



# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426 • Fax (517) 788-4635

## MEETING NOTICE

### FOR FURTHER INFORMATION CONTACT:

Grant E. Bauman, AICP  
R2PC Principal Planner  
(517) 768-6711  
[gbauman@co.jackson.mi.us](mailto:gbauman@co.jackson.mi.us)

DATE: July 13, 2017

TIME: 6:00 p.m.

PLACE: 5<sup>th</sup> Floor Commission Chambers  
Jackson County Tower Building  
120 W. Michigan Avenue  
Jackson, Michigan 49201

## MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [*3 MINUTE LIMIT*]
3. Approval of minutes  
Approval of the June 8, 2017, meeting minutes [*ACTION*] ..... 3
4. Approval of agenda  
Approval of the July 13, 2017, meeting agenda [*ACTION*]
5. Request(s) for review, comment, and recommendation
  - a. Consideration of township zoning amendment(s)
    - (1) CZ #17-18 – Blackman Township text amendment [*ACTION*]..... 5
    - (2) CZ #17-19 – Leoni Township rezoning [*ACTION*]..... 22
    - (3) CZ #17-20 – Blackman Township text amendment and rezoning [*ACTION*]..... 38
  - b. Consideration of master plan(s) – *None*
  - c. Farmland and Open Space Preservation Program (PA116) application(s) - *None*
6. Other business
  - a. Unfinished business - *None*
  - b. New business – *None*
7. Public comment [*2 MINUTE LIMIT*]
8. Commissioner comment
9. Adjournment

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120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## MEETING MINUTES

June 8, 2017

Jackson County Tower Building • Jackson, Michigan

**Members Present:** Timothy Burns, At Large; Roger Gaede, Environment; Nancy Hawley, At Large; Ted Hilleary, Education; and John Polaczyk, Jackson County Board of Commissioners

**Members Absent:** Jennifer Morris, At Large; Jared Vickers, At Large, Jim Videto, Agriculture; and Amy Torres, Industry and Economics

**Liaisons Present:** Grant Bauman, Principal Planner

**Others Present:** None

Item 1. **Call to Order and Pledge of Allegiance.** The meeting was called to order at 6:00 p.m. by staff. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2. **Election of an Acting Chair.** Due to the absence of its Chair and Secretary, the Commission needed to elect an Acting Chair for the meeting. A motion was made by Comm. Hilleary, and seconded by Comm. Hawley, to **elect** Comm. Polaczyk as the Acting Chair for the meeting. *The motion was approved unanimously.*

Item 2. **Public Comment.** There was no public comment.

Item 3. **Approval of Minutes.** A motion was made by Comm. Burns, and seconded by Comm. Hilleary, to **approve** the minutes of the May 11, 2017, meeting as presented. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** A motion was made by Comm. Hilleary, and seconded by Comm. Burns, to **approve** the June 8, 2017, agenda as submitted. *The motion was approved unanimously.*

Item 5. **Request(s) for Review, Comment, and Recommendation**

a. **Consideration of Township Zoning Amendment(s).**

(1) **CZ #17-17 – Text Amendments to the Leoni Township Code of Ordinances**

Staff summarized its report regarding proposed text amendments to the *Leoni Township Code of Ordinances*, advising County Planning Commissioners to recommend approval with comments of the proposed amendments regarding Backyard Chickens. Staff advised various changes to the proposed amendment, including the following (please see the staff report):

- The transfer of the proposed amendments from Chapter 4, Animals, to Chapter 42, Zoning;
- The reorganization of the proposed section; and
- Revisions to some of the standards contained in the section.

Comm. Burns noted his concern about the potential effects that the accessory building standards included in Chapter 25, Zoning, may have on the construction of the required chicken coops and runs. Staff accessed the online Code of Ordinances and discussed the standards contained in Sec. 42.271, Schedule of Regulations, and Sec. 42.276, Accessory Structures, addressing the concerns of Comm. Burns.

A motion was made by Commissioner Burns, and seconded by Commissioner Hawley, to recommend **approval with comments** of the text amendments regarding Backyard Chickens, including the suggestions made by JCPC staff (please see the staff report). *The motion was approved unanimously.*

b. **Consideration of Master Plan(s).** None.

c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6. **Other Business**

a. **Unfinished Business.** None.

b. **New Business.** None.

Item 7. **Public Comment.** There was no public comment.

Item 8. **Commissioner Comment.** Comm. Hawley stated that she liked the presentation made by staff at the Executive Committee meeting of the Region 2 Planning Commission held earlier that day regarding the Comprehensive Economic Development Strategy (CEDS) currently under development for the Region 2 Area. She would like to hear the presentation again at a future JCPC meeting.

Item 9. **Adjournment.** The meeting was adjourned by Acting Chair Polaczyk at 6:25 p.m.

Respectfully submitted by:  
Grant Bauman, Recording Secretary





# Jackson County Planning Commission

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120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## COORDINATED ZONING REPORT | #17-18

**To:** County Planning Commissioners

**From:** Grant E. Bauman, AICP

**Date:** June 8, 2017

**Proposal:** Regulations regarding 'Conditional Rezoning' in Blackman Township

### Background Information

The Township Planning Commission was tasked with drafting regulations that allow for 'conditional rezonings' (see the background information).

Section 405 of the Michigan Zoning Enabling Act provides the following guidance regarding the "use and development of land as a condition to rezoning" (MCL 125.3405):

**125.3405 Use and development of land as condition to rezoning.**

Sec. 405.

(1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

### The Proposed Amendments

#### SECTION 8.5 - CONDITIONAL REZONING PROCEDURES

Adopted: 05/ 15/ 17 (est.)

##### A. Intent.

It is recognized that there are; certain instances ,where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section ~~16i-405~~ of the ~~Township-Michigan~~ Zoning

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Enabling Act (MCL 125.286~~3405~~) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer or conditions any time prior to final rezoning action of the Township Board provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance. ~~Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions~~

~~are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.~~

Section 11 of the Township Zoning Act required that the Planning Commission submit a report to the Township Board within a specified time period if the Township Board considers amendments (MCL 125.281):

**125.281 Transmitting summary of comments and proposed zoning plan and text to township board; additional hearings; notice; report on amendments; adoption and effective date of zoning ordinance.**

Sec. 11. The township zoning board shall transmit a summary of comments received at the public hearing and its proposed zoning plan and text to the township board. The township board may hold additional hearings if the township board considers it necessary. Notice of a public hearing held by the township board shall be published in a newspaper which circulates in the township. The notice shall be published not more than 15 days nor less than 5 days before the hearing. **If the township board considers amendments to the proposed text, or a zoning ordinance, advisable, the township board shall refer the amendments to the zoning board for a report thereon within a time specified by the township board.** After receiving the report, the township board shall grant a hearing on a proposed ordinance provision to a property owner who by certified mail addressed to the clerk of the township board requests a hearing and the township board shall request the zoning board to attend the hearing. After a hearing at a regular meeting or at a special meeting called for that purpose, the township board may adopt, by majority vote of its membership, pursuant to this act, a zoning ordinance for the portions of the township outside the limits of cities and villages, with or without amendments that have been previously considered by the zoning board or at a hearing. Subject to section 12, the ordinance shall take effect upon the expiration of 7 days after publication under section 11a or at such later date after publication as may be specified by the township board.

However, the Township Zoning Act (MCL 125.271 et seq.) has been repealed and staff did not find similar language in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

a. Be in a form recordable with the Jackson County Register of Deeds ~~of the County in which the subject land is located~~ or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

b. Contain a legal description of the land to which it pertains.

c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement

of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Jackson County Register of Deeds ~~of the County in which the land referenced in The Statement of Conditions is located.~~

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

Such designation on the zoning map may make the map more difficult to read at smaller scales. Special care must also be taken to ensure that this step (if approved) is followed consistently.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Jackson County Register of Deeds ~~of the County in which the land is located.~~ The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner or the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

#### F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by Law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

#### G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period or extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances

that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

#### H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in Section 405 of the Michigan Zoning Enabling Act (MCL 125.286i3405). ~~The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.~~

Section 405 (2) states, in part, that: "Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification." Consequently, there is no need for further rezoning.

#### I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Jackson County Register of Deeds ~~of the County in which the land is located~~ a notice that the Statement of Conditions is no longer in effect.

#### J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

#### K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Michigan Zoning Enabling Act (MCL 125.271-3101 et seq.).

#### L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

## Analysis and Recommendation

**Township Planning Commission Recommendation** – The Blackman Township Planning Commission recommends **approval** of the proposed amendments (see the attached Zoning Amendment Form and other background information).

**Staff Recommendation** – The proposed amendments cite the Township Zoning Act (MCL 125.271 et seq.) which was repealed on July 1, 2006, when the Michigan Zoning Enabling Act (MCL 125.3101 et seq.) went into effect. The requirements, as revised by JCPC staff (including the citation of the correct enabling legislation), should allow for conditional rezonings to take place in conformance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405).

Based upon the above analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the proposed amendments, noting the revisions suggested by staff.

### Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**



JCPC Case #: 17 - 18  
(For JCPC Use Only)

## ZONING AMENDMENT FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/ survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the Township Board Action.

THE Blackman Charter TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. The above described property has a proposed zoning change FROM \_\_\_\_\_  
ZONE TO \_\_\_\_\_ ZONE.

2. PURPOSE OF PROPOSED CHANGE: \_\_\_\_\_

\_\_\_\_\_

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE VIII SECTION 8.5

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

\_\_\_\_\_

C. PUBLIC HEARING on the above amendment was held on: month April day 4 year 2017

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month March day 19 year 2017

(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: Jackson Citizen Patriot

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ( ☒ ) APPROVE or ( ) DISAPPROVE.

Dan Decker ( ☒ Chair or ( ) Secretary 02 / 07 / 2017 (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

( ) Recommends APPROVAL of the zoning change

( ) Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.

( ) Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.

( ) Takes NO ACTION.

\_\_\_\_\_ ( ) Chair or ( ) Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ( ) PASSED, ( ) DID NOT PASS, or was ( ) REFERRED ANEW to the Township Planning Commission.

