



# 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  
R2PC Principal Planner  
(517) 768-6711  
[gbauman@co.jackson.mi.us](mailto:gbauman@co.jackson.mi.us)

DATE: February 14, 2019  
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 January 10, 2019, meeting minutes [**ACTION**] ..... 3
4. Approval of agenda  
Approval of the February 14, 2019, meeting agenda [**ACTION**]
5. Request(s) for review, comment, and recommendation
  - a. Consideration of township zoning amendment(s)
    - (1) CZ #19-01 –Blackman Township [**ACTION**]..... 5
    - (2) CZ #19-02 –Leoni Township [**ACTION**]..... 25
  - b. Consideration of master plan(s) – *None*
    - (1) MP #19-02 –Liberty Township [**ACTION**]..... 71
    - (2) MP #19-03 –Napoleon Township [**ACTION**]..... 81
  - c. Farmland and Open Space Preservation Program (PA 116) application(s) – *None*
6. Other business
  - a. Unfinished business – *None*
    - (1) Jackson County Master Plan [**DISCUSSION**]
  - b. New business – *None*
7. Public comment [**2 MINUTE LIMIT**]
8. Commissioner comment
9. Adjournment

*The next meeting of the Jackson County Planning Commission is scheduled for March 14, 2019*

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# Jackson County Planning Commission

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## MEETING MINUTES

January 10, 2019

Jackson County Tower Building • Jackson, Michigan

**Members Present:** Roger Gaede, Environment; Amy Guerriero, Industry and Economics; Nancy Hawley, At Large; Ted Hilleary, Education; Jennifer Morris, At Large;

**Members Absent:** Timothy Burns, At Large; Russ Jennings, At Large; and Jim Videto, Agriculture

**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 Chair Guerriero. Those in attendance rose and joined in the Pledge of Allegiance.

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

Item 3. **Approval of Minutes.** A motion was made by Comm. Hilleary, and seconded by Comm. Morris, to **approve** the minutes of the December 13, 2018, meeting as presented. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** Staff requested that the election of officers be added under new business as agenda item #6.b.(1). A motion was made by Comm. Morris, and seconded by Comm. Hilleary, to **approve** the January 10, 2019, meeting agenda as amended. *The motion was approved unanimously.*

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

a. **Consideration of Township Zoning Amendment(s).** None.

b. **Consideration of Master Plan(s).**

(1) **MP19-01 – Blackman Township Master Plan**

Staff summarized its report on the proposed *Blackman Charter Township Master Plan* (please see the staff report). County Planning Commissioners were advised to state that in the opinion of the Commission, the proposed master plan is generally consistent with: (1) the master plans of adjacent Jackson County municipalities and (2) the Jackson Community Comprehensive Plan.

A motion was made by Comm. Morris, and seconded by Comm. Hilleary, to concur with the staff advisement (please see the staff report). *The motion was approved unanimously.*

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

Item 6. **Other Business.**

a. **Unfinished Business.**

(1) **Jackson County Master Plan.** The Commission is in the beginning stages of creating the next edition of the countywide master plan.

(a) **Demographics.** Staff briefly reviewed the demographic information compiled for the master plan update. Commissioners requested that the information regarding the population below the poverty level be reworded. Comm. Hilleary also asked that the data be posted on the JCPC webpage.

(b) **Mapping.** Staff also presented several maps developed for the master plan. The maps illustrate: 'municipalities and places', 'major community facilities', and 'property assessment'. Commissioners requested that several facilities be added to the 'major community facilities' map and that the legend be corrected on the 'property assessment' map.

Comm. Guerriero requested that staff send a memo to the County Administrator to update him on the master planning efforts of the JCPC.

b. **New Business.**

(1) **Election of officers.**

(a) **Election of the Chair.** A motion was made by Comm. Gaede, and seconded by Comm. Hilleary, that Comm. Guerriero continue to serve as the Chair of the JCPC for 2019. *The motion was approved unanimously.*

(b) **Election of the Secretary.** A motion was made by Comm. Gaede, and seconded by Comm. Hilleary, that Comm. Morris continue to serve as the Secretary of the JCPC for 2019. *The motion was approved unanimously.*

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

Item 8. **Commissioner Comment.** Comm. Hilleary noted the passage of a recent law (sponsored by State Senator Shirkey and signed by Governor Snyder) allowing a 'dental therapist' to provide fillings and other basic dental services, benefiting the rural population of Michigan

Item 9. **Adjournment.** The meeting was adjourned by Chair Guerriero at 7:20 p.m.

