

1 WINDSOR CHARTER TOWNSHIP
2 PLANNING COMMISSION MEETING

3 August 4, 2005

4 DIMONDALE, MICHIGAN

5 7:00

6
7 Planning Commission Board Members present:

8 ARNOLDO MARTINEZ - Chair

9 RICK BORUCK - Vice Chair NO

10 DAN BLAIR - Secretary

11 DAVE KUBICEK - Board Member

12 FRAN JOHNSON - Board Member

13 SANDY PRAY - Board Member

14 MURRAY MARSH - Board Member

15
16 ALSO PRESENT:

17 VERN FOUNTAIN - Consultant NO

18 JIM FOULDS - Consultant

19 LINDA TOWSLEY - Clerk

20 J. RICHARD ROBINSON - Township Attorney

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August 4, 2005
Dimondale, Michigan
7:00 p.m.

THE CHAIR: The time is 7:04. Welcome to the Windsor Charter Township Special Planning Commission meeting of August 4, 2005.

The purpose of this meeting was for this body to make a recommendation, a reported recommendation to the board of trustees on the special use permit on the Michigan Horse Park.

Upon arrival to this meeting, I had some communications that I just came out of where I was informed that the applicant, Mr. Dorian Lange wishes to get a postponement on this matter. And I guess the first thing I want to know is where is Mr. Lange?

Would you speak to that issue?

MR. LANGE: Would you like me up there?

THE CHAIR: No, you can speak from there.

MR. LANGE: You have this piece of correspondence, I hope.

THE CHAIR: We've just received it.

MR. LANGE: We faxed it earlier today. And I will read it to you. It's addressed to Mr. Martinez. It says, "Dear Chairman Martinez, earlier

1 this week we received information through the
2 township office that outlined a new unresolved
3 concern regarding the above referenced special use
4 permit application. Given the short time since the
5 receipt of this information, I think we received it
6 Monday or Tuesday, we hereby request the Windsor
7 Charter Township Planning Commission postpone making
8 a decision on this application. We request a
9 postponement until such time as we are able to fully
10 investigate and address the new concern.

11 We fully realize the township ordinance
12 requires a decision regarding our application on this
13 date. However, in fairness to both the township and
14 ourselves, we believe this is the best response to
15 the latest concern. We apologize for the
16 inconvenience of the late notice but trust that you
17 would agree to our request."

18 And, as you know, prior to the last
19 planning commission meeting, we were asked to provide
20 numerous studies on noise, light, manure extraction,
21 engineering, water, sewer, and some other issues,
22 traffic study, that sort of thing, which we
23 completed. And it was presented at the last planning
24 commission meeting. And it was tabled for another 30
25 days until this day so the planning commission could

1 study the studies. Then we received this additional
2 information this week. And so we're asking for the
3 same courtesy, to be able to explore a new concern
4 and give you some more definitive answers.

5 THE CHAIR: Okay. A couple things. We'll
6 make your letter an official part of the record. The
7 transcriber will take notice of that.

8 Let me ask you a couple of questions about
9 your correspondence. Can you be more specific on
10 what you need to investigate, the concerns, et
11 cetera? I didn't see that any place in the
12 correspondence.

13 MR. LANGE: We're responding to a letter
14 from Jim Foulds, your township planner, about
15 ordinances that are in place for the special use
16 permit and trying to -- this is new information and
17 we don't have answers right now. I haven't seen, you
18 know, information that we can answer that properly.

19 And Mr. Foulds, I think, has provided you
20 with that letter previously, before we got it
21 anyways, and he can speak to that.

22 THE CHAIR: One other question, did you or
23 did you not have the occasion to discuss the same
24 concerns in a meeting on the 27th of July?

25 MR. LANGE: We did have a meeting with

1 Mr. Foulds and the township clerk, township
2 supervisor. And there was a whole host of all the
3 different studies that we had done was part of the
4 agenda, and the road system, that sort of thing was
5 brought up. We didn't have any definitive answers at
6 that point. And yesterday I think -- I haven't
7 received any information, information was forwarded
8 to -- I believe it was yesterday or today, forwarded
9 to the township attorney or the clerk's office or
10 whatever, from the Road Commissioners about the law,
11 itself. I haven't seen that myself. So I'm asking
12 for time to look at that. I understand it's 26 pages
13 and I haven't seen it.

14 THE CHAIR: And how long did you intend to
15 have it postponed for?

16 MR. LANGE: Until such time as we can
17 explore the issues and try to find an answer for you.

18 THE CHAIR: The problem I have, I'm going
19 to be honest with you, I think we have to schedule a
20 time for that. This could go on forever. You may or
21 may not find the answers. I think that with a
22 project of your magnitude you probably have
23 professional help that can help you find the answers
24 that you need to find. From the commission's
25 perspective, we have to arrive at some kind of

1 decision at some point.