\_\_\_\_\_  
Township Clerk

MINUTES  
BLACKMAN CHARTER TOWNSHIP  
PLANNING COMMISSION  
1990 W. PARNALL RD.  
**TUESDAY FEBRUARY 7, 2017**  
6:00PM

Members Present: Decker, Bachus, Best, Williams  
Members Absent: Gorney

Sign-in list of names present: In file.

**APPROVAL OF THE DECEMBER 20, 2016 MINUTES**

Motion by: **Best** supported by: **Bachus** to approve Minutes for the Planning Commission Meeting held 12/20/16. **Roll Call: Ayes 4, Nays 0. Motion Carried.**

**CASE# 1467 – CONDITIONAL USE PERMIT: Educational Services in Zoning District RU-1**

Parcel # 000-08-33-138-003-00. 816 & 818 Winifred St.

Requested by: Dr. Brent R. Smith and Arbor Hills Psychological Services.

Motion by: **Bachus**, supported by: **Best** to recommend approval of the conditional use permit, contingent upon final sale/purchase of the property, hours of operation to be 8a-8p M-F and 8a-4p weekends, parking of vehicles on paved portions only (no street parking), and site plan review required for any exterior additions to the property.

Roll Call: Ayes 4, Nays 0. Motion Carried.

**CASE# 1468 – ZONE CHANGE: 6217 Rives Junction Rd.**

Parcel #000-08-05-351-001-00. Change from Agricultural (AG-1) to General Commercial (C-2). Requested by: James & Tracy Petty. Midwest V, LLC (buyer).

Motion by: **Best**, supported by: **Decker** to recommend approval of the zone change from AG-1 to C-2, as recommended by Region 2 Planning. Pends review by Jackson County Planning Commission.

Roll Call: Ayes 4, Nays 0. Motion Carried.

**CONDITIONAL REZONING ORDINANCE:** Motion by: **Williams**, supported by: **Decker** to recommend the Supervisor provide the Twp. Attorney with a copy of the MTA model ordinance on Conditional Rezoning for his review, with the intent of implementing it into our zoning ordinance.

Roll Call: Ayes 4, Nays 0. Motion Carried.

**PUBLIC COMMENT:** None

**TRUSTEE REPORT:** At the 1/17/17 Board of Trustees meeting, the Twp. Board approved the first read of the amended parking ordinance language and the rezoning of the Les Stanford property (case #1465).

**ZBA REPORT:** None.

**ADJOURNMENT:** Meeting adjourned at 7:05 pm.



MINUTES  
BLACKMAN CHARTER TOWNSHIP  
PLANNING COMMISSION  
1990 W. PARNALL RD.  
**TUESDAY APRIL 4, 2017**  
6:00PM

**Members Present:** Decker, Bachus, Best, Williams, Grabert  
**Members Absent:**

**Pledge of Allegiance**

Chairman Decker introduced all members.

Sign-in list of names present: In file.

**APPROVAL OF THE MARCH 7, 2017 MINUTES**

Motion by: **Mr. Bachus** supported by: **Mr. Best** to approve Minutes for the Planning Commission Meeting held 03/07/2017. **Roll Call: Ayes 5, Nays 0. Motion Carried.**

**CASE # 1471 ZONE CHANGE: 2412 LANSING AVE.**

**PARCELS # 000-08-22-376-013-01: # 000-08-22-376-005-00: # 000-08-22-376-006-00:**

**FROM:** General Commercial District (C-2) **TO:** Light Industrial District (I-1) Requested by: **Robert & Lana Leimenstoll (Owner)**

**Close Planning Commission for Public Comment: By Chairman Decker**

**Open for Public Comment:**

**Representing of Owner at 2412 Lansing Ave, Present Conner Leimenstoll & Heidi Burkinhin.**

Discussed that their plans were to build another building North of where they are located now. This is to be able to consolidate their business to one location rather than 2 locations on opposite sides of town.

**Citizens in Favor: None**

**Citizens Against: Kathleen Sampson (2401, 09, 15 Lansing Ave) also representing Mrs. Smith (Mother) Newell Rd.**

Did not want the extra noise in the area with Zone **I-1** bordering **RU1 & C2**. She felt that the extra traffic and work in the area would cause a noisier situation than now exists.

**Citizen Neither in Favor or Against: Martin Woodworth (524 Newell).**

Mr. Woodworth's only objection would be any noise that may occur on the weekends as it is the only time he and his wife can work outside. If work was done on weekdays and keep to a minimum on weekends he has no troubles.

**Discussion by the Planning Commission:** Further discussion between the Petitioners, Residents and Commission members occurred with all parties being advised that if this went through that the township could not control the noise on weekends. The uses for **I-1** were read to all by **Chairman Decker** and advised that any and all of these uses could be used at this location.

**Public Comment Closed and Commission meeting resumed: by Chairman Decker**

Mr. Williams, conveyed his concerns that if passed it would put the I-1 zoning directly up against RU-2 as well as C-2 Mr. and could lead to noise and other possibilities in the future. Further discussion followed about other possibilities for rezoning of the property. Mr. Decker read the findings of the R2PC with their final statement suggesting Approval of this Zone change. It was also noted that,

**CASE # 1471 ZONE CHANGE: 2412 LANSING AVE.**

**PARCELS # 000-08-22-376-013-01: # 000-08-22-376-005-00: # 000-08-22-376-006-00:**

was placed in the Jackson Citizen Patriot on March 9, 2017, for public notice.

**Motion by Mr. Grabert 2<sup>nd</sup> by Mr. Best to Table the Motion. 5 Ayes 0 Nays motion passed.**

**CASE # 1472 PUBLIC HEARING: NEW ZONING ORDINANCE**  
**CONDITIONAL REZONING**

Township Board has been made aware of the new Zoning Ordinance Conditional Rezoning are in favor but needs to go to the County Board for their approval before it can get final approval by the Township Board.

**Public Comment:** None

**Trustee Report:** Both CASE# 831 Conditional Revised Conditional Use Permit T-M Asphalt and Zoning Change to C-2 for 1672 Rives Junction Rd passed the Township Board Meeting held March 20, 2017.

**ZBA Report:** Both Variances put before the ZBA were approved.

**Motion to Adjourn: 7: 00PM.**

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## ARTICLE VIII

### AMENDMENT PROCEDURES

#### SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Charter Township of Blackman Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendments. Said amendment may be initiated by resolution of the Charter Township of Blackman Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Charter Township of Blackman Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Charter Township of Blackman Board, no part of which shall be returnable to the petitioner.

#### SECTION 8.2 - AMENDMENT PROCEDURES    Adopted: 06/04/07

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

#### SECTION 8.3 - TIME ELEMENT BETWEEN ZONING REQUEST

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Charter Township of Blackman Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

#### SECTION 8.4 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Charter Township of Blackman Board and the amendments published without referring the same to any other board agency.

#### SECTION 8.5 – CONDITIONAL REZONING PROCEDURES    Adopted: 05/15/17 (est.)

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the Township Zoning Act (MCL125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.



#### B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

#### C. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

#### D. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with



Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

b. Contain a legal description of the land to which it pertains.

c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.



1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

#### G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

#### H. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

#### I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

#### J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.)

L. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.



STATE OF MICHIGAN )  
County of Jackson

ss Ameyn Longstreet

Being duly sworn deposes and say he/she is Principal Clerk of



## JACKSON CITIZEN PATRIOT DAILY EDITION

a newspaper published and circulated in the County of Jackson and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days)

March 19

A.D. 20 17

Sworn to and subscribed before me this

20

day of

March

20 17

Janice M. Degraaf  
JANICE M. DEGRAAF  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Kent

**NOTICE**  
**BLACKMAN**  
**CHARTER TOWNSHIP**

Notice is hereby given that the Blackman Charter Township Zoning Board of Appeals, Located at 1990 W. Parnall Rd. will hold a Public Hearing at 6:00 PM on **TUESDAY - APRIL 4, 2017** to consider the following:

**ZONE CHANGE:**  
**CASE # 1472**

**NEW ZONING ORDINANCE**  
**CONDITIONAL REZONING**

The new ordinance can be read at the Blackman Township Office or at the Blackman Township Web Site (blackmantwp.com)

at which time any person interested in the Township or their duly appointed will be heard

**BLACKMAN CHARTER**  
**TOWNSHIP ZONING BOARD**  
**OF APPEALS**

Kim Amb, Deputy Clerk



# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## COORDINATED ZONING REPORT | #17-19

**To:** County Planning Commissioners

**From:** Grant E. Bauman, AICP

**Date:** July 13, 2017

**Proposal:** The rezoning of property from Suburban Residential (RS) to Highway Business (B-5) in Section 27 (T2S-R1E) of Leoni Township

### Purpose

The applicant wants to rezone the subject property to B-5 (Highway Business) in order to allow for the rebuilding of an existing legally nonconforming motel on the property.<sup>1</sup> A fire caused more damage than 50 percent of its replacement cost, eliminating the nonconformity according to Section 42-347(d)(6) of Chapter 42 (Zoning) of the *Leoni Township Code of Ordinances*.<sup>2</sup>

### Location and Size of the Property

The subject property (ID# 000-09-27-201-004-00) has an area of 16.14 acres and is located on the south side of Ann Arbor Road, between Gillet's Lake Road and Fox Road. The property is situated in Section 27 (T2S-R1E) of the Township (see Figure 1).

### Land Use and Zoning

**Current Land Use** – A motel is located on the subject property, but much of the property is vacant. A hotel is located on the property to the northeast (see Figures 6a and 6b and the background information).

**Future Land Use** – The future land use map in Leoni Township's *2030 Master Plan* places the northern 450+ feet of the subject property in a small area recommended for 'Commercial' uses, as is the property directly to the northeast. The majority of the subject property is recommended for 'Low-Density Residential' uses as are all of the other surrounding properties (see Figure 2). Other areas recommended for 'Commercial' and 'General Commercial' uses along the Ann Arbor Road corridor are only found further to the west in the vicinity of Gillett's Lake Road. The countywide future land use map in the *Jackson Community Comprehensive Plan* places the subject property in the midst of an area recommended for 'Agricultural' uses and a 'Greenway'. The property is not far from an area recommended for 'Residential' uses (see Figure 3).

