

**KOCHVILLE TOWNSHIP PLANNING COMMISSION
MINUTES OF PUBLIC HEARING AND REGULAR MEETING
MAY 12, 2014 – APPROVED
PAGE 1 OF 5**

7:00 pm: opened with Pledge of Allegiance.

Roll Call: Present: Tony Leuenberger, Joanne Cammin, Ron Robishaw, Don Jackson, Rhonda Ferrell, and Chair Kiss. Absent, Excused: Russ Herlache.

Approval of minutes of regular meeting of April 14, 2014: Mr. Robishaw made a motion to approve the minutes of April 14, 2014. Mr. Jackson seconded the motion. Motion carried.

Approval of Agenda: Mr. Jackson made a motion to approve the agenda. Mr. Robishaw seconded the motion. Motion carried.

Public Hearing:

A: Request to rezone parcel # 18-13-4-22-3005-000, located on Pierce Road east of Mackinaw Road and west of Kraenzlein Road, from R1-A to R-2.

Sarah Traxler, McKenna Associates, presented her findings. The applicant is requesting a rezoning of parcel #18-13-4-22-3005-000 from R1-A, Low-density Transitional Residential to R-2, Medium Density Residential.

Considering rezoning we have to keep in mind what is allowed under the requested zoning designation in the zoning ordinance. The regulations within the Zoning Ordinance are designed to guide the use and development of the community's lands and natural resources, to protect the character of the community, lessen congestion on the streets and highways, form a stable guide for public action, conserve life, property and natural resources and adopt provisions for each designated zoning district which shall control the use of land and property, the use, size and location of buildings and the maximum number of families to be housed in buildings or structures. Ms. Traxler defined the differences between the R1-A and R-2 zoning districts.

The basic intent of the Zoning Ordinance is to provide regulations and restrictions on the use of land and structures for the purpose of promoting and protecting the public health, safety, and general welfare for the residents of Kochville Township.

The proposed R-2 rezoning could be generally compatible with the intent and purpose of the Zoning Ordinance if future development of the subject parcel were conducted in accordance with the dimensional and density requirements of the ordinance. However, the existing low density character of the subject and surrounding properties could be compromised if the land were developed at maximum density under the R-2 requirements. It would not negatively impact the Township's water infrastructure. However, other public services such as roads and emergency services could be negatively impacted if the land were developed at maximum density under the R-2 requirements. The proposed R-2 zoning district is not compatible with the Kochville Township Master Plan.

I recommend denying the request to rezone this parcel stated above for the following reasons:

1. Rezoning could result in a development of a density that would be out of character for the surrounding area.
2. The rezoning is inconsistent with the Township's 2011 Master Plan.

**KOCHVILLE TOWNSHIP PLANNING COMMISSION
MINUTES OF PUBLIC HEARING AND REGULAR MEETING
MAY 12, 2014 – APPROVED
PAGE 2 OF 5**

3. The requested rezoning could establish an inappropriate zoning precedent by the establishment of a “spot-zone.”

Mr. Rob Pieschke spoke on behalf of his father about the proposed request to rezone parcel # 18-13-4-22-3005-000. He stated his father invested money for Bay View Farms Condominiums and put utilities in the subdivision with hope in the future to develop more. He would like to recoup some of that cost that he invested in with future plans.

John Morey, owner of D&M Site, stated he was working with Mr. Pieschke to develop this site. There are 5 proposed lots divided with 66 feet in between the second and third lot. The first 2 lots would have 147.50 feet of frontage. The third lot is 185.54 feet, the fourth lot would be 183 feet, and the last lot would be 183.95 feet of frontage approximately 7 acres total.

Mr. Robshaw stated the minimum requirements of frontage are 150 feet without sanitary sewer and 100 feet with sanitary sewer. It doesn't conform to the 2011 Kochville Master Plan and Future Land Use Map. It would also fall into a spot zone. Mrs. Cammin commented on the discrepancy of the footage between the first 2 lots and the last three. Mr. Morey stated it was because he needed to keep the road lined up. Ms. Cammin also questioned sewer facilities. Mr. Pieschke stated sewer would require a pumping station.