Respectfully submitted by:  
Grant Bauman, Recording Secretary





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## COORDINATED ZONING REPORT | #19-01

**To:** County Planning Commissioners

**From:** Grant E. Bauman

**Date:** February 14, 2019

**Proposal:** 'Solar Energy Systems' in Blackman Charter Township

### The Request

The Blackman Charter Township Planning Commission considered zoning ordinance amendments to address the regulation of 'Solar Energy Systems'. The proposed amendments would:

- Add all of the regulations pertaining to the various types of Solar Energy Systems as Sec. 5.26 of Article V (Supplemental Regulations) of the Blackman Charter Township Zoning Ordinance. *The Township Board removed Sec. 5.25 from the zoning ordinance on 12/18/17; consequently, the amendment should be renumbered Sec. 5.25.*

### Background Information

Blackman Charter Township makes a differentiation among several types of Solar Energy Systems:

- An **Accessory Solar Energy System** is accessory to the principal use of a property and designed to supply on-site energy (although excess energy can be sold back to the electrical grid). The maximum size is  $\leq 5$  acres.
- A **Community Solar Energy System (CSES)** is a large scale facility designed to provide retail electric power to multiple community members or businesses. The minimum size is  $> 5$  acres.
- A **Solar Farm** is a large scale facility designed to provide the wholesale sale of electric power to multiple community members or businesses. The minimum size is  $> 5$  acres.

### Accessory Solar Energy System

The regulations for accessory solar energy systems are proposed as Sec. 5.26.2 – Permitted Use Standards for Accessory Solar Systems.

- **Allowable Districts.** Allowed as a permitted use in all zoning districts.
- **Height.** Ground-mounted facilities may not exceed a height of 14 feet, *but there are no regulations regarding building mounted facilities (e.g., prohibitions against exceeding maximum building heights and the extension of facilities beyond the roof edge).*
- **Size.** Limited to 5% of the area of the property, up to 5 acres.
- **Setbacks.** The minimum setback for a ground-mounted facility is equivalent to the required principal building setback. They are prohibited from FEMA flood zones and designated wetlands and must be set back at least 40 feet of a shoreline. There is also a 400-foot setback from wildlife management areas and scenic trail corridors.
- **Screening.** *There are no screening regulations.*
- **Electrical Cabling.** Cabling must be buried, with exceptions.
- **Reclamation.** *There are no reclamation/restoration regulations.*

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- **Nuisances.** There are some open-ended prohibitions regarding glare. Noise is limited to “5 dB [(decibels)] above ambient sound levels” as measured at the property line. *There is no definition regarding ambient sound levels.*
- **Solar Access.** *There is no disclaimer regarding guaranteed solar access.*

### Community Solar Energy System (CSES) and Solar Farm

The regulations for community solar energy systems and solar farms are proposed as Sec. 5.26.3 – Conditional Use Standards for CSES/Solar Garden, or Solar Farm. *Most additional standards for conditional uses are listed under Sec. 5.5.10 in the zoning ordinance.*

- **Allowable Districts.** Allowed as a conditional land use in all agricultural, commercial, and industrial districts. *There is no provision to add this use to the listing of conditional uses in each of those districts. Are the Recreation Open Space (RO-1) and Office (O-1) districts included?*
- **Height.** Ground-mounted facilities may not exceed a height of 14 feet. *There are no regulations regarding building mounted facilities (e.g., prohibitions against exceeding the pertinent maximum building height and the extension of facilities beyond the roof edge).*
- **Size.** *There are no size regulations beyond the minimum of >5 acres.*
- **Setbacks.** The minimum setback for a ground-mounted facility is equivalent to the required principal building setback. There is a minimum setback at least 150 feet of a residential district, *but no setback from residences in other districts (e.g., ‘single-family detached dwellings’ are a permitted use in the AG-1 district).* They are prohibited from FEMA flood zones and designated wetlands and must be set back at least 40 feet of a shoreline. There is also a 400-foot setback from wildlife management areas and scenic trail corridors.
- **Security Fencing.** There is a requirement for security fencing, *but no standards (e.g., height).*
- **Screening.** There is a requirement that ground-mounted facilities be screened from roads and adjacent residences, *but there are no minimum standards (e.g., the height and spacing of vegetation).*
- **Lighting.** Lighting must be shielded to prevent light pollution and poles are limited to a maximum height of 18 feet, *but no other regulations are provided (e.g., prohibition against light extending beyond the property line and the use of photometric studies).*
- **Nuisances.** There are some open-ended prohibitions regarding glare. Noise is limited to “5 dB [(decibels)] above ambient sound levels” as measured at the property line, *but there is no definition regarding ambient sound levels.*
- **Electrical Cabling.** Cabling must be buried, with exceptions.
- **Permit Application.** A site assessment study must be conducted by an independent company.
- **Reclamation.** Criteria regarding decommissioning plan are provided.
- **Solar Access.** *There is no disclaimer regarding guaranteed solar access.*

**Staff Advisement** – Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **DISAPPROVAL** of the amendments regarding ‘Solar Energy Systems’ as currently written because they are not sufficiently detailed (*please see the comments provided by staff*). Attached are more detailed regulations/