<sup>1</sup> Please note that the proposed use is listed for informational purposes only. It should not be utilized in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

<sup>2</sup> Section 42-347(d)(6) states that: *Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.*

**Current Zoning** – The current zoning of the subject property is RS (Suburban Residential), as are most of the surrounding properties. The property directly to the northeast is already zoned B-5 (Highway Business) (see Figure 4).<sup>3</sup> Properties to the south are zoned AG (Agricultural).

### **Public Facilities and Environmental Constraints**

**Water and Sewer Availability** – Municipal water and sewer service are not available to the subject property. Nor are there plans to provide those services (see the Rezoning Worksheet Form).

**Public Road/Street Access** – Ann Arbor Road is a county primary road constructed to Class A (i.e., all season) standards (see the *Jackson County 2008 Road Map*).

**Environmental Constraints** – According to the Township, there are no known environmental constraints on the subject property (see the Rezoning Worksheet Form). However, the National Wetlands Inventory (NWI) does report the presence of wetlands on the property (see Figure 5). Aerial photography also indicates that a pond is located on the property as well as a stream (see Figures 6a and 6b).

### **Analysis and Recommendation**

**Township Planning Commission Recommendation** – The Leoni Township Planning Commission recommends **approval** of the rezoning of the subject property to B-5 (Highway Business) (see the Zoning Amendment Form and other background information).

**Staff Analysis** – Leoni Township's Zoning Plan contains the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

**No.** Although the Master Plan places the northern 450+ feet of the subject property in a small area recommended for 'Commercial' uses—as is the property directly to the northeast (see Figure 2)—the Zoning Plan equates the 'Commercial' future land use category to the B-1 (Neighborhood Business) and B-2 (Community Business) zoning districts. The 'Regional Commercial' future land use category equates to the B-4 (General Business) and B-5 (Highway Business) zoning districts.

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

**No.** The property to the northeast of the subject property contains a hotel and is zoned B-5 (Highway Business). However, residential uses are located to the north and west, and vacant land is located to the south, according to the Township (see the Rezoning Worksheet Form). The subject property and the property to the east are assessed 'commercial' according to the County's GIS (geographic information system) parcel layer. All of the surrounding properties are assessed 'residential' or 'residential vacant'.

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

**No.** Ann Arbor Road is a county primary road constructed to all season standards. Municipal water and sewer service are not available nor are there plans to provide those services. Ann Arbor Road will likely be able to absorb the traffic generated by uses allowed in the B-5 (Highway Businesses) district.

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<sup>3</sup> The Agencies and Affairs Committee of the Jackson County Board (operating as the County Zoning Coordinating Committee) recommended disapproval of that rezoning on December 6, 2010.

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

**No.** Permitted uses allowed in the B-5 district are: (1) automobile service stations; (2) sales, rental, service, and display of vehicles; (3) drive-in retail and service establishments, except drive-in theaters; (4) on-site and off-site signs; (5) motels and hotels; (6) eating and drinking establishments; (7) essential services and structures of a nonindustrial character; (8) accessory uses or structures; (9) indoor and outdoor commercial amusements; and (10) carwash facilities. Conditional uses allowed in the B-5 district are: (1) automobile and truckstop stations; (2) recreational vehicle storage yards; (3) drive-in theaters; (4) the conversion of the upper floors of existing commercial buildings to one-family, two-family, and multiple-family residential dwelling units, and to provide for a dwelling as an accessory use to a commercial use; (5) planned unit developments; and (6) adult uses.

The subject property and the property to the northeast contain existing motels/hotels and are located on the south side of Ann Arbor Road, between Gillet's Lake Road and Fox Road. The surrounding land uses are residential in nature and are zoned RS (Suburban Residential) to the north, east, and west and AG (Agricultural) to the south. The property to the northeast of the subject property was rezoned to B-5 (Highway Business) although the County Zoning Coordinating Committee recommended disapproval of the rezoning on December 6, 2010. A fire caused more damage to the motel on the subject property than 50 percent of its replacement cost eliminating the nonconformity according to the *Leoni Township Code of Ordinances*. The property must be rezoned to B-5 (Highway Business) in order to rebuild the motel.

The proposed rezoning is not in conformance with the future land use plan, which recommends 'Commercial' uses for the subject property rather than the 'Regional Commercial' recommendation needed for a rezoning to B-5 (Highway Business), according to the Zoning Plan. Although the property to the northeast of the subject property contains a hotel—and was rezoned to B-5—the other surrounding properties are assessed as 'residential' or 'residential vacant' and are zoned RS (Suburban Residential) or AG (Agricultural). On the plus side, the rezoning would help to eliminate a 'spot zone' by enlarging the B-5 district to contain more than a single property.

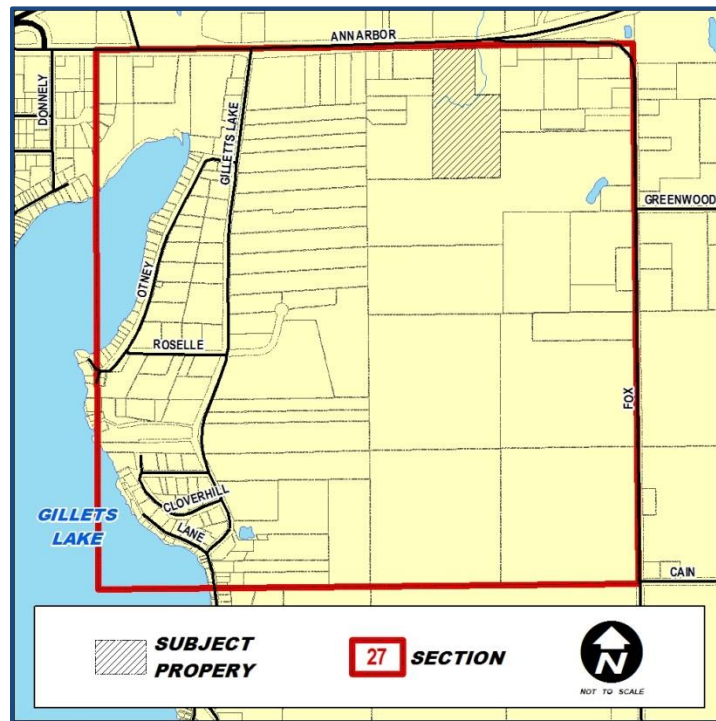
Although the motel on the subject property already exists, many other uses that are not compatible with the surrounding RS zoning would also be allowed on the property, including adult uses and automobile service stations (see zoning criteria #4). Finally, Section 42-347(a) of Chapter 42 (Zoning) of the *Leoni Township Code of Ordinances*, which addresses nonconformities, states that *it is the intent of this chapter, notwithstanding other provisions of this section, to permit these nonconformities to continue until they are discontinued, damaged, or removed, but not to encourage their survival*. Rezoning the subject property is just another method to allow for the continuation of the motel.

**Staff Recommendation** – Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **DISAPPROVAL** of the rezoning of the subject property to B-5 (Highway Business). If the property is rezoned, staff further advises that the Jackson County Planning Commission recommend that the future land use map in Leoni Township's *2030 Master Plan* should be amended to recommend 'Regional Commercial' uses for the subject property and the property to the northeast.