Public Comment: no comments.

Close Public Hearing

Mr. Robshaw stated the minimum requirements of frontage are 150 feet without sanitary sewer and 100 feet with sanitary sewer. It doesn't conform to the 2011 Kochville Master Plan and Future Land Use Map. It would also fall into a spot zone. All the PC members agreed with Mr. Robshaw on his findings. Mr. Leuenberger stated he would like to see it remain single family residential. Chair Kiss said we have to keep in mind how the single family dwellings would be affected.

Mr. Jackson made a motion for section 21, parcel # 18-13-4-22-3005-000 to be rezoned from R1-A to R-2 and to be recommended for consideration of approval by the Township Board. Seconded by Mrs. Cammin.

Roll Call: Mr. Leuenberger – No; Mrs. Cammin – Yes; Mr. Robshaw – No; Mr. Jackson – No; Mrs. Ferrell – No; and Chair Kiss – No. Motion denied.

Public comment: Steve King, Kochville Township Manager, stated if anyone was interested in attending the MI Association of Planning conference on Mackinaw Island October 8th – 10th should contact Tony Dier no later than Memorial Day.

PA 33 Committees: no comments.

**KOCHVILLE TOWNSHIP PLANNING COMMISSION
MINUTES OF PUBLIC HEARING AND REGULAR MEETING
MAY 12, 2014 – APPROVED
PAGE 3 OF 5**

Report from Township Board Member: Rhonda Ferrell:

- An employment agreement with the Code Enforcement/Zoning Administrator Bruce Palmer was approved.
- The Board approved a request for the American Heart Association for a Benefit Walk at Krossroad's Park on May 3, 2014.
- Ordinance #14-04 was approved for #155.039 – Supplementary Use Regulations – Regulates Garage Sales with changes made by the Board which are 6 days total unless written permission received by the Code Enforcement/Zoning Administrator.
- Ordinance # 14-05 was approved for zoning ordinance #155.385 – Administration – Zoning Permits. Also adds section requiring zoning permits for residential improvements.
- Ordinance #14-06 was approved for zoning ordinance #155.385 – Administration – sub-section C. Certificates of Occupancy.
- Ordinance #14-07 was approved for zoning ordinance #155.232 – Uses permitted by special use permit which would add animal protection shelter as a special use in B-1 district.
- Resolution #14-014 was approved for the zoning permit application fee.
- The Board approved an Engagement Letter/Agreement with Attorney Floyd Kloc for Code Enforcement Legal Assistance.
- The Board approved a real estate purchase agreement for the VFW Post 9809 located at 3265 Kochville Road in the amount of \$150,000.
- The Board approved a real estate lease agreement with VFW Post 9809.
- Joel Kiss was appointed to the Planning Commission for a 3 year term through 5-14-2017.
- Mary Breeden was appointed to Parks & Recreation Committee for a 3 year term through 1-18-2017.
- Jon Howell was appointed to the DDA for a 4 year term through 3-31-2018.
- Gerald Stuart and Melvin Kuhl were both appointed to the Fire Board of Appeals through 5-1-2016 (2 year term).
- The Board approved a water rate commodity charge increase on 4-29-2014 from \$2.50 to \$4.95 per thousand gallons to begin with the meter reading on 5-1-2014, resolution #14-015.

Business Items:

A: Conditional rezoning application for 5200 Tittabawassee Road from (A-1 to B-1): Discussion only
Sarah Traxler, McKenna Associates, stated her findings on the proposed conditional rezoning application on 5200 Tittabawassee Road, the former Golf Mania. Through discussions with the applicant we found that the proposed use was actually not allowed in B-1. It would be a special use in M-1 zoning district.

**KOCHVILLE TOWNSHIP PLANNING COMMISSION
MINUTES OF PUBLIC HEARING AND REGULAR MEETING
MAY 12, 2014 – APPROVED
PAGE 4 OF 5**

The rehabilitation of persons with traumatic brain injury and drug and alcohol outpatient counseling would only be allowed in the M-1 zoning, with special land use approval. It is stated per section 155.277: “facilities for the developmentally disabled and physically handicapped, drug or alcoholic patients and correctional institutions.

