

DELHI CHARTER TOWNSHIP
PLANNING COMMISSION
JULY 14, 2008

MEMBERS PRESENT: Craig, Donaldson, Goodall, Grinnell, Hayhoe, Hettinger, O'Hara, Zeitlow
MEMBERS ABSENT: Leaf
STAFF PRESENT: Miller, Stepp

Chairperson Hettinger opened the meeting at 7:00 p.m.

Pledge of Allegiance

Amendments to Agenda: Chairperson Hettinger suggested moving agenda item 8 before item 6.
Donaldson Moved Grinnell supported.

MOTION CARRIED

Approval of June 23, 2008 Planning Commission Meeting Minutes

Donaldson moved Goodall supported to approve the June 23, 2008 meeting minutes as presented.

MOTION CARRIED

Public Comment (Non-Agenda Items): None

Rezoning No. 615, Case No. 08-855, 4136 & 4184 Willoughby Road (11-452-001, -004 & -005)

Ms. Miller addressed the Planning Commission (PC) and summarized some historical use of the subject properties. She also explained what current land uses may be instituted by right as well as by Special Use Permit within the current zoning district which is mostly IM, Industrial Manufacturing. Ms. Miller stated that the property owner has petitioned to have the properties rezoned to RM, Residential Multiple Family and she summarized the land uses that may be instituted by Right and by Special Use Permit within the requested zoning district. She explained that the site is a Brownfield site and that it also may serve as an aquifer recharge site due to the high concentration of sandy soils. Ms. Miller summarized the landscape buffer requirements that would be required considering adjacent land uses if the property was rezoned. She also indicated that due to the characteristics of the site it would be unlikely, although not impossible, for construction to occur on the east side of the lakes, further enhancing the buffer between Apple Grove and this property.

Master Plan (MP) language was addressed and discussed regarding RM developments and discussed the pattern of land use and transition in the area and on adjacent properties. There was discussion about available infrastructure including roads. Trustee Hayhoe clarified the uses that could currently be used without further Township approval.

Mr. Tim Hildebrandt, managing partner for Prairie Hills, represented the applicant. He addressed the PC and provided a presentation regarding future development plans for the site. The presentation included example building layouts and specific site characteristics.

Commissioner O'Hara inquired about the number of buildings that are being proposed. Mr. Hildebrandt explained the development typically begins with one building that is constructed so that additional wings may be added on at a later date. He also stated that there may be separate smaller buildings for memory care facilities and possibly an independent living buildings.

Commissioner Donaldson asked how many stories the buildings typically are as well as how many units are anticipated. Mr. Hildebrandt replied that not more than 3 stories would be built for the independent living buildings and all others will be single story structures. He explained that currently they do not have a unit number and due to the unique characteristics of the site such as the drain, wetlands as well as the soils it is a variable at this point. He stated that they understood the "by right" limitation to 6 units per acre and the requirement for obtaining a Special Use Permit for anything greater.

Opened the Public Hearing at 7:26 PM

Mr. Nick Johnson of 2575 Hummingbird Lane inquired how this development will affect the proposed trail. Ms. Miller replied that it is in the Non-Motorized Transportation Plan that the trail would be in this location and that it would be the Township's hope that the trail could be directly incorporated into this development if and when it occurs. The exact location will be determined once the site plan is developed and depending on the easements that will be given by the property owner.

Mr. Johnson asked if any consideration had been given to running the trail adjacent to the Railroad Tracks. Ms. Miller replied that this is considered a "last resort" and that a priority of our trail planning to date has been to find quality locations for the trail that will be attractive to users, enjoyable and safe. There is safety concern with having a non-motorized path running adjacent to a train.

Ms. Hazel Chase of 2520 Hummingbird Lane asked how the rezoning of this property effects future development if Prairie Hills does not build on this site. Ms. Miller replied that the rezoning is not tied to the Prairie Hills development proposal and that if Prairie Hills does not develop, the property would still be zoned RM. Ms. Chase asked who is responsible for payment of ambulance runs to the proposed assisted living community. Commissioner Grinnell explained that the person who calls the ambulance is billed and typically their insurance makes the payment. He stated that he believes that occasionally, if an individual does not have insurance, the Township will take on the cost.