2 MR. LANGE: I understand that. I guess
3 that would be fair for you.

4 THE CHAIR: It is not what is fair for the
5 commission. It's a fair amount of time for you to
6 find the answers to the questions that you have.
7 You're the one that knows what you need to find out.

8 MR. LANGE: Well, why don't we set the
9 September planning commission as the next time for
10 your regularly scheduled planning commission date,
11 giving us time to do our due diligence and explore
12 the issue that was brought to our attention this past
13 week.

14 THE CHAIR: And would you do the commission
15 one favor? As you proceed through that process, keep
16 us informed as best you can so that we don't deal
17 with something in the 11th hour kind of thing.

18 MR. LANGE: Absolutely.

19 THE CHAIR: Let me proceed to the agenda,
20 then I'll address the issue of the commissioners. Is
21 there anyone here that wishes to address the public
22 on any issue besides the horse park hearing?

23 None? We'll go on.

24 The next item is to approve the minutes of
25 the last meeting.

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Has everyone had time to review the minutes? Are there any additions or corrections?

Hearing none, the minutes stand approved as read.

Now, we'll go to unfinished business. This is what we were talking about before. And I did mean to get that issue real quick like, but because this happened rapidly, I haven't made a decision, as the chair, how to proceed in this matter. I still am not quite fully sure which direction to take it in.

I guess, at this point in time, we need to take the issue off the table so we can discuss it. And I need a motion to take it off the table since we tabled it at the last meeting.

Moved by Dave to untable. Seconded by Fran that we untable the Michigan Horse Park special use permit issue for discussion now.

All those in favor, signify by saying aye.

All those opposed, same.

Motion carries. The matter is now open for discussion. And, as put to me, anyone can jump in at any time you want to. We haven't made a decision. We can go in three directions, to approve the recommendations that would be submitted by our planning consultant, to not approve those

1 recommendations, or to address Mr. Lange's request
2 for a postponement on the issue. As you heard me ask
3 him the question, he wishes until the next commission
4 meeting of September. And that would allow him
5 sufficient time to find out the answer to the
6 questions that he needs to find out.

7 So I think those are the issues unless
8 anyone sees them any different. And what is your
9 pleasure?

10 MR. KUBICEK: I have a question. My
11 question is, we were supposed to render a decision
12 within the 60-day time frame from the first time of
13 the public hearing.

14 THE CHAIR: That is correct.

15 MR. KUBICEK: So, if it turns out we
16 postpone it again, what are the recommendations of
17 that?

18 THE CHAIR: My understanding of having a
19 brief discussion with our legal counsel seated to my
20 right, Mr. Robinson, is that the 60 days is a
21 requirement for the benefit of the developer and
22 doesn't really do anything for us from that
23 perspective, outside of setting a time when we have
24 to make a report and recommendation to the board of
25 trustees. What that would do to us by postponing, I

1 guess we have legal counsel. I can put that question
2 to Mr. Robinson.

3 MR. ROBINSON: My understanding, Mr. Lange,
4 is that you're waiving that 60 days?

5 MR. LANGE: Yes.

6 MR. ROBINSON: As I indicated to
7 Mr. Martinez when the question was first raised, that
8 provision is primarily for the benefit of the
9 applicant, whether it is Mr. Lange or someone else.
10 The idea is that someone who has come before the
11 commission or the township seeking a permit or
12 rezoning or some other matter, is entitled to have
13 that moved along in the process in an expeditious
14 fashion, as opposed to just sitting in limbo. That
15 provision is there really for the protection of the
16 applicant so the matter does move in an appropriate
17 way.

18 But, if the applicant waives that,
19 particularly if a reason is stated, I don't think the
20 60 days would apply to what the planning commission
21 ultimately does.

22 THE CHAIR: Thank you, Mr. Robinson.

23 I'll go back to the same point. Those are
24 our options. We can proceed with the meeting as we
25 had intended to do to approve or disapprove the

1 special use permit or we can grant Mr. Lange a
2 postponement until the September meeting.

3 MR. MARSH: I want to make the motion we
4 deny the special recommendation.

5 THE CHAIR: Mr. Marsh has made a motion we
6 deny the special use permit as per the recommendation
7 of the planners. Is there a second?

8 No second. The motion dies.

9 (Recess taken.)

10 THE CHAIR: Okay. Is everyone up here
11 clear as to where we are going to do this? We've got
12 a postponement by Mr. Lange. He's assured us he will
13 have everything, all his questions that he needs
14 answers, by that time, completed.

15 And the other thing I would ask Mr. Lange
16 is keep the commission apprised. If there is some
17 difficulties you have with an issue, get something to
18 us. I don't want, at the 11th hour, another
19 postponement. We probably won't give it to you.

20 Please, if you would, keep us apprised. Go
21 ahead.

22 MR. KUBICEK: Once again, I'll restate my
23 motion to accept the motion to postpone this until
24 the regular September meeting with the idea that we
25 would potentially have more information for the

1 planning commission upon which to make its decision.

