffic compared to what it could be if that was a farm or something like that. I've been over there, and I have looked at it. I would like to see that trees cut back to the fences, that would give a better clear view. That particular driveway is more on the straightaway than any of the others. Those are more hidden than this particular piece. I don't understand why we would not go ahead and allow this. It is butted up next to the sub-station. I know that it is zoned agricultural. I don't understand how the sub-station is zoned agricultural. Mr. Kovak's church is right there and the other part of that is already commercial. It's not like it would be and unusual spot. If we are concerned about anything to do with the permitted used for a commercial piece, that piece is not big enough for a lot of the permitted used for a commercial piece of property.

Mr. Wilson asked if the owner of the property is here and what is his name?

Mr. Holman stated that his name is Larry Holman, 2956 Elmwood, Ft. Gratiot, MI. The people that go in and out of there, there are days that we don't go in and out of there. There are days that we do but you have to keep one thing in mind. Everybody that is going in and out of there are CDL drivers and that does mean a lot. That's why the state requires you to have a CDL, to drive a rig like that. I've driven a rig like that for 50 years and never had a ticket or an accident. They are talented guys. You can't put a dummy in a big truck. As far as the signs go, we are willing to pay for that. It's a good idea to do that for the whole community.

Mr. Gilbert said that it would be the township that would pay for the signs. I was told by Mr. Falls to write a request for those signs, send them to the county and they would send them to the state. Mr. Falls said that he is not sure because they have never done them down here, but he would go to the state as far as putting those signs up. It would be state mandated. The township would have to pay for it or if Mr. Holman is willing to pay for it, I believe that would be ok. It would be a billing to the township and then the township would bill it to him.

Mr. Lessard asked why don't they just reduce the speed limit?

Mr. Gilbert said that is it a state highway and the county can't do it and the township can't do it.

Mr. Lessard stated he thinks that which ever way this meeting goes that we should still request signs for “Hidden driveways.” I know there have been a lot of accidents there.

Mr. Cuppen stated he has seen all of the skid marks from people trying to stop.

Mr. Gilbert said that it is not due to one truck going in or one truck going out. Those accidents are there all of the time and I agree that it is a dangerous corner but that is because of the idiots driving.

Mr. Holman stated that his property is about 600 feet South of Galbraith Line Road. We not by the corner. We are quite a ways down. There is the Flea Market, the Church, the Edison sub-station, then us.

Mr. Wilson asked what kind of business is it that needs/requires a commercial zoning?

Mr. Yatros stated that the property is now in an agricultural zone and with trucks, storage, and equipment and that is not allowed in agricultural for storage. The only place that outdoor storage is allowed is commercial zoning.

Mr. Holman stated that he wants the building mostly for minimal outdoor storage. The building would be used to work on his trucks, paint them, and repair them in the winter. The property would be used as a “switch yard.” He said that he has a yard in Warren and would like another one here.

Mr. Lessard asked if there would be a fence around the property.

Mr. Holman said there is not a fence, but he had everything cut down in the front.

Mr. Gilbert said so there is more of a clear view when you come out onto M-25. Ther were a bunch of trees there from the Edison sub-station going South and was a fence that’s there. It’s just a four-foot-tall fence but that is there out to M-25 and if they cleaned all of that up, that gave way more clear view than there has ever been.

Mr. Yatros stated that in zoning, when you go from agriculture to commercial there is a requirement to put a fence up on all four corners. We will still have to approach the State on the egress and ingress to see if they want to change it. Anytime we do anything along M-25, we are mandated to let the State know.

Mr. Holman stated that he would be willing to spend the money to put in an ingress lane.

Chairman Lessard asked Mr. Yatros if the Planning Commission should wait until MDOT approves adding egress and ingress lanes. At the risk of changing a property to commercial before it's approved for a driveway.

Mr. Gilbert said that you can put a contingent on that. You can put it that if you were to do that it is contingent upon getting the ok from the State of Michigan for the ingress/egress.

Chairman Lessard said I don't know if we can put stipulations on something once, we approve it.

Mr. Gilbert stated that yes, we can.

Chairman Lessard said that I know we can on a variance but I'm not sure we can on a re-zoning.

Mr. Yatros said that people who change to commercial have to give you their restrictions and conditions, not the other way around.

Chairman Lessard said that they have to tell us, we can't tell them.

Mr. Gilbert stated that Mr. Holman has just done that, he gave us the condition that you wanted to hear.