Ms. Nancy Hands of 2525 Hummingbird asked for clarification that a road will not be constructed on the east side of the lakes. Ms. Hands also voiced her concern that the memory care facilities should be secure considering the water that is on site and the potential for risk to the residents of the facility. Mr. Hildebrandt replied that the memory care structures are fully secure. Ms. Hands wondered what the development and construction time line would be. Mr. Hildebrandt stated that next spring would possibly be the beginning of the project. He also explained that it is their full intention to provide the necessary easements and participate in development of the proposed trail.

Mr. Mark Cimmerer of 2585 Hummingbird Lane asked what type of development could be possible if Prairie Hills does not develop and it is rezoned. Ms. Miller explained what was allowed within the RM zoning district. Mr. Cimmerer inquired if development could realistically occur on the east side of the lakes and Ms. Miller replied that with the required landscape buffer there is not a high possibility that any site development would take place on the east side of the lake, but that she could not make a representation for certain one way or the other. Mr. Hildebrandt stated that Prairie Hills is not looking at that side of the lake for their project.

Mr. Frederick Sparrow of 2700 Maritime Drive, the Three Lakes Association President, inquired about the type of development that is being proposed on the north end of the site and also asked for clarification of the parcel lines through the lake. Mr. Hildebrandt replied that there will not be development right on the edge of the water and that the plan for the existing berm is still being discussed. He stated that their development would like to capture the natural features of the property and blend them into their proposed community.

Mr. Bill Braman of 2560 Hummingbird Drive asked if the density is determined based upon acreage. Ms. Miller confirmed that it was.

Mr. Don Garchow of 2545 Hummingbird Lane asked how Mr. Hildebrandt determined that Holt was the area they would prefer to develop in. He replied that through extensive research about Michigan Holt was selected based upon many things including demand. Mr. Garchow stated his concern that if Prairie Hills is not developed other types of multifamily complexes could possibly be constructed once this rezoning occurs. He highlighted that many of the existing apartments in the community are still vacant. He also expressed his concern about the nature of the property being disrupted.

Mr. Paul Zelenski of 2605 Hummingbird Lane wondered if there was a way to tie the zoning to the specific development being proposed rather than the property. Ms. Miller replied that the Michigan Zoning Enabling Act (MZZEA) has had recent changes which allow conditional zoning, however, the intent is most likely not to rezone a property for a specific development, but rather to rezone a property contingent upon specific objectives being achieved, like ensuring that a property would only have access from one street, or that a building would not exceed two stories or something similar to that. She stated that she could confirm this, however, through research and report back to the PC if so desired.

Ms. Nancy Hands of 2525 Hummingbird asked if it is possible to only rezone the west side of lake. Ms. Miller replied that it was possible, but clarified that the A-1 parcel is not the entire east side of the lake. It is only the small property to the south adjacent to Willoughby Road.

Mr. Fredrick Sparrow of 2700 Maritime Drive stated that perhaps through the conditional zoning the developer could stated that there will be no development on the east side of the lake. He expressed his concern as the Three Lakes Association President that the proposed development will benefit from the money their association spends on maintaining the lake and wondered how that matter can be addressed. Ms. Miller suggested that this would be appropriate issues to address if and when a Special Use Permit were ever sought for future development.

Mr. Nick Johnson of 2575 Hummingbird Lane inquired if the use could potentially be for a mobile home community and also asked if the residents that abut the east side of the property could have the opportunity to purchase the land behind them. Mr.

Hildebrandt stated that the possibility of the residents purchasing some land is definitely available and requested that anyone interested meet after the meeting. Ms. Miller stated that a mobile home park in the RM district would require a Special Use Permit.

Closed the Public Hearing at 8:16 PM

Donaldson moved, Goodall supported to recommend to the Township Board approval of Case 08-855 to rezone 37.21 acres at 4184 Willoughby Road (33-25-05-11-452-001 and 33-25-05-11-452-004) from, IM, Industrial Manufacturing to RM, Multiple Family and 1.34 acres at 4136 Willoughby Road (33-25-05-11-452-005) from A-1, Agricultural to RM, Multiple Family based on being consistent with purpose and intent of the Zoning Ordinance, being compatible with the existing and anticipated development in the area, pursuant to the Master Plan, and the other conditions presented in the staff report dated July 1, 2008.

Discussion

Commissioner Donaldson commented that it's hard to see any other zoning on this property working because of its specific characteristics. He stated that RM is a very appropriate zoning district for the property and that the other possible residential zoning districts may actually allow for a higher density of development. He reiterated that any development that would surpass the maximum 6 units per acre that are allowed by right would have to be approved by the PC and the public would have a chance to be involved then as well.

