

**DELHI CHARTER TOWNSHIP
MINUTES OF THE PLANNING COMMISSION HELD ON APRIL 10, 2017**

The Delhi Charter Township Planning Commission held a regular meeting on Monday, April 10, 2017, in the Multipurpose Room at the Community Services Center, 2074 Aurelius Road, Holt, Michigan. Commissioner Lincoln called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members Present: Kimberly Berry-Smokoski, Rita Craig, Michael Goodall, Don Leaf, Ken O'Hara, Betsy Zietlow,

Members Absent: Tom Lenard, Matthew Lincoln, Tonia Olson

Others Present: Tracy Miller, Director of Community Development
Noelle Tobias, Building Secretary

AMENDMENTS TO THE AGENDA: None

APPROVAL OF THE FEBRUARY 27, 2017 PLANNING COMMISSION MINUTES

Zietlow moved and Goodall seconded to approve the February 27, 2017 meeting minutes.

A Voice Poll was recorded as follows: All Ayes

Absent: Tom Lenard, Matthew Lincoln, Tonia Olson

MOTION CARRIED

PUBLIC COMMENT (Non-Agenda Items):

None.

Public Hearing: Case #17-282, 2515 Eaton Rapids Road, Special Use Permit for Automobile and other outdoor vehicle display lots in the C-2: General Business Zoning District.

Ms. Miller stated that the applicant is requesting a Special Use Permit (SUP) for an outdoor vehicle display lot in the C-2 zoning district. Ms. Miller reviewed the staff report for the request. She noted that the subject property has an existing SUP for vehicle repair, which was issued in the early 1980's. The applicant has asked for that SUP to be transferred to him, which will be done. However, the applicant has stated that he does not intend do any vehicle repair currently.

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Ms. Miller explained that Mr. Hanks has made significant improvements to the site already. The applicant proposes to use the site for Holt Auto Sales, which was formerly located at the corner of Cedar and Aurelius. She stated that most people will remember the business because of the Corvette's and muscle cars that were displayed there. It was noted by the PC that the former Holt Auto Sales was a sort of "tourist attraction" and that people seemed to really enjoy seeing the vehicles.

Steve Hanks, the applicant, was present.

Public Hearing Opened at 6:47 PM

Public Hearing Closed at 6:47 PM

Zietlow moved, seconded by Goodall to recommend to the Township Board approval of SUP 17-282 that would permit an outdoor vehicle display lot at 2515 Eaton Rapids Road (33-35-05-07-351-008) in the C-2: General Business zoning district with the listed conditions below pursuant to Section 5.10.4(4). 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 17-282 Outdoor Vehicle Display Lot" dated March 31, 2017 is hereby adopted.

1. There shall be no outdoor storage or display of anything other than the automobiles that are for sale.
2. No wrecked, dismantled, or other derelict vehicle shall be permitted to be kept outside on the site.
3. There shall be no use of balloons, flags, banners, stickers or other type of advertising mechanism designed to draw a person's attention to the property other than those signs which specifically identify the business and are approved through the issuance of a sign permit in compliance with the provisions of Section 6.9 of the Zoning Ordinance, except that one window sign per vehicle, displaying only the year of the vehicle and/or the sales prices and not exceeding 12" x 12" in size shall be allowed.
4. All required landscape plantings and areas shall be cared for to ensure their health and attractive appearance. This shall include ensuring that the areas are free of weeds, that plant materials are healthy, that specimens are replaced within the next planting season when they are damaged or die and that there is appropriate mulch or ground cover.
5. Parking areas shall be well maintained at all times and be kept free of holes, mud, plant materials and dust and that parking occur in the spaces as outlined in an approved site plan. Only spaces shown on the site plan as being for the display of autos shall be used for such purpose.

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- 6. Outdoor lighting shall not cast light onto any adjacent property off-site.**
- 7. The parking area shall be landscaped in accordance with Section 6.10.1.7 of the Zoning Ordinance.**
- 8. Any intercom or public address system shall not be audible at any property line at any time.**

Discussion: None

A Roll Call Vote was recorded as follows:

Ayes: Berry-Smokoski, Craig, Goodall, O'Hara, Zietlow,
Nays: None
Abstain: None
Absent: Lenard, Lincoln, Olsen

MOTION CARRIED

Zoning Ordinance Discussion on Medical Marihuana

Ms. Miller spoke to the PC regarding the status of State Law regarding Medical Marihuana and the relationship to the ZO. There was consensus that the PC should consider amendments to the ZO that would align the terminology and regulation to the new legislation and ensure that, at least until the Department of Licensing and Regulatory Affairs had completed rule promulgation and there had been an opportunity to observe how other communicates in the State were addressing the new issues created by the new laws, that the current position of not permitting commercial medical marihuana operations should be continued. There was consensus that staff should work with the Township's legal counsel to develop proposed amendments to accomplish this, and that a public hearing should be scheduled on the amendments as soon as practical.

Zoning Ordinance Discussion on Signage

Ms. Miller discussed the Supreme Court decision (Reed v. Town of Gilbert, AZ) which has created the need to update sign ordinances across the country. The court ruled that sign ordinance language may no longer regulate signage based on its content and ordinances must be very carefully drafted to avoid doing so. Regulating based on content is a violation of the first amendment of the United States Constitution which guarantees freedom of speech. Delhi Township will need to amend some portions of its sign ordinance to ensure that regulation is not construed as being based on sign content. This matter will be coming to the PC soon.

GENERAL DISCUSSION AND UPDATES

There was general discussion regarding the Kazumi Steakhouse coming to the area and the gas station on Holt Road and Aurelius is likely to begin construction soon.

ADJOURNMENT

Meeting adjourned at approximately 7:19 p.m.

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Date: _____

Kimberly Berry-Smokoski, Secretary

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