Chairman Lessard asked Mr. Holman that would cooperate with whatever the State told you to do.

Mr. Holman answered, 100%.

Mr. Cuppen said that Mr. Holman would still need time to put in the deceleration lane.

Mr. Yatros said that it is still one of the things that they have to approve it. Everybody knows that we have a lot of non-compliant properties along M-25 where cars have to back out into the road.

Mr. Cuppen stated that if Mr. Holman is still willing to do that, it's a ton of money.

Mr. Yatros said that we need to solidify it.

Chairman Lessard asked Mr. Holman if he would have a problem if the State required him to put in a deceleration lane.

Mr. Holman said that would not be a problem at all. I know that it is \$25-\$35 grand. Not a problem.

Mr. Gilbert stated that he was at the property and had Dave start the truck. He stated that the truck was not as loud as his diesel and mine is only a ¾ ton pickup. You may have other equipment come in that is louder for a minute or two but the truck itself was not that loud.

Mr. Yatros said that he thinks we need to get a little harder on the fact that Mr. Holman needs to agree concerning the noise time and the non-noise time. We have an ordinance that says 7 a.m. to 11 p.m. you can make noise. After 11 p.m., we have to shut down. That's our ordinance. He's got to adhere to it. He can't come in at 5 a.m. and start making a lot of noise.

Chairman Lessard said that he thinks that would be a fair request.

Mr. Holman said that he would not have a problem with that unless it was an emergency job. That has happened to me once or twice a year at best.

Mr. Baxter commented that the trucks are quiet. It's the shaking of the ground when they are pulling up to 40 tons and sometimes there are boulders in the back of the dump truck, and they are pulling an excavator. They can only pull out onto M-25 at 2 to 5 miles per hour. And it's shaking in first gear and shaking the ground.

Mr. Holman's driver said that his trucks are only plated for 54,000 pounds. There is no way that I can take and pull 40 tons. It's kind of hard for me to be banging tailgates when I have barn doors on the back end. I never pull boulders in there. The only thing that place has been used for since we started; we have a machine down in Detroit. I work, I drive truck plus I wrench out a machine. If I've got to wrench out a machine; the yard that we have down in Detroit is wide open. If I open up a machine, I don't want it to fill up with rain or snow. I'll bring it, put it in the shop, work on it. If I don't get it done that day, I don't have to worry about it getting in the weather.

Steve Kovaks, 8414 St. Clair Rd commented that he owns the property adjacent to Mr. Holman. I know Larry to be an honest, hard-working businessman and everything that he does is first rate. I just wanted to say that I have no objections as the immediate adjacent property owner to that being used for what he wants to use it for. I also want to point out that I have been good neighbors with Terry (Baxter) and the Fritz family for 60 years. I go back to the day when Marlin Fritz operated a small engine repair. He was real good at it and he had all kinds of business going in and out, right at that curve. He worked out of his garage, and I don't recall an

incident caused by people pulling in or out. A lot of trouble on that road is people flying by trying to pass, impatience. So, I support what he is trying to do.

Chairman Lessard asked for the letters from property owners to be read into the record.

Mr. Gilbert brought a Point of Order to one of the correspondence letters.

Chairman Lessard said that when that letter comes up, we will consider it then.

Ms. Lillibridge read the letter from Terry Baxter, 8076 Lakeshore Rd, Marlene Bezrutezyk, 8058 Lakeshore. The third letter is from Walt Badgerow.

Mr. Gilbert called for Point of Order. Mr. Gilbert stated that as our Township Supervisor, I think this is a conflict of interest. Other than myself; any member on this board; if this particular person did not like the way that any of you voted, he could have you dismissed from the Board. On top of the fact that there is a financial aspect to this, whether his property value goes up or down because he is so close to this. It's a financial conflict of interest as well. I don't believe that it should be read into the record.

Chairman Lessard stated that as the Chairman he disagreed with that. Mr. Badgerow has the same rights as anyone else does. He is a citizen before he is a supervisor.

Mr. Gilbert stated that through our Township books, it is spelled out as Conflict of Interest in those two particular terms. It's in the guides that are given to us as elected officials and through the MTA and there are court cases that they reference in here.

Chairman Lessard stated that he does not feel intimidated by Walt.

Mr. Gilbert said that he understands that, and he doesn't think that anyone on the board does. According to the way the MTA and court cases have been put before the state in the past, it is considered a conflict of interest.