- B-1: Commercial (Neighborhood Business) excludes incarceration facilities.
- A-1 zoning district is to “promote the maintenance of farm and open space areas, while at the same time providing for special uses of a non-farm nature to control the development of non-farm uses of land within areas of the Township devoted primarily to open space, woodlands and farmland.”

While the subject site has already been developed under A-1 provisions, the requested B-1 zoning district could potentially allow uses and a development product that is clearly incompatible with the A-1 zoning districts intent. The existing low density character of the subject and surrounding properties could be compromised if the land were developed at maximum density under the B-1 requirements. There is public water at the subject site, but no sanitary sewer. The B-1 zoning district is not compatible with the Kochville Township Master Plan, and if approved it would constitute a “spot-zone.”

This rezoning application is not complete and there is no public hearing scheduled at this time. The applicant’s submittal is missing a conditional rezoning plan and a conditional rezoning agreement. The applicant is proposing a specific use not permitted by right or special land use in the requested rezoning district and the application requirements of the Township’s conditional rezoning provisions have not been met.

Ms. Wilson, CEO of the Lighthouse, explained the history of her treatment center and the everyday functions. It will be a drug and alcohol rehabilitation center. Our goal is to conserve life. We hire a professional staff. It will be outpatient for the present time but in the future we would have inpatient with approximately 12 beds. It will be a 3 month treatment center in the future with church activities. It would invest millions of dollars in the community.

Pat Curtis, part owner of the existing Golf Mania, spoke on behalf of the Lighthouse Center. He stated it would bring jobs to many and Ms. Wilson runs a good program. It would be a plus in Kochville Township. Mr. Mike Allen, Attorney for Ms. Wilson, 4800 Fashion Square Blvd. spoke on behalf of the Lighthouse Center and their time restraints. John Morey, from D&M Site is responsible for surveying the property.

Mr. Jackson questioned the inpatient/outpatient status. He also stated that under 155.230 of the zoning ordinance it states that all new commercial development must have public water and sanitary sewer available and be connected to the services. Mrs. Ferrell questioned the type of patients that would reside there. It would be drug and alcohol patients only. Brain injury patients will be stationed in the Caro Center. She also felt it would be a health and safety issue for our residents because it is proposed in a residential area. Mrs. Cammin questioned how many beds. Mr. Leuenberger stated he felt Ms. Wilson has a lot of hurdles to jump for this to be compatible. Ms. Wilson started this process back in December.

**KOCHVILLE TOWNSHIP PLANNING COMMISSION
MINUTES OF PUBLIC HEARING AND REGULAR MEETING
MAY 12, 2014 – APPROVED
PAGE 5 OF 5**

Ms. Traxler stated these proposed zoning uses: B-1 and M-1 are not compatible with the Zoning Ordinance or the Master Plan. Also, the ordinance doesn't distinguish between inpatient and outpatient.

B: Master Plan discussion: Sarah Traxler, McKenna Associates, presented a large parcel map containing the study areas of the future master plan. There was discussion among the PC members about the boundaries of the sub areas. The sub areas were defined and in June we will discuss goals and objectives with development for the sub-areas plus tightening up existing conditions.

Other Business: Chair Kiss stated he received a training session in the mail for a state plane coordinate system workshop being held on Monday, June 23rd. If interested, please let him know.

Comments from Staff/Commission:

Mrs. Cammin stated she was confused on the roll call for the rezoning application. Mr. Jackson stated the motion always has to be in a positive mode, and he would like the PC members to revisit the M-1 zoning classification. Discussion continued. Mr. King, Township Manager, commended Ms. Traxler on a job well done tonight. He also discussed the conditional rezoning application for 5200 Tittabawassee Road. He stated that this building is so far removed from the business district and is not in the DDA area. Ms. Traxler, inquired about the training session at Rowe. Chair Kiss stated the training at Rowe was informational and a good review.

Next meeting will be Monday June 9th at 7pm

Adjournment: Mrs. Ferrell made a motion to adjourn. Seconded by Mr. Robishaw. Motion carried.

Respectfully submitted,

Rhonda Ferrell, Secretary