

WINDSOR CHARTER TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING – December 10, 2014  
MEETING ROOM – 7:00 PM

Chairman Sandy Pray called the Public Hearing to order at 7:00 pm.

The Public Hearing is being held concerning the applications for a Rezoning and a Special Use Permit on properties located on Lansing Road and Billwood Hwy. (tax parcels: 080-009-200070-00, 080-009-200-075-00, 080-009-200-080-00, and 080-009-200-030-00).

**James Mullins, agent representing the applicant PBML Holdings, Inc.**, made an opening statement why his client is requesting the rezoning. Stating that one of the 4 properties is already zoned B-2; wishing to make all properties involved in the request consistent with each other; and stating that the reasoning behind the rezoning request was the ready access to both I96 and I-69 and the properties are located off of a divided highway, Lansing Road.

**Tom Buffington, 6830 Lansing Rd**, asked what was wrong with Don's Truck Stop.

**Josh Kirk, 8666 Billwood Hwy**, was concerned about the properties in question being wetlands, there is too much wildlife on these properties to disturb, deer come through these properties all the time. He stated his concern about the pollution impact and also the impact on housing values. Mr. Kirk also brought up the topic, is B-2 an appropriate zoning for the area and will the asphalt be able to accept the amount of vehicles being used.

**James Mullins, agent representing the applicant**, stated that his client is bringing two concerns before the Planning Commission and the first concern is the rezoning. He stated that the request of his client in location and size falls into the consistency of the Master Plan for the township. Properties in the area are zoned B-2 conforming to the design of the Comprehensive Plan for the township.

**James Myers, 6791 Lansing Rd**, asked about the intentional use of the property. **Jim Foulds, Planning Commission Consultant**, at the request of the Commissioners, summarized the 3 step process of a rezoning request.

- 1) Rezoning request is to permit Commercial Use, is this request compatible with the Master Plan? Yes.
- 2) The SUP request is to allow distribution of Compressed Natural Gas on site. Is this SUP request an appropriate use of properties in this zoning area? It is appropriate.
- 3) The final site plan documentation must be approved: by Eaton County Road Commission for traffic surveys, Environmental Agency for environmental impact, water run-off determined by the Eaton County Drain Commissioner. All conditions must be met before a final site plan approval.

**Josh Kirk, 8666 Billwood Hwy**, voiced his opinion that if the zoning was switched from agricultural to commercial it would open things up to an environmental impact. By agreeing to change to commercial we are potentially deciding the process now. The door will already be opened, if we open the door now then his concerns will be mute.

**Chairman Pray** tried to explain to the members of the audience that the first business item was to look at the rezoning application.

**James Meyers, 6791 Lansing Rd,** confirmed that 3 of the 4 parcels were agricultural while the 4<sup>th</sup> parcel was B-2.

Chairman Pray opened the Special Use Permit Public Hearing at 7:28 pm.

**James Mullins, agent representing PBML Holdings, Inc.** explained that his client was requesting a SUP for the distribution of Compressed Natural Gas. The property would be used as a CNG fueling station. CNG is a cleaner fuel, NG is being pushed by state and federal governments and environmentalists to replace diesel fuel. NG can be burned without any treatment, most Environmentalists embrace the use of NG, and both economic and environmental reasons are behind the push for NG. It is being mandated that trucks be fueled with NG, NG is a bi-product of removing oil from the ground. CNG fueling station will look like a normal gas station. NG is stored above ground but there will only be small storage tanks on the location just to provide enough natural gas to get the compressors up and running. The main source of the natural gas will be provided by the pipeline that runs in front of property controlled by Consumers Energy. The compressors will pull some electricity but nothing to effect the surrounding public. There will be nothing on site to “spill”, the fueling station will be unmanned and operating 24/7, with cameras used and any unusual conditions that arise the system will shut down automatically. The applicant will be following all CNG codes. This fueling station is the first in the Lansing area, with 1500 nationally and this number is expected to grow by 10 fold. CNG is the fuel of the future, replacing diesel. The majority of refuse and buses are currently using CNG, local and regional fleets are increasingly converting over to CNG, many household names, such as Swan, are converting their fleets to CNG.