Chairman Lessard stated that Mr. Badgerow is not making the decision here, we are.

Mr. Wilson stated that he believes that Mr. Badgerow is not writing this letter as a Supervisor of this Township. He is writing this as a citizen that lives next to it.

Chairman Lessard agreed with Mr. Wilson. He also stated that he doesn't believe that you should lose your rights as a citizen because you are in public office.

Mr. Gilbert stated that we notify people within 300 feet of the existing property. That is the radius that is considered. With that being said, Mr. Badgerow is further than that.

Chairman Lessard stated that Mr. Badgerow's property is also one of the five hidden driveways that we are talking about. I think that everyone should give their opinion and then we will do our thing.

Ms. Lillibridge read the letter from Mr. Walt Badgerow.

Chairman Lessard closed the Public Hearing at 7:28 p.m.

Mr. Wilson stated that once this is zoned commercial, it stays commercial. So, ownership will change over the years. I really encourage business for this township and along the M-25 corridor but in my opinion, that is a very dangerous place. When Mr. Kovaks was talking about the business that used to be there many years ago, people don't drive like they used to, and we have the Grace trucks are way over 55 MPH. I've seen people passing in the turn lanes and going way over the speed limit. I can't support this zoning change.

Ms. Lillibridge commented that coming up here on Tuesday, a large Grace truck passed going south and I was heading north along M-25 just past Galbraith Line Rd. The truck was going well over the speed limit and when it passed me, the pressure between the truck and my car was so strong, it caused the hood on my car to pop up. My concern is that if those trucks are going that fast; right before Galbraith Line and if there was a vehicle turning in or pulling out; would they be able to stop in that amount of space? That would be my concern if they would be able to stop with a loaded truck and with the speed they are going, in that short distance.

Mr. Gilbert stated that is why he investigated the signage and why there are not signs there.

Ms. Lillibridge said that people don't pay attention to signs. They don't pay attention to speed limit signs. I haven't seen anyone on M-25 that is doing the speed limit.

Mr. Gilbert stated that it is a police problem.

Ms. Lillibridge agreed that is a police problem but is still a matter of fact. They are not paying attention to the speed limit signs so why do we think that they would pay attention to “Hidden Driveway” signs.

Mr. Gilbert stated that you can’t dictate people’s driving habits, but we are talking about somebody’s livelihood versus someone’s driving habits. I understand the safety aspect of it but that is not a concern that Mr. Holman should have because someone is not obeying the law. Even with the permitted uses that are already there, if we make this a commercial piece of property. I don’t understand why the Edison property is not commercial, I think the church should be commercial along with what is already commercial on the corner. That’s my personal opinion. I don’t think denying somebody their livelihood with a piece of property, they are not the ones that are being unsafe. I support changing.

Mr. Cuppen stated I am pro-business, pro-growth. I think that if they did put a deceleration lane in, you would find that it would be better for traffic in that area. I hate the part of re-zoning to commercial for what it might be in the future.

Motion made by B. Wilson to deny the request to change to re-zone from agriculture to commercial at 8058 Lakeshore Rd. Motion was seconded by B. Lillibridge. **Roll Call:** Cuppen-No, Gilbert-No, Lillibridge-Yes, Lessard-Yes, Wilson- Yes. **The request to change the zoning of the property from agricultural to commercial was denied. Motion Carried.**

Old Business

Short Term Rentals- Table Discussion until March 2022 meeting

New Business

- Wind and Solar energy- Discussion on going to Paris Township to find more information about alternative energy. Tom Gilbert will call MTA about Planning Commission going to other townships. Will it violate the Open Meetings Act if more than 2 members attend?

Election of Officers for 2022

- Chairman Lessard nominated Byron Wilson for Chairperson. Mr. Wilson accepted the nomination.
 - **Motion** to accept Byron Wilson as Chairperson. Roll Call- all in favor. Motion carried.

- Mr. Gilbert nominated Boni Lillibridge for Secretary. Ms. Lillibridge accepted the nomination. **Motion** to accept Boni Lillibridge as Secretary. Roll Call- All in favor. Motion carried.
- Mr. Wilson nominated Stan Lessard for Vice Chairperson. Mr. Lessard accepted the nomination. **Motion** to accept Stan Lessard as Vice Chairperson. Roll Call- All in favor. Motion carried.

Next meeting date: February 2, 2022

Motion to adjourn by Chairman Lessard. Motion Carried.

Meeting adjourned at 8:10 p.m.