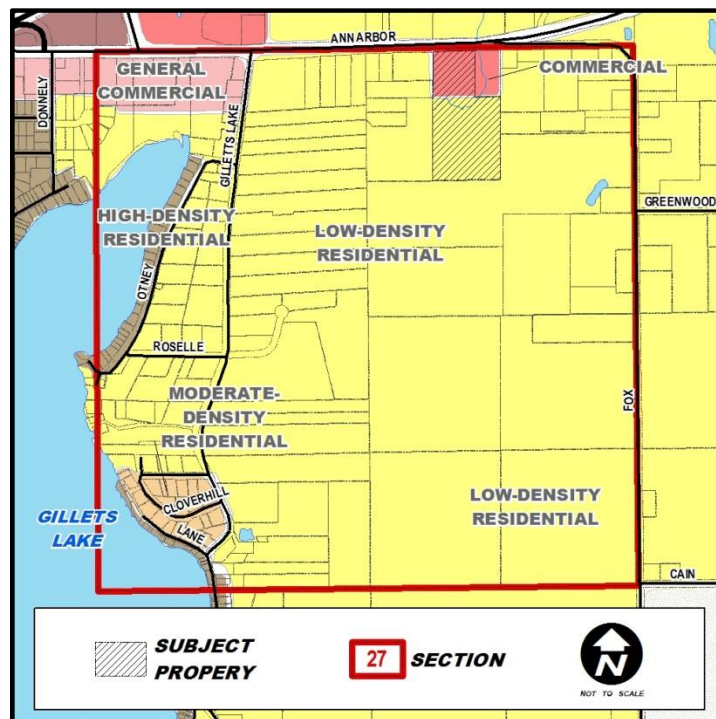
**Suggested Actions:**

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1  
Location**

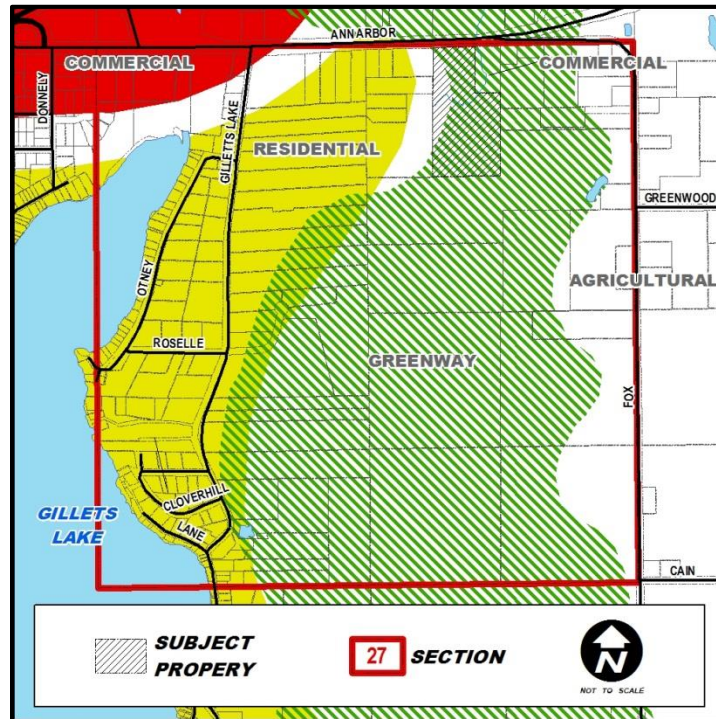


**Figure 2  
Municipal Future Land Use**

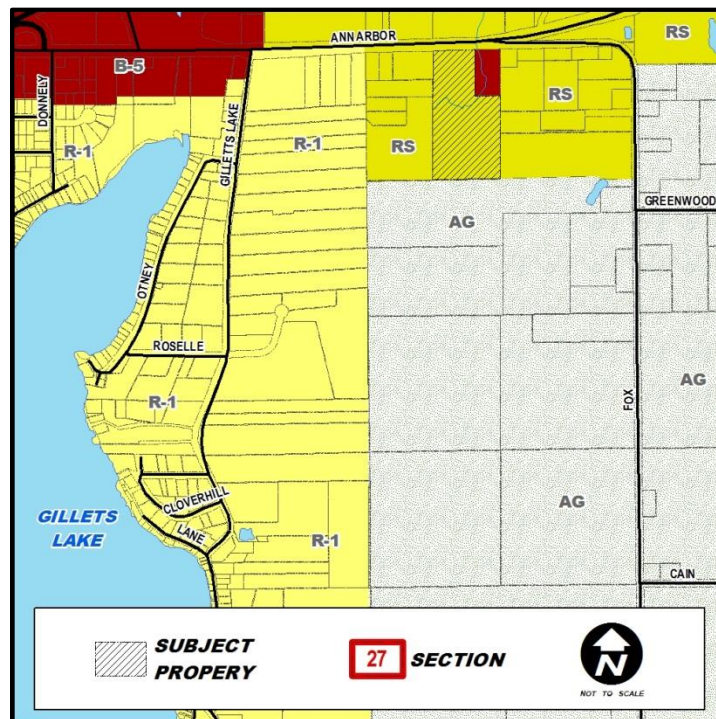




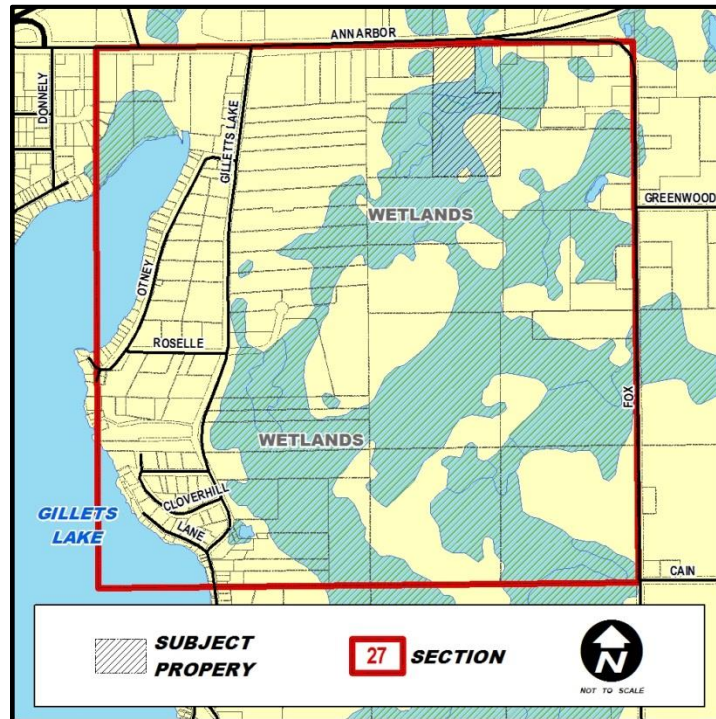
**Figure 3**  
**Countywide Future Land Use**



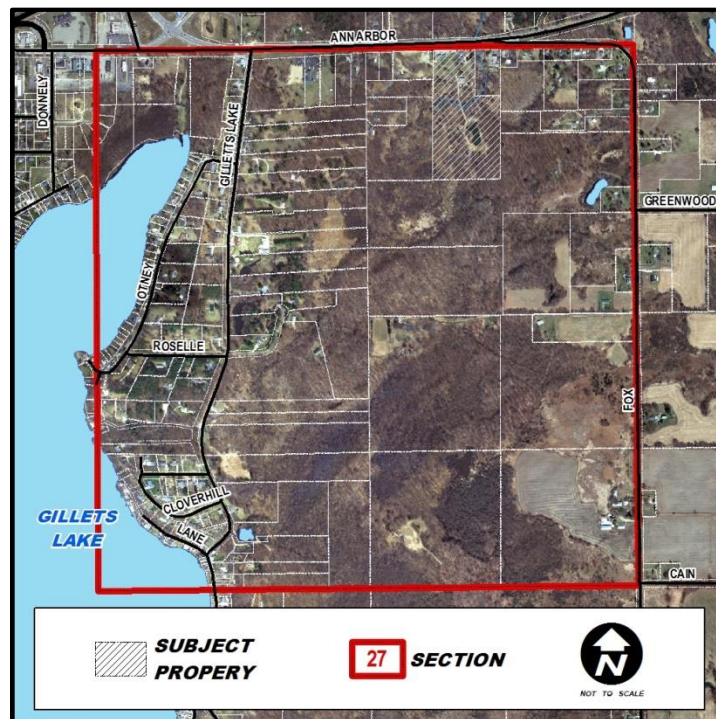
**Figure 4**  
**Municipal Zoning**



**Figure 5**  
**Aerial Photo**



**Figure 6a**  
**Aerial Photo**





**Figure 6b**  
**Aerial Photo**





## ZONING AMENDMENT FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the Township with the Township Board Action.

THE Leoni Township TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

See attached paper work

1. The above described property has a proposed zoning change FROM Suburban Residential (RS) ZONE TO Highway Business (B-5) ZONE.
2. PURPOSE OF PROPOSED CHANGE: Motel had a fire - (non conforming zoning)  
Needs to be B-5 to rebuild.

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

C. **PUBLIC HEARING** on the above amendment was held on: month June day 7th year 2017

D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month May day 21 year 2017

(Notice must be provided at least fifteen days prior to the public hearing.)

E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

John Spencer ☒ Chair or ☐ Secretary 6 / 7 / 17 (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- ☐ Recommends APPROVAL of the zoning change  
☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.  
☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.  
☐ Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

JCPC Case #: \_\_\_\_\_  
(For JCPC Use Only)

## REZONING WORKSHEET FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Leoni Township Case #: \_\_\_\_\_  
Township official we may contact: Michele Manke Phone #: (517) 936-2290  
Applicant: Charles & Frances Steller Phone #: (517) 764-1970  
Rezoning Request: From: Suburban Res (RS) To: Highway Business (B-5)  
Property Location: Section(s): 27 Quarter Section(s): ☐ NW ☒ NE ☐ SW ☐ SE  
Legal Description and/or Survey Map/Tax Map (please attach) ☒ Yes ☐ No (Please do not use only the Parcel ID Number)  
Parcel Size (if more than one parcel, label "A" - "Z"): 16.14 acres

Please attach location map ☒ Yes ☐ No

What is the existing use of the site? Motel - had fire & lost over 50%

What is the proposed use of the site? Motel rebuild

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: residential  
East: Hotel

South: Vacant land  
West: residential

What are the surrounding Zoning Districts?

North: Suburban Residential (RS)  
East: Highway Business (B-5)

South: Suburban Residential (RS)  
West: Suburban Residential (RS)

What is the suggested use of the site on the Township's Land Use Plan map?

Is municipal water currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? \_\_\_\_\_

Is municipal sewer currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? \_\_\_\_\_

Does the site have access to a public street or road? ☒ Yes ☐ No If yes, name Ann Arbor Rd

Are there any known environmental constraints on the site? ☐ Yes ☒ No

☐ Wetland(s) ☐ Floodplain(s) ☐ Brownfield(s) ☐ Soil(s)

☐ Other (please specify) \_\_\_\_\_

Please attach the minutes of the Planning Commission.

☒ Yes, the minutes are attached. ☐ No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

☐ Yes, copies of documentation are attached. ☐ No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

☐ Yes, public comments are attached. ☐ No, public comments are not attached.





***Leoni Township Office***  
**913 Fifth Street**  
**Michigan Center, Michigan 49254**  
**PHONE: (517) 764-4694 FAX: (517) 764-1380**  
[Leonitownship.com](http://Leonitownship.com)

**PLANNING COMMISSION MINUTES**

**June 7, 2017**

The Leoni Township Planning Commission held a meeting Wednesday, June 7, 2017,  
@ 6:30 p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan

Members Present: J. Spencer, L. Maurer, J. Kruse, J. Southworth, V. Beckwith & B. Lester

Members absent: K. Cole (unexcused) and J. Kruse

Persons in attendance: 4

**Public Comment: Open at 6:35pm.**

**Closed at 6:35pm. No comments.**

Purpose of Planning Commission read by Spencer.

Motion by Beckwith, supported by Southworth, to approve of the agenda as presented.

**Motion carried by voice vote.**

Motion by Beckwith, supported by Maurer, to approve the minutes of May 17, 2017.

**Motion carried by voice vote.**

**Public Hearing: Open at 6:35pm.**

Frances & Carles Steller, 6745 Ann Arbor Road (Cascade Motel) are requesting this property be rezoned from RS to B-5.

Mrs. Southworth remarked that she and Mrs. Maurer visited the property and it fits in with the Master Plan.

**Public Hearing: Closed at 6:41pm.**

Motion by Beckwith, supported by Southworth, to rezone the property at 6745 Ann Arbor Road to B-5.

**Roll Call Vote: Spencer, yea. Beckwith, yea. Maurer, yea. Lester, yea. Southworth, yea.**

**Motion carried.**

**New Business: None**

**Discussion: Old Business**

We haven't received the draft of the Medical Marijuana Ordinance from Eric White at this time. Since we don't have an ordinance to act on, no further discussion needed until we have it.

Mr. Linnabary will be in touch with Mr. White in regards to the MM Ordinance.

Mrs. Maurer stated that they have the verbage for Recreational Marijuana and that it will likely be on the ballot in 2018.

**Public Comment: Open at 6:55 pm.**

Mr. Spencer may call a special meeting to review the MM Ordinance draft.

**Public Comment: Closed at 6:58 pm.**

**Discussion:** Mrs. Southworth – Need to review the Master Plan, as it has been five (5) years since it was implemented.

Mr. Spencer - requested to have it added to the agenda for the next meeting. All the Board members have a copy of the Master Plan.

Mrs. Southworth - feels the MM Ordinance should be as short as possible.

Mr. Linnabary – Mr. White will give an opinion on Medical Marijuana and Kickin' Brass Shooting Range.

Adjournment: 7:01 pm.

Dorothy Dickinson, secretary

**Next meeting: June 21, 2017**





MAY 11 2017

# Leoni Township Office

913 Fifth Street Michigan Center, Michigan 49254  
PHONE: (517) 764-4694 FAX: (517) 764-1106

350.00  
4680

DATE OF APPLICATION: \_\_\_\_\_

APPLICATION #: \_\_\_\_\_

## APPLICATION FOR ZONING CHANGE or CONDITIONAL USE

TO: PLANNING COMMISSION, LEONI TOWNSHIP

I (We) Hereby make application with the Township of Leoni to:

- ☐ Add to or change the text of the Ordinance.
- ☐ Change the district boundaries.
- ☒ Re-Zone the property to another classification.
- ☐ Conditional Use.
- ☐ Home Occupation.
- ☐ Extending Residential Non-Conforming Use.

- TRUSTEES
- DA 4/23/17 ? CARLES V. STELLER
1. Applicants Name: STELLER FAMILY TRUST'S FRANCES STELLER Phone: 517 764-1970
  2. Address of Property Involved: 6745 ANN ARBOR RD.
  3. Legal Description of Property: E 1/2 of NW 1/4 of NE 1/4 of Sec. 37 EXC. THE N 500 FT OF THE E 250 FT THEREOF Sec 27 T2S R1E 000-09-27-201-004-00
  4. The above property is presently zoned: RS S11 Building Permits
  5. I wish the zoning to be changed from: RS to: B-5
  6. I wish the boundaries to be changed from: \_\_\_\_\_ to: \_\_\_\_\_
  7. I wish the change in the text from section: \_\_\_\_\_
  8. The proposed use(s) and nature(s) of operation is/are: Motel

NOTE: Attach an ACCURATE SURVEY DRAWING of said property drawn to scale showing existing and proposed building and structures, the type thereof and their uses, and the distances from property lines.

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT I AM THE OWNER OF THE PROPERTY.

I GRANT PERMISSION FOR MEMEBERS OF THE LEONI TOWNSHIP PLANNING COMMISSION AND/OR TOWNSHIP BOARD TO ENTER THE ABOVE PROPERTY FOR THE PURPOSE OF GATHERING INFORMATION RELATED TO THIS APPLICATION. (NOTE TO APPLICANT: This will not affect any decision on your application.)

IN CASE OF CANCELLATION OR FAILURE TO APPEAR AT THE HEARING, I UNDERSTAND THAT ALL FEES WILL BE FORFEITED.

FEE: 350.00

Frances J. Steller  
SIGNATURE OF OWNER/APPLICANT

\*\*\*\*\*  
PLANNING COMMISSION RECOMMENDATION: Having review the submitted data, hereby recommend the Township Board  
☒ Approve ( ) Disapprove the Application for the following reasons (or with these restrictions) \_\_\_\_\_

DATE: 6/7/2017

CHAIRMAN: John Sp  
SIGNATURE

\*\*\*\*\*  
TOWNSHIP BOARD OF TRUSTEES: Having reviewed the submitted data, hereby ( ) APPROVE ( ) DISAPPROVE the application for the following reasons: \_\_\_\_\_

DATE: \_\_\_\_\_  
7/13/17 JCPC Agenda Packet

CLERK: \_\_\_\_\_  
SIGNATURE



S 12

ANN ARBOR RD

ANN ARBOR RD

N88°50'53"E

264

397.83

S89°27'0"W

1107.27

150

150

149.98

149.98

100

132

132

201-001-01

201-001-02

N0°34'28"W

201-002-01

3.01 A

397.86

S88°50'53"W 661.85

201-002-02

2.58 A

S88°50'53"W 661.86

201-002-03

1.28 A

201-002-04

1.26 A

333.28

S88°50'53"W

201-002-05

10 A

661.90

S88°59'47"W

S0°34'40"E

170

S0°34'40"E

*Subject*

201-004-00

000-(

LEONI 1

T29





# Real Estate Summary Sheet

\*\*\*Information herein deemed reliable but not guaranteed\*\*\*

05/09/2017 10:10 AM

<b>Parcel:</b>	000-09-27-201-004-00	<b>Current Class:</b>	201.COMMERCIAL
<b>Owner's Name:</b>	STELLER CARLES W & FRANCES J	<b>Previous Class:</b>	201.COMMERCIAL
<b>Property Address:</b>	6745 ANN ARBOR RD JACKSON, MI 49201	<b>Gov. Unit:</b>	07 LEONI TOWNSHIP
		<b>MAP #</b>	
		<b>School:</b>	38090 EAST JACKSON
		<b>Neighborhood:</b>	2001 2001 COMMERCIAL

<b>Liber/Page:</b>	1842/1157	<b>Created:</b>	/ /
<b>Split:</b>	/ /	<b>Active:</b>	Active
<b>Public Impr.: Topography:</b>	Paved Road, Sewer, Electric, Gas, Standard Utilities Level		

<b>Mailing Address:</b>	<b>Description:</b>
STELLER CARLES W & FRANCES J 6745 ANN ARBOR RD JACKSON MI 49201	E 1/2 OF NW 1/4 OF NE 1/4 OF SEC 27 EXC THE N 500 FT OF THE E 250 FT THEREOF SEC 27 T2S R1E

## Most Recent Sale Information

Sold on 03/02/2006 for 1 by STELLER FAMILY TRUST.

**Terms of Sale:** INVALID SALE

**Liber/Page:** 1842/1157

## Most Recent Permit Information

None Found

## Physical Property Characteristics

<b>2018 S.E.V.:</b>	Tentative	<b>2018 Taxable:</b>	Tentative	<b>Lot Dimensions:</b>	
<b>2017 S.E.V.:</b>	255,296	<b>2017 Taxable:</b>	88,121	<b>Acreage:</b>	16.14
<b>Zoning:</b>	RS SUBU	<b>Land Value:</b>	Tentative	<b>Frontage:</b>	420.0
<b>PRE:</b>	60.000	<b>Land Impr. Value:</b>	Tentative	<b>Average Depth:</b>	1,326.1

## Improvement Data

# of Residential Buildings: 1	# of Commercial Buildings: 2
Year Built: 1950	Type: Motel - Guest Rooms
Occupancy: Single Family	Desc: CAL 132
Class: CD	Class: C
Style: 1 STY	Quality: Average
Exterior: Wood Siding	Built: 1950 Remodeled: 0
% Good (Physical): 58	Overall Building Height: 8
Heating System: Forced Heat & Cool	Floor Area: 4,680
Electric - Amps Service: 200	Sale Price/Floor Area: 0.00
# of Bedrooms: 0	Estimated TCV: Tentative
Full Baths: 2 Half Baths: 0	Cmts:
Floor Area: 2,328	
Ground Area: 1,656	
Garage Area: 968	
Basement Area: 1,368	
Basement Walls:	
Estimated TCV: Tentative	

## Image





# Real Estate Summary Sheet

\*\*\*Information herein deemed reliable but not guaranteed\*\*\*

05/09/2017 10:05 AM

<b>Parcel:</b>	000-09-27-201-002-01	<b>Current Class:</b>	401.RESIDENTIAL
<b>Owner's Name:</b>	STELLER CARLES W & FRANCES J TRUS	<b>Previous Class:</b>	401.RESIDENTIAL
<b>Property Address:</b>	6551 ANN ARBOR RD JACKSON, MI 49201	<b>Gov. Unit:</b>	07 LEONI TOWNSHIP
		<b>MAP #</b>	
		<b>School:</b>	38090 EAST JACKSON
		<b>Neighborhood:</b>	4002 4002 METES/BOUNDS SOUTH OF I-94
<b>Liber/Page:</b>	1943/0770	<b>Created:</b>	06/10/1998
<b>Split:</b>	06/10/1998	<b>Active:</b>	Active
<b>Public Impr.:</b>	Paved Road, Electric, Gas		
<b>Topography:</b>	Rolling, Low		
<b>Mailing Address:</b>	<b>Description:</b>		
STELLER CARLES W & FRANCES J TRUST	BEG AT N 1/4 POST OF SEC 27 TH N88°50'53"E 264 FT ALG N SEC LN TO POB TH CONT N88°50'53"E 397.83 FT TH S00°		
6745 ANN ARBOR RD	34°40"E 330 FT ALG E LN OF W 1/2 OF NW 1/4 OF NE 1/4 TH S88°50'53"W 397.86 FT TH N00°34'28"W 330 FT TO BEG. SEC		
JACKSON MI 49201	27 T2S R1E 3.01A+/-		

## Most Recent Sale Information

Sold on 05/07/2010 for 19,000 by DEUTSCHE BANK NATIONAL TRUST.

**Terms of Sale:** BANK SALE **Liber/Page:** 1943/0770

## Most Recent Permit Information

Permit PB100164 on 09/23/2010 for \$0 category REMODEL STRUCTURE.

## Physical Property Characteristics

<b>2018 S.E.V.:</b>	Tentative	<b>2018 Taxable:</b>	Tentative	<b>Lot Dimensions:</b>	
<b>2017 S.E.V.:</b>	19,107	<b>2017 Taxable:</b>	14,269	<b>Acreage:</b>	3.01
<b>Zoning:</b>	RS SUBU	<b>Land Value:</b>	Tentative	<b>Frontage:</b>	0.0
<b>PRE:</b>	0.000	<b>Land Impr. Value:</b>	Tentative	<b>Average Depth:</b>	0.0

## Improvement Data

# of Residential Buildings: 1  
Year Built: 1998  
Occupancy: Mobile Home  
Class: C  
Style: 1 STY  
Exterior: Alum., Vinyl  
% Good (Physical): 44  
Heating System: Warm & Cool Air  
Electric - Amps Service: 0  
# of Bedrooms: 3  
Full Baths: 2 Half Baths: 0  
Floor Area: 1,512  
Ground Area: 1,512  
Garage Area: 0  
Basement Area: 1,512  
Basement Walls: Block  
Estimated TCV: Tentative

## Image





# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

## COORDINATED ZONING REPORT | #17-20

**To:** County Planning Commissioners

**From:** Grant E. Bauman, AICP

**Date:** July 13, 2017

**Proposal:** Rewrite of the *Columbia Township Zoning Ordinance*

### Background Information

The Township Planning Commission was tasked with rewriting the *Columbia Township Zoning Ordinance*. This charge was accomplished in consultation with Mark Eidelson, AICP, of Landplan Incorporated: rural community planning & zoning services (see the background information). In an email to JCPC staff, Mr. Eidelson stated that “[this] project was a complete re-write of a poorly worded [Zoning Ordinance], including organization and formatting changes, and changes in substance throughout”.

The size of the *Columbia Township Zoning Ordinance* text is prohibitive. Therefore, this link to the document is provided: <http://www.region2planning.com/wp-content/uploads/2017/07/COLUMBIA-TWP-Zoning-Ordinance-Draft-6-April-2016.pdf>. The zoning map is attached to this report.

### The Proposed Amendments

JCPC staff likes the organization of the ordinance for the following reasons:

- The definitions (Article 21) are contained in the last article of the ordinance rather than in one of the first articles. This keeps the ordinance from becoming ‘top-heavy’, making it easier to use and understand.
- Similar to the Table of “Site Development Requirements” (Table 3-4) found in most zoning ordinances, the listings of “Permitted Principal Uses in Agricultural and Residential Zoning Districts” and “Permitted Principal Uses in Agricultural and Residential Zoning Districts” are contained in tables (Table 3-2 and Table 3-3, respectively) as are “Purposes of Zoning Districts” (Table 3-1).
  - Placing the listings of uses into a couple of tables rather than separately under each zoning district makes it easier for the casual user to identify the different districts in which a use is permitted and also reduces duplication considerably. This, in turn, eliminates the future possibility of making changes to a use as it pertains to a particular district and unintentionally forgetting to make those same changes to the use in the other districts in which it is permitted.
  - Including the purpose statements for each zoning district into a single table allows for general and specific purposes to be stated once rather than multiple times, making it easier to comprehend and reducing duplication.

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[www.co.jackson.mi.us/county\\_planning\\_commission](http://www.co.jackson.mi.us/county_planning_commission)

- Grouping the “Standards and Regulations for Specific Land Uses” together (Article 7) also allows for the tables of “Permitted Principal Uses in Agricultural and Residential Zoning Districts” and “Permitted Principal Uses in Agricultural and Residential Zoning Districts” to be more succinct and readable. The only suggestion JCPC staff has is to cite the section in which the standards and regulations for a specific land use are documented in those tables in order to better inform casual users that additional standards and regulations apply:

**Table 3-2**  
**Permitted Principal Uses in Agricultural and Residential Zoning Districts<sup>1</sup>**

**BR = Use Permitted By Right    S = Special Land Use<sup>1</sup>    – = Prohibited Use**

	PRINCIPAL USES <sup>1</sup>	ZONING DISTRICTS						
		AG	R-R	R-S	R-LS	R-U	R-MF	R-MH
	<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>							
1	...							
	<b>Uses of a Primarily Residential Character</b>							
1	...							
	<b>Uses of a Primarily Commercial, Business or Industrial Character</b>							
1	Airport <u>(see Section 7.2).</u>	S	–	–	–	–	–	–
2	Banquet hall.	S	–	–	–	–	–	–
3	Bed and breakfast <u>(see Section 7.3).</u>	S	S	S	S	S	S	S
4	...							

JCPC staff also likes that a “Plot Plan” is required for single- and two-family dwellings rather than a full site plan review (Section 2.4(B)). This device ensures that single- and two-family dwellings are administratively reviewed in a timely manner by the Zoning Administrator and not delayed by the full site plan review process.

Various issues cited in the minutes of Columbia Township Planning Commission meetings during which the proposed Zoning Ordinance was discussed require further analysis:

- Section 2.9      Site Inspections**

Some members of the general public were alarmed that the proposed Zoning Ordinance allows for the Zoning Administrator to obtain a search warrant for a property. A full review of the section reveals that: (1) authorization is given to the Zoning Administrator to make inspections in order to verify information on an application, to monitor conformance with the regulations/standards of the Ordinance, and any other purpose associated with his/her duties and (2) that no person can interfere with the Zoning Administrator discharging his/her duties. The section simply goes on to state that the Zoning Administrator will seek a search warrant when a property owner refuses access to make an inspection. Staff has no issue with those requirements.

- **Section 20.8 Accessory Uses, Buildings, and Structures**

Subsection C4 creates an exception to the rule that “[no] accessory structure shall be located in a front yard” for one structure as long as it does not “exceed two hundred (200) sq. ft. in area and is of open construction including railings not exceeding four (4) feet in height”. Staff has no issue with that exception. However, staff noticed that Subsection A4 cites Section 20.15 rather than Section 20.14 (Fences and Walls).

- **Section 20.10 Prohibited Vehicles in Residential Districts**

This section prohibits the following vehicles from being stored overnight: vehicles with more than two axles, commercial vehicles over 7,500 pounds, vehicles longer than 30 feet or taller than 9 feet, semi-trucks/trailers and construction vehicles (unless they are being used for construction on the lot), vehicles authorized as part of a home occupation, and agricultural vehicles/machines (unless they are being used to farm the lot). Staff has no issue with these regulations or exceptions. However, when prohibiting recreation vehicles (except in conformance with the standards for “Outdoor Recreational Vehicle/Motorized Watercraft Storage”), Section 20.7 is cited rather than Section 20.18

- **Section 20.14 Fences and Walls (*Subsection A (Residential and Park Uses)*)**

A member of the general public was concerned with fencing regulations in private parks. Subsection A simply states that fences and walls are accessory to a residential use or a park, whether it is public or private. It does not apply any standards specific to private parks. Staff has no issue with that regulation.

The maximum fence height is six feet in side and rear yards and four feet in front yards (as long as they are no more than 50% opaque). Fences on waterfront lots must be no closer than fifty feet from a lake or the building façade closest to the lake (whichever is closer). The finished side of a fence must face the adjacent property when it is within twenty feet of a building on an abutting property. In no case may barbs, spikes, nails and other similar items be used on a fence nor may the fence be electrified. Materials intended for fencing must be utilized and in any case comprised of wood, metal, plastic, or masonry. Fences must be maintained in good condition and a zoning permit is required to construct a fence. Staff has no issues with those regulations.

Subsection A also states that: “No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection.” Staff has no issue with that regulation. However, JCPC staff suggests that Section 13.4 (Clear Vision Zone) be cited as part of Subsection A7.

- **Section 20.18 Outdoor Recreational Vehicle/Motorized Watercraft Storage in Residential Districts**

Various members of the general public were concerned that their ability to store motorized watercraft and outdoor recreational vehicles, owned by them or others, on their residential lots would be taken away by the new ordinance. The section allows for the storage of all such vehicles owned by the property owner or tenant as well as an additional two motorized watercraft or recreational vehicles (or any combination thereof) owned by someone else. If more storage is wanted, a special land use permit must be obtained. Staff has no issues with those regulations.



The regulations also require that all vehicles/watercraft must be titled/registered and affixed with current state registration tags. A minimum five-foot setback from a lot line is also required.

JCPC staff was not provided information on the changes to the zoning map. Therefore, no analysis of map changes is included in this report.

## Analysis and Recommendation

**Township Planning Commission Recommendation** – The Columbia Township Planning Commission recommends **approval** of the new ordinance (see the attached Zoning Amendment Form and other background information).

**Staff Recommendation** – The proposed amendments constitute “a complete re-write of a poorly worded [Zoning Ordinance], including organization and formatting changes, and changes in substance throughout.” JCPC staff noted that it likes the format of the proposed ordinance, including placing some of the data in tables to make the data easier to locate and understand. However, staff found at least two incorrect citations in the text. Staff also suggests that Section 13.4 (Clear Vision Zone) be cited as part of Section 20.14(A)7.

Based upon the above analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the proposed amendments, simply noting the suggestions contained in the above text.

### Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

## ZONING AMENDMENT FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Columbia TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. The above described property has a proposed zoning change FROM \_\_\_\_\_  
ZONE TO \_\_\_\_\_ ZONE.

2. PURPOSE OF PROPOSED CHANGE: \_\_\_\_\_  
\_\_\_\_\_

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

\_\_\_\_\_ A complete rewrite of the zoning ordinance text, including map changes. \_\_\_\_\_

**C. PUBLIC HEARING** on the above amendment was held on: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

**D. NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

(Notice must be provided at least fifteen days prior to the public hearing.)

**E. THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: \_\_\_\_\_

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to (X) APPROVE or ( ) DISAPPROVE.

\_\_\_\_\_ ( ) Chair or ( ) Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

( ) Recommends APPROVAL of the zoning change

( ) Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.

( ) Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.

( ) Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_

2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ( ) PASSED, ( ) DID NOT PASS, or was ( ) REFERRED ANEW to the Township Planning Commission.

\_\_\_\_\_  
Township Clerk

May 15, 2017

Jackson County Planning Commission  
Jackson County Government  
120 West Michigan  
Jackson, MI 49201

***RE: New Zoning Ordinance for Columbia Township***

Dear Jackson County Planning Commission:

Please find enclosed a copy of a proposed new Zoning Ordinance for Columbia Township, as recommended by the Columbia Township Planning Commission on April 5, 2016. A copy of a proposed new zoning map is also enclosed as are the minutes from the February 8, 2016 public hearing on the draft Zoning Ordinance. The Columbia Township Planning Commission made several revisions to the draft Zoning Ordinance subject to the public hearing to arrive at this current recommended new Zoning Ordinance dated April 11, 2016. This current draft incorporates the several revisions made by the Planning Commission on April 5, 2016. The Township Board is considering additional revisions.

In the interest of coordinated planning and zoning, and pursuant to Section 307 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Columbia Township is submitting the recommended Zoning Ordinance to the Jackson County Planning Commission for its review and comment. Columbia Township is very interested in the comments and actions of the Jackson County Planning Commission on this matter.

Please contact me if you have any questions.

Sincerely,

Barry Marsh, Clerk  
Columbia Township

Kathy Hyatt

---

From: Terry Mahr [tmahr@yahoo.com]  
Sent: Saturday, February 13, 2016 2:58 PM  
To: Kathy Hyatt  
Subject: Planning Commission minutes -February 9, 2016

Kathy -- please forward to Mark and all commission members. Also, please note that a copy of the e-mails or other communications listed at the end of here -- the ones you gave us copies of -- should be attached to these minutes for the official file. Thanks!!

Columbia Township Planning Commission  
Brooklyn, Michigan

Minutes of Meeting and Public Hearing  
February 9, 2016 7 p.m. Columbia Township Hall  
Re: Revised Zoning Ordinance

Commission Members Present: Pam Jarvis, Theresa Mahr, Michael McKay, Roger Gaede, Hollis Jeffreys.

Commission Members Absent: Robert Willerer, Philip Reynolds

Also present: Mark Eidelson, land planning consultant to Commission

Meeting for the purpose of a Public Hearing regarding the proposed Draft Zoning Ordinance of December 21, 2015 was called to order by Chairman Gaede at 7:00 p.m. Roll call attendance was taken.

In the absence of Philip Reynolds, secretary of the commission, Theresa Mahr was appointed to record the minutes of the hearing.

The agenda was approved on motion by McKay, supported by Mahr with ayes all.



Chairman Gaede opened the Public Hearing and stated the rules for public comment.

Noting that several emails had been received by the township office from residents who could not be in attendance, McKay made and Jeffreys supported a motion to include mention of the receipt of the written comments in the minutes. Ayes all.

Public comments were made by the following residents:

**John Dale, Jr. : asked if the Ordinance would be passed by general election**

Susan Richardson: asked about search warrants for properties and the limit of 1 recreational vehicle

Chairman Gaede introduced Eidelson who explained the process of ordinance generation and enactment. He also explained the difference between the way the proposed new and existing ordinance addresses search warrants.

Linda Hones: asked if routine maintenance such as power washing and painting would require a permit.

Del Anteau: asked who has authority to ask for a search warrant and had concerns about fees that would be charged for a search warrant.

Eidelson answered that the zoning administrator would ask for a search warrant and he was not aware of fees.

Bill Richardson: asked if he would have to refuse his neighbors who asked to store recreational vehicles on his large back lot.

Ron Bolthis: commented on the written communications the commission had received and Chairman Gaede said they would be entered into record.

Tracey Mott: asked what a neighbor might complain about that constitutes township authority getting a search warrant. Eidelson explained it would pertain to building requirements/permitting.

Kevin Mott: asked if anyone representing the township has access to the inside of his home.

Written communications from the following were summarized for those present by Pro Tem Secretary Theresa Mahr and are attached to this record of the meeting: Robert Shelby, Ed Ponagai, Patricia E. Castrejon, Ray Kuzminski, Gail Durham, and two unsigned.

Chairman Gaede closed the Public Hearing for Draft Zoning Ordinance of December 21, 2015 at 7:45 p.m.

A regular meeting was called to order for the purpose of establishing the next meeting date: March 23 at 7 p.m.

Meeting adjourned at 7:50 p.m.

Respectfully Submitted,  
Theresa Mahr, Secretary Pro Tem

**Columbia Township  
Planning Commission Meeting Minutes  
March 23, 2016**

- 1) Call to Order Meeting was called to order at 7:00 pm by Chairman Roger Gaede.
- 2) Roll Call McKay, Gaede, Reynolds and Willerer present. Mark Eidleon from Landplan present. Jeffreys arrived at 7:10 pm. Jarvis and Mahr absent.

2a) Public Comment Ray Kuzminski questioned, why change zoning map areas, Master Plan spoke about Research District, Search Warrants and presented the board with a hand out.

George Mc Kline spoke about storage issues and to reconsider ordinance change. Vickie Requero spoke about storage issues and against ordinance changes for storage.

Tim Regueiro spoke about storage issues and against ordinance change and the problems for Off Lake property owners, should have the right to put on property that he puts in the lake.

Del Anteau spoke about ordinances in general and why such a large book. Waste of money.

Ed Ponagai spoke against the fence ordinance in private parks and boat ramps. Mike Raczkowski spoke against time limit during public comments, too many ordinances and various other issues that secretary Reynolds was unable to understand.

Gail Durham spoke against storage ordinance and concerned about the new proposed zoning laws. Secretary Reynolds spoke to Gail Durham prior to meeting about confusion between ZBA meeting and Planning Meeting, thought were the same.

Bob Vermulen spoke against the new storage ordinance, stating that it infringes on his rights.

Scott Vermulen spoke against the new storage ordinance.

Received four (4) correspondences (Fran Cagle, E.E. Johnson, Ruth ?? and resident at 10732 Wesch Rd) against Section 20.14 Fences and Walls, recommending that all fences must be installed 50ft from the high water mark of the lake.

- 3) Approve Agenda Motion by Willerer to approve the agenda seconded by Reynolds. Ayes All motion Passed.

- 4) Approve Minutes from the February 8, 2016 Meeting Motion by Reynolds to approve the minutes of February 8, 2016 meeting with the correction of the date February 9, 2016 to February 8, 2016 seconded by McKay. Ayes all motion
- 5) Zoning Ordinance Review Chairman Gaede introduced Mark Eidleson from Landplan and turned the meeting over to him.

Mark began with the review of his letter dated February 27, 2016 concerning the Draft December 2015 Zoning Ordinance- Public Comments and his response to the more substantive issues raised during the February 8<sup>th</sup> public hearing. Much discussion was held by the members on each item with the following results.

1. Payment for Search Warrants. No Changes will be made.
2. Storage of Recreational Vehicles Sec. 20.18: Much more discussion was held with various ideas from the members concerning lake front owners and off lake owners. Members requested that Mark prepare some examples from other lake areas to help solve the issue of storage.
3. Prohibited Vehicles, Sec. 20.10(A) Members agreed with the changes and accepted Marks recommended changes.
4. Blackman Township Office Research District. Members agreed that No Changes will be made to General Office Research District.
5. Blackman Township Open Space Preservation. Members agreed that No Changes will be made to Sec. 7.19.
6. Commercial District Setbacks. No Change.
7. Adjacent Nonconforming Lots, Sec. 6.2(A)(2) Members held more discussion and explanation concerning Sec 6.2(A)(2). Members agreed that No Changes will be made to Sec. 6.2(A)(2)
8. RLS District Side Yard Setbacks Members agreed that No Changes will be made.
9. Two-Family Dwellings as Special Land Uses: Members agreed with Marks recommendation. No Change will be made to change Two Family Dwellings to Special Land Use in AG and RS Districts.
10. Fences, Sec. 20.14(A and B): More discussion held by members. McKay, Gaede and Willerer agreed to the changes recommended by Mark concerning Sec 20.14(A and B) Fences and Walls. Reynolds disagreed.
11. Solid Fences, Sec. 20.14 Received letter from Chief Lutz, Members agreed



that No Changes will be made.

12. Accessory Structures in Front Yards, Sec. 20.8(C)(1): Members advised Mark to add language to limit **one structure allowed in the front yard no more than 200 sq. ft.**

6) Old Business None

7) New Business None

- 8) Next Meetings **Next meeting dates April 5<sup>th</sup> at 7:00 pm to finish public hearing review and changes.**

**June 7<sup>th</sup> at 7:00pm General Meeting at this time.**

8a) Public Comments Kuzminski spoke about Search Warrants, Storage of watercraft using a % of lot area, set backs front, rear, and side. Spoke of neighbor and his use of neighbors vacant lot, R&D Zone, Duplexs reducing property values and gov't having an exemption in zoning for fencing.

George McKline commented about RV's parking for three days and Thanked the committee.

Vickie Regueiro would like Twp to be more informative and keep residents updated on what's going on. Talked about property values and decrease.

Tim Regueiro Moved to Lake Columbia because he saw a boat parked on property. His property is his and he should be able to do as he pleases.

Del Anteau questioned next meeting dates.

Mike Raczkowski should consider views, property values conforming and non conforming lots, break ordinance into parts for review and for them to give to their lawyer.

- 9) Commissioner Comments McKay thanked people for coming and comments. Willerer Thanked Mark and his help as consultant.

Gaede explained public hearing by Board not required.

Much free discussion took place between members and the committee.

Mark spoke explaining that the ordinance dealing with Search Warrants is already covered in the present ordinance with little change, and addressed the storage issue.

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10)Adjournment Motion to adjourn made by Reynolds seconded by McKay. Ayes  
All motion Passed. Adjourned at 9:25pm.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Philip Reynolds', with a stylized, sweeping flourish at the end.

Philip Reynolds

**Columbia Township  
Planning Commission Meeting Minutes  
April 5, 2016**

- 1) Call to Order Chairman Gaede called the meeting to order at 7:09 and explained the rules concerning public comments and the committee discussion.
- 2) Roll Call Mahr, McKay, Gaede, Reynolds, Jeffreys and Willerer present. Jarvis absent. Jeff Simpson Columbia Zoning Officer. There were eight people in the audience.
- 3) Public Comments George McLain spoke about how the nw ordinance would be harmful to the small business that shrink rap boats and how it will affect the storage of boats on private property. This is not just a Lk Columbia problem.