Commissioner Goodall stated that the development of this site, regardless of what type, is going to be a challenge and in his opinion a construction start date of next spring is extremely optimistic.

Commissioner O'Hara explained that these subject parcels were part of the discussion during the MP process and the unique characteristics of the site were all taken into consideration. He stated that the PC and staff knew this site would most likely need to be rezoned but instead of the Township initiating it, they wanted the owner and the market to drive the site's development.

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Hayhoe, Hettinger, O'Hara, Zietlow
Absent: Leaf
Nay: Grinnell

MOTION CARRIED

SUP No. 08-258 Request for Contractors Office, 1481 Onondaga Road (33-25-05-29-226-008)

Ms. Miller discussed the historical use of garages and pole buildings on otherwise vacant parcels throughout the Township. She summarized the conditions as outlined in the staff report. Ms. Miller informed the applicant of a lighting issue that Commissioner Donaldson had pointed out regarding a mercury vapor light.

The applicant, Mr. Kenneth Badgeley of 3024 Avalon Street, Lansing addressed the PC and stated that he would either remove the light or properly shield it.

Commissioner Craig inquired if this site will be utilized as an office and the applicant stated that he does have another office in Lansing as well.

There was general discussion regarding bathroom facilities. Ms Miller explained that obtaining this SUP is a step in the right direction towards compliance for this property and reiterated that these types of properties have historically been problematic from the standpoint of Ordinance enforcement. She stated that the applicant had done a lot of work over the past several weeks towards brining this property and land use in to conformance with the Ordinance and that she believes that his efforts demonstrate his intent to comply.

Hayhoe moved, Goodall supported to recommend to the Township Board approval of SUP 08-258 that would permit a contractor office at 1481 Onondaga Road (33-35-05-29-226-008) in the A-1 district with the listed conditions below pursuant to Section 5.21.4 (19). The Planning Commission has reviewed the "Basis for Determination for Granting a Special Use Permit" and has found that the general and specific standards outlined in Sections 8.1.3 have been satisfied and that those findings are accurately reflected and fully incorporated into this motion and the official meeting minutes and the document titled "Basis for Determination for SUP 08-258 Outdoor Storage" dated July 3, 2008 is hereby adopted.

- 1. All equipment shall be stored within a fully enclosed building.**

2. **Passenger vehicles (i.e. cars, vans, pick-up trucks) may be parked outside provided they are licensed and road worthy.**
3. **The site shall not be used to store concrete, asphalt, wood, metal or any other debris from any off site construction project.**
4. **The site shall be kept free of trash or debris.**
5. **The site shall not be used to store new construction materials except within a fully enclosed building.**
6. **A turf buffer at least 25' wide shall be maintained between the wetland (or future pond) and all activities associated with the approved contractor office.**
7. **Turf shall be established on all bare lawn areas no later than October 31, 2008**

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hayhoe, Hettinger, O'Hara, Zietlow
Absent: Leaf
Nay: None

MOTION CARRIED

Rezoning No. 614, Case No. 08-853, 2536 Jolly Road (33-25-05-02-126-005)

Ms. Miller provided some information regarding the parcel and described its location. She explained that the subject property is somewhat difficult to develop because of its size which was a result of McDonalds developing Lot 2 of the Five Oaks Subdivision and then doing a land division to create said property. Ultimately, she explained, the change in zoning allows for the side yard setback requirement to not hinder the construction of the building. Ms. Miller highlighted that the requested zoning district is consistent with the MP and Zoning Ordinance.

Mr. Jerry Bernath, representing the applicant, addressed the PC. Brief discussion arose regarding the site.

Opened Public Hearing at 9:01 PM

None

Closed Public Hearing at 9:02 PM

Goodall moved, Zietlow supported to recommend to the Township Board approval of Case 08-853 to rezone 0.64 acres at 2536 E. Jolly Road (33-25-05-02-126-005) from, C-3, Highway Service to C-2, General Business based on being consistent with purpose and intent of the Zoning Ordinance, being compatible with the existing and anticipated development in the area, pursuant to the Master Plan, and the other conditions presented in the staff report dated July 1, 2008.

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hayhoe, Hettinger, O'Hara, Zietlow
Absent: Leaf
Nay: None

MOTION CARRIED

Meeting Adjourned 9:15 PM

Respectfully Submitted,

Michael Goodall
Secretary