**Tom Buffington, 5830 Lansing Rd.** There will be more truck traffic, correct? Since Don’s closed the truck traffic is lighter.

Jim Foulds, Planning Commission Consultant, Would like to address the question of a convenience store on the property.

James Mullins: There is empty space on the property which plans have not been finalized on how it should be used; maybe storage issues, water issues, this use of this space is yet to be determined.

**Bergamini, PC Commissioner;** the benefit of the people are factors taken under consideration by the Planning Commission, also if the SUP falls into the zoning Comprehensive Plan. 1) Under a B-2 zoning is the proposed use of the property harmonious to the Comprehensive Plan, this SUP is positive.

2) A SUP should not change essential use in immediate area, this SUP is not more intrusive.

3) This SUP is not hazardous to future or existing uses.

Conditions for the approval of this SUP must be vetted by the Emergency Services Department making sure that all the fire equipment has access to the site and all issues are covered by the Fire Chief. Bergamini felt the approval of SUPs should be a substantial improvement to the Neighborhood and community, that changes will be served by Public services and this will not create an unnecessary stress on public services.

**Jim Harness, Critical Infrastructure Protection Agency, MSP;** represents the SEOC (state emergency operation center) and they have safety concerns about above ground storage tanks.

**Jim Mullins;** There is very little NG stored on site, leaks dissipate upwards, the canopy over the

fueling station is designed not to gather gas, there are leak detection sensors inside the compressors, and you will hear or smell if there are any leaks. They add the component to the gas to give it the “rotten egg” smell.

**Bergamini, Planning Commissioner:** This station will not be manned but monitored electronically? Yes

**James Mullins:** The most noise will be from the vibration of the compressors and there are leak detectors inside the compressors.

**Bergamini, Planning Commissioner:** What if someone lights a cigarette?

**James Mullins:** Things are better contained at a CNG station than a gasoline/diesel station. The drivers have all gone through training, to obtain a card that entitles them to fuel at the fueling station they must have training and any flammable gas is vented up 10 ft. There is a seal that seals the nozzle to the vehicle plus a small vent hose. The gas can’t be ignited unless it meets the correct % of gas to air mixture. In the case of a “Perfect Storm” is the only reason Mr. Mullins would see there being an explosion.

**William Fabijancic, Jr. Emergency Services, WCT:** Using above ground storage tanks what is there in case of a blast?

**James Mullins:** I have never heard of one, the face of the tanks are steel ~~wall~~, these tanks will be situated where they will be safe, protected with a guard rail, and if they are hit it doesn’t typically result in a fire. The fueling station has over \$1 million invested in equipment so they will do their very utmost to protect their investment. Chairman Pray closed the Public Hearing at 8:12 pm.

Chairman Pray called the regular meeting of the Windsor Charter Township Planning Commission to order at 8:12 pm.

Present: Pray, Johnson, Blair, Bergamini, Rumsey, Burton.

Absent: Brija

Also Present: Jim Foulds, CPS; Marcie Dailey, Clerk

**Blair moved and Bergamini seconded to approve the agenda as amended, adding the McLean SUP under New Business. Passed: 6-0**

**Blair moved and Johnson seconded to approve the minutes of the previous meeting with corrections. Passed: 6-0.**

Hear Public Present on Agenda Items: None.

Reports:

Board of Trustees:

Blair reported that the Township Board had approved the township fees; the holidays that the township will observe during 2015; the meeting dates for 2015; ( November 4<sup>th</sup> will be the scheduled meeting for the Planning Commission due to Veteran’s Day falling on the 2<sup>nd</sup> Wednesday in November 2015); amendments to the 2015 budget was tabled until the 1<sup>st</sup> meeting

in January; Jerry Brija was appointed to the Board of Review (replacing Tony Piper as he was elected as a Trustee to the Township Board) and Jerry Brija, Sandy Pray and Richard Slee were appointed to a 2 year term on the Board of Review.

Board of Appeals: None.

Board of Review: Met on Tuesday, Dec. 9, 2014

Reports & Announcements: None

Unfinished Business:

MAGNA Company withdrew its application to purchase the property located on Lansing/Creyts Rd.

The sub-committee meeting for the Comprehensive Plan is set for January 7, 2015 at 7 pm at the meeting room at the Village of Dimondale.

The Windsor charter Township Planning Commission has reviewed the application to rezone 6867 Lansing Road, 6899 Lansing Road, 7188 Lansing Road and 8668 Billwood Highway from Agricultural District to the B-2 Commercial District, has conducted the required public hearing on December 10, 2014, analyzed and discussed the results of the public hearing and Zoning Ordinance regulations, reviewed the staff report presented by community Planning Services, and recommends that the above described addresses and associated legal descriptions be rezoned from Agricultural District to B-2 Commercial District based on compliance with the Comprehensive Plan, Zoning Ordinance requirements and sound land use planning principles.

**Bergamini moved to accept the application to rezone the parcels described in the rezoning application being that this rezoning is consistent with the Comprehensive Plan of the township; Burton seconded. Commission voted: 6-0. The rezoning request will be sent to the Township Board for final approval. Action taken on Wednesday, December 10, 2014.**

A discussion was held on the application for the SUP on properties located on Lansing Road and Billwood Hwy. The SUP permit recommendation is as follows:

Subject to the results of the public hearing that the Special Use Permit Application to develop and operate a compressed natural gas fueling station at 6867 Lansing Rd, 6899 Lansing Rd, 7188 Lansing Rd and 8668 Billwood Highway as described in the application materials be approved subject to the following conditions:

- 1) That the B-2 Commercial Rezoning be approved by the Board of Trustees which will permit Commercial land uses to take place on the site.
- 2) Submission and approval of a final site plan which meets the requirements of Section 6.8 of the Windsor Charter Township Zoning Ordinance for the construction and operation of a compressed natural gas fueling station on the parcels as describe in the application.

3) That the applicant meet all the requirements relating to traffic safety, public safety and required infrastructure as well as all conditions of final site plan approval by the Planning Commission.

**Bergamini moved to approve the Special Use Permit application subject to the following conditions being met; Johnson seconded.**

- 1) Eaton County Road Commission/MDOT: Will require driveway access approval and subject to final site plan review by the Planning Commission.
- 2) County Drain Commissioner: Will require review and approval of drainage plan during the final site plan phase of this process.
- 3) Building and Zoning Official: Will require approval of a Special Use Permit to authorize use and issue appropriate building permits.
- 4) Windsor Charter Township Emergency Services Department: Review to be completed when a site plan document is filed. Subject to the approval of the special use permit, the Emergency Services Department will perform appropriate reviews on the final site plan documents and may impose specific public safety requirements pertaining to the operation of the facility. A request made by Chief Miller to receive the final site plan a minimum of two weeks before going before the Planning Commission for final approval is included in these conditions.
- 5) Critical Infrastructure Protection Agency of the Michigan State Police: Receive a final site plan to review then send their remarks and recommendations to the Planning Commission for final approval.

**Vote was taken and passed: 6-0. SUP approved, with conditions, on December 10, 2014.**

Discussion was held about the McLean SUP permit and it was decided that Mr. Foulds, Chris Patterson (township attorney) and Supervisor Butler would meet to review the file on the McLean SUP and their findings would be presented to the Commission at the next meeting in January.

Hear Public Present on Any Subject: None.

With no further business **Johnson moved and Bergamini seconded to adjourn the meeting at 8:45 pm. Passed: 6-0.**

Marceal J. Dailey, Clerk  
Windsor Charter Township

