

Leighton Township

Planning Commission

Minutes

Date: June 12, 2019, 7:00 PM at the Leighton Township Hall

Members Present: Scott Chestnut, Tom Smith, Louis Murray, Ben Potts, John Hooker, Matt VanderEide

Members Absent: Harry DeHaan (with notice)

Also Present: Heather Mitchell, Zoning Administrator; Andy Moore, Township Planner, and eight residents.

1. **Call to Order:** Chairman Scott Chestnut called the meeting to order at 7:00 PM in the Leighton Township Hall
2. **Minutes from May 8, 2019:** Accepted as submitted
3. **Public comments for items not on the agenda:** None
4. **Conflict of interest:** None
5. **Public Hearing:** Brian DeSmit, Rezoning of PPN 0313-006-019-00 from A-G to C-1.

Moore read the public hearing notice.

Blake Weaver, partner of the applicant DeSmit, was present and made a brief presentation regarding the request. He wants to rezone to Commercial so a commercial building may be constructed on the property. He said that surrounding properties are also planned and zoned commercial.

Moore reviewed a staff report evaluating the request against the rezoning standards found in Section 28.04 of the zoning ordinance.

Chairman Chestnut opened the public hearing.

Larry Schans, 1185 146th Avenue. He lives in the middle of the three parcels to the south. He also said he likely speaks for his neighbor, who lives to the east of him at 1179 146th. He said the applicant was doing work on the site a while back and he called Brian DeSmit, who said he was putting up an AG building. Larry said his initial impressions were not positive ones. The building was staked out only 50-60 feet from his home. Already had plans drawn up, and PCI had to tell them to stop, and that they were not respectful of the planning process. Wants some space between his home and the new building. Is concerned that the applicant is not respecting the Township's process for reviewing development.

Weaver responded that Schans is incorrect. The site was initially planned for an AG building, but they changed their mind. Stakes were placed there by the surveyor, not for the building. Schans said the people working on the site said the stakes were there for the building.

Weaver said they intend on fully complying with Township regulations, that's why they are here.

No other public comments were received, so Chairman Chestnut closed the public hearing.

Murray noted that there was no site plan. VanderEide asked what the general nature of the application would be. Weaver responded that there would be commercial suites, like bays, similar to some other developments in the township.

Hooker said he doesn't think this is an AG parcel. With proper planning and screening, concerns from property owners to the south could be addressed.

Potts asked when they could address neighbor concerns. Moore said it would be addressed during site plan review, as that would be required for anything that is built there.

Motion by Murray to recommend approval of the proposed rezoning to the Township Board. Supported by Smith. All six members voted yes via roll call vote.

6. Public Hearing: Special Land Use for Accessory Building for David and Betty Batchelor, 0313-180-012-00

Moore read the public hearing notice.

Dave Batchelor presented his plans. Dave Batchelor also owns 538 South Shore Drive, which backs up to the subject property. He is planning on demolishing both buildings on the property and will replace them with this storage building. Wants to build an outbuilding for personal storage. Not sure of how tall it would be

Moore summarized his report, reviewing the standards in the zoning ordinance for site plan review (section 15.06) and special land use approval (section 20.11).

Chestnut opened the public hearing.

Brian Wierenga 534 South Shore Drive, lives next to the applicant's house. Here in support of Dave's request. He has plenty of space. These types of buildings are common. No concerns.

No other public comments were received, so Chairman Chestnut closed the public hearing.

Moore noted that since this would be an accessory building on a lot with no principal building or use, the standards of 3.10 (F) apply. Most importantly, he noted that the lots would need to be combined or deed restricted so that one can't be sold without the other.

Murray noted that no commercial activities may occur and wanted to emphasize that. He agreed about the deed restrictions.

Motion by Murray to approve the proposed special land use with the following conditions:

- a. **Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.**
- b. **The applicant shall obtain all necessary county, state, or federal licenses and permits.**

- c. Any stipulations of the Leighton Township Fire Department, Township Engineer, and County Drain Commissioner shall be met.
- d. The applicant shall submit evidence to the Zoning Administrator that the building will meet the height requirements in accordance.
- e. The applicant shall submit proposed building materials for review and approval by the Zoning Administrator.
- f. The applicant shall comply with all provisions of Section 3.10 F of the zoning ordinance
- g. Building materials shall be compatible with the house.
- h. No commercial actives are permitted on the site; only personal storage.
- i. The parcels shall be combined, or deed restricted so that they cannot be sold separately.

Motion was supported by Potts. All members voted yes via roll call vote.

**7. Public Hearing: Special Land Use Accessory Building for Christopher VanHees
PPN 0313-028-005-50**

Moore read the public hearing notice.

Chris VanHees was present and gave a brief overview of the building. It would be used for storage of his own personal construction truck and equipment.

Moore summarized his report, reviewing the standards in the zoning ordinance for site plan review (section 15.06) and special land use approval (section 20.11).

Dan Buck 1659 Karen Drive in Dorr, owns the lot next to VanHees. Is concerned about large vehicles coming in to the property or any prefab construction. Worried about big trucks, and if that would affect the property value.

VanHees said it would only be normal construction equipment like his trailer, no large bulldozers or anything like that. It will be a 3600 square foot building. It will not be a commercial building; only his trailers and trucks in it. The building will look like the house, vinyl siding, shingled roof, etc.

VanderEide asked about side yard setbacks. Moore noted that they were met. VanderEide also asked about tree removal. VanHees responded that he will not be removing many trees; his goal is to preserve as many as possible.

Motion by Murray to approve the proposed special land use with the following conditions:

- a. Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.
- b. The applicant shall obtain all necessary county, state, or federal licenses and permits.
- c. Any stipulations of the Leighton Township Fire Department, Township Engineer, and County Drain Commissioner shall be met.
- d. The applicant shall identify the extent of tree removal and implement appropriate measures to minimize unnecessary tree removal during building construction.
- e. Any exterior lighting shall comply with Chapter 18 of the Zoning Ordinance.

f. **If any drainage is proposed in the building, the applicant shall submit a drainage plan for review and approval by the Zoning Administrator to ensure appropriate discharge into the soil, groundwater, or nearby drains.**

g. **No commercial activity is permitted in the accessory building**

Motion was supported by VanderEide. All members voted yes via roll call vote.

8. Correspondence: Chestnut noted correspondence from Planning and Zoning News. Chestnut also noted that there is an educational opportunity from MSU. These are online classes that take about 15 hours to complete. Office staff will assist in making arrangements for anyone who is interested.

9. Public Comments: None

10. Commissioner Comments: Chestnut asked about the Master Plan update. Moore responded that the survey notices will be going out soon, and the online survey will be open until the end of July. He anticipates having the plan mostly complete by the end of the year.

11. Adjournment: Motion by Hooker, supported by Smith, to adjourn. Motion was approved unanimously via voice vote.

Meeting was adjourned at 8:05 PM.

Respectfully submitted,

Andy Moore, AICP

Leighton Township Planner