Tim Regueiro New ordinance will cause a hard ship on senior citizens and may not be able to get the watercraft to a storage facility and that they may not be able to afford the storage costs.

- 4) Approve Agenda Motion by Mahr to approve the agenda, seconded by McKay. Ayes All motion Passed.
- 5) Approve minutes of March 23, 2016 Motion by McKay to approve the minutes, seconded by Willerer. Ayes All motion Passed. Chairman Gaede questioned item 12 in the minutes, Willerer explained only one accessory structure 200sq/ft or less is allowed in the front yard.
- 6) Review Change Options to the Zoning Ordinance Chairman Gaede began with discussion of the letter from Mark Eidleson dated March 31, 2016. Gaede and Reynolds were the only members to receive the letter. Copies were made and the members took time to review the letter listing three (3) options to Sec 20.18 Outdoor Recreational Vehicle Storage in residential Districts. Members reviewed the letter and were ready to move forward with discussions. Chairman Gaede reviewed front cover letter.

Reynolds began the discussion with recommending option 1 that is in the

present ordinance. McKay suggested it would be good with the addition of

setbacks from property lines and have current license, registration and title. Much discussion followed with all members adding various comments suggestions and revisions dealing with setbacks, side yard setbacks allowing clearance for fire equipment, storage of junk, inoperable watercraft, neighbor complaints, why extra two water craft or recreational vehicles, size of recreational vehicles length, width and height, line of sight along the road and off lake owners who transport there toys to and from the lake and how are they to temporarily store them. Comments were also heard from the audience.

The following **corrections and additions were made to Option 1**, Gaede corrected the term “**conditional use**’ to “**special use**” last line in option 1. Jeffreys, McKay and Mahr changed heading to read, **Section 20.18 Outdoor Recreational Vehicle/Motorized Watercraft Storage in Residential Districts**, term watercraft changed to **Motorized Watercraft**. Item 4 Option 2 changed to read **All motorizedwatercraft and recreational vehicles shall be titled/ registered and shall have current state registration and tags affixed.**

Moton by Reynolds to have Section 20.18 to read,

**Section 20.18 Outdoor Recreational Vehicle/Motorized Watercraft Storage in Residential Districts**

Storage of recreational vehicles and motorized watercraft on any property in a residential district shall be limited to the property of the owner or tenant with the exception of two motorized water craft or two recreational vehicles, or any combination thereof, un-owned by the property owner or tenant may be stored on each lot. Storage of motorized water craft or recreational vehicles in excess of the limits set forth above shall require a special use permit as provided within this Ordinance. All motorized watercraft and recreational vehicles shall be titled/registered and shall have current state registration and tags affixed.

Seconded by McKay

Roll call vote, Mahr Nay, McKay Yes, Gaede Yes, Reynolds Yes, Jeffreys Nay and Willerer Nay. **Motion Failed**



More discussion by members followed, Jeffreys added a five ft (5) set back to all lot lines.

Motion by Jeffreys to have Section 20.18 to read,

**Section 20.18 Outdoor Recreational Vehicle/Motorized Watercraft Storage in Residential Districts**

Storage of recreational vehicles and watercraft on any property in a residential district shall be limited to the property of the owner or tenant with the exception of two watercraft or two recreational vehicles, or any combination thereof, un-owned by the property owner or tenant may be stored on each lot. Storage of motorized watercraft or recreational vehicles in excess of the limits set forth above shall require a special use permit as provided within this Ordinance. All motorized watercraft and recreational vehicles shall be titled/registered and shall have current state registration and tags affixed. Parked or stored recreational vehicles shall be set back a minimum distance of five (5) feet from a lot line.

Seconded by McKay

Roll Call Vote. McKay Yes, Gaede Yes, Reynolds Yes, Jeffreys Yes, Willerer Nay, Mahr Nay. **Motion Passed**

**Zoning Map Corrections/Additions.**

Clark Lake West end commercial district (Doyles Market, Post Office and Old OSB property) make a enlarged view same as on the East end of Clark Lake.

Color change needed for RS and RU districts, yellow used is too hard to distinguish. **Zoning Map Approved by All Members with corrections.**

**7) Review Motion of Recommendation**

**Motion of Recommendation Corrections**

Fifth paragraph end **remove a.** Name spelling roll call should be **Theresa Mahr**

Motion by Mahr to forward the Columbia Township Planning Commission Motion of Recommendation of a new Columbia Township Zoning Ordinance with changes to the Columbia Township Board. Seconded by McKay

**Pg-4**

Roll Call Vote Gaede Yes, Pamela Jarvis Absent, Hollis Jeffreys Yes,

Mike McKay Yes, Theresa Mahr Yes, Philip Reynolds Yes and Robert Willerer Yes. **Motion Passed**

8) Public Comments Lorie McLain This is a boating area and outside storage is expected.

George McLain Small business's hurt if not allowed to store boats on property.

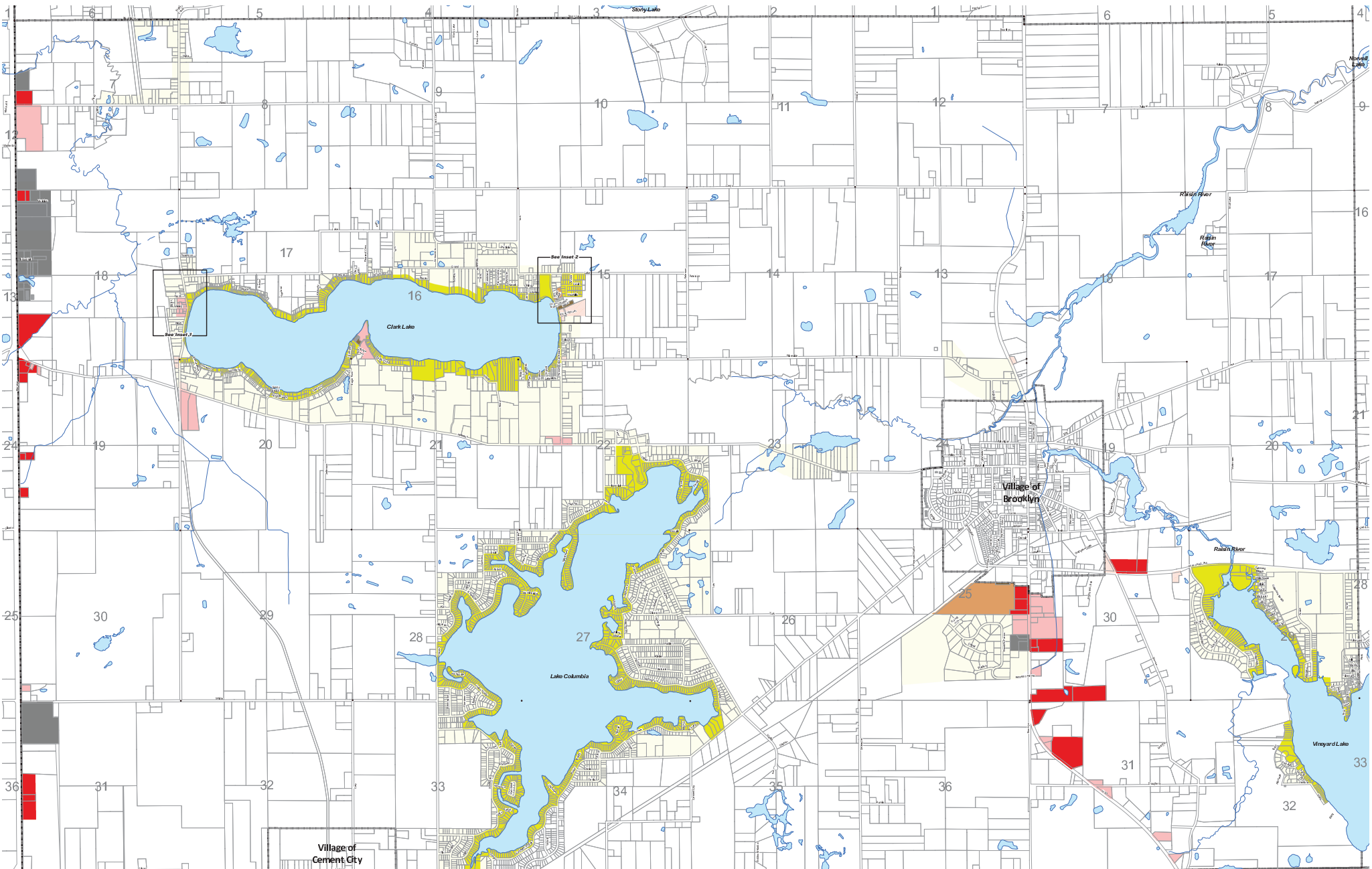
9) Next Meeting **June 7, 2016 regular quarterly meeting.**

10) Adjournment Motion by Reynolds to adjourn seconded by Mahr Ayes All Motion Passed Adjourned 9:35 pm.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Philip Reynolds', with a stylized flourish at the end.

Philip Reynolds



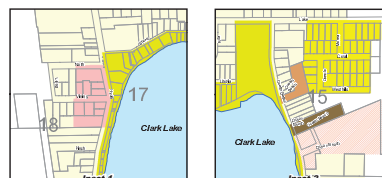
# COLUMBIA TOWNSHIP

Jackson County, Michigan

## DRAFT ZONING

7/13/17 JCPC Agenda Packet  
 Zoning Ordinance of Columbia Township  
 adopted on \_\_\_\_\_

signature \_\_\_\_\_ Supervisor date \_\_\_\_\_  
 signature \_\_\_\_\_ Clerk date \_\_\_\_\_



0 20 40 60 80 100 120 140 160 180 200 Feet  
 MAP PREPARED BY GIS UNIT  
 MAP REVISED JAN 2017



### LEGEND

AG	Agricultural District	GO	General Office District
RR	Rural Residential District	C-1	Local Commercial District
RS	Residential Suburban District	C-2	General Commercial District
RLS	Residential Lakefront Suburban District	C-3	Highway Service Commercial District
RU	Residential Urban District	I-1	Light Industrial District
R-MF	Multiple Family Residential District	PUD	Planned Unit Development District
R-MHC	Manufactured Housing Community District		