2 UNIDENTIFIED BOARD MEMBER: I'll second.

3 THE CHAIR: I'd like to make a friendly
4 amendment to that, that we have all the information
5 that we need at the September meeting to make that
6 decision. Do I still have a second?

7 UNIDENTIFIED BOARD MEMBER: Still have a
8 second.

9 THE CHAIR: Everyone understands the
10 motion?

11 All those in favor, signify by saying aye.

12 All those opposed, same.

13 The date of the September meeting, I
14 believe, is September 14, correct?

15 Since that was the only issue that we had
16 on the agenda, I have a couple comments. I want to
17 take the chair's prerogative and address those.

18 I received a piece of correspondence dated
19 July 27, 2005, to the Michigan Horse Park and to Whom
20 It May Concern. Gilmore and Associates at
21 Construction Consultants. The reason I want
22 everybody to know about it is because this letter
23 makes the statement, "Please allow this letter to
24 serve as notification the consultant's relationship
25 between Gilmore and Associates, Limited Liability

1 Corporation, and the Michigan Horse Park has
2 terminated."

3 The reason that becomes an important issue,
4 if I remember when the park presentation was put on,
5 this was a gentleman that was a key figure and laid
6 out all the buildings that were going to be in the
7 horse park and all the activities.

8 I guess my question is, Mr. Lange, how is
9 that going to affect your special use permit?

10 MR. LANGE: It is not going to effect it,
11 whatsoever. Mr. Short had a four-month contract that
12 started, I believe, in March and ended in June 30th.
13 The contract was not renewed, but it is possible that
14 we may contact him, if need arises. But, obviously
15 from the previous planning commission meeting, we
16 were asked to go ahead and hire no less than seven
17 other consultants to do the noise, lighting, water,
18 sewer, manure, traffic, et cetera. It is
19 only feasible to have so many consultants on board to
20 design a race track when we have to do all these
21 studies subject to a special use permit. So we did
22 not renew that contract.

23 We certainly would like to approach
24 Mr. Short again. However, he is in Florida. There
25 are numerous horse consultants around the United

1 States. There's many in Michigan. This becomes,
2 more or less, a development project, real estate. It
3 is no different than building an automotive facility
4 at this point. So, you know, we would hire an
5 architect, engineering construction company, all
6 those sorts of things.

7 So that's, basically, the answer.

8 THE CHAIR: The reason I ask, I found the
9 timing a little funny coming into this meeting.

10 Thank you.

11 The last comment the chair would like to
12 make is, about a week ago, I received a document from
13 Albion College. As I perused the document, they have
14 a question that's from the equestrian director. They
15 have an outstanding facility that they started there
16 on 340 acres adjacent to the campus. And all of you
17 are welcome to call if you want to get the
18 gentlemen's name off here and his address.

19 As I peruse this, it is an outstanding
20 facility and that's the only reason I bring it to
21 your attention, because we are talking about horse
22 parks. Albion College was not aware we were
23 entertaining the possibility of maybe having a horse
24 park.

25 They sent me outstanding information. This

1 facility has every kind of horse activity that you
2 would ever want to encompass, minus a horse race. If
3 you are interested, just for your information. We
4 try to share as much information as we possibly can.

5 Since that was the only item on the agenda,
6 I will entertain a motion for adjournment.

7 MR. LANGE: Excuse me. What does that have
8 to do with my special request?

9 THE CHAIR: We're not going to have more
10 public comment. I didn't want to have any public
11 comment at all. In June we had public comment. And
12 the danger of talking to one individual out of the
13 audience, then you have to let everybody else talk.
14 I will use the chair's prerogative and not have any
15 more discussion from the audience. I merely brought
16 this as an information item that all my colleagues
17 received, the township received. And I think it was
18 nice of the gentleman to send, for whatever reason.
19 Okay.

20 As I started saying before, that being the
21 only item on the agenda, the chair will entertain a
22 motion to adjourn.

23 Moved by Dave. Seconded by Fran this
24 meeting be adjourned.

25 All those in favor, signify by saying aye.

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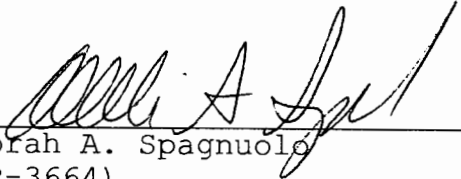
All those opposed, same.
The meeting is adjourned.
(Record closed.)

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
SS)
COUNTY OF CLINTON)

I hereby certify that on the date and at the place hereinbefore set forth, I reported stenographically the proceedings held in the matter hereinbefore set forth, and that the testimony so recorded was subsequently transcribed by me with the use of computer-aided transcription under my direction and supervision, and that the foregoing is a full, true and accurate transcript of my original stenotype notes.

DATED: 8-18-05


Deborah A. Spagnuolo
(CSR-3664)
Certified Shorthand Reporter

Notary Public:
County of Clinton
My Commission Expires:
September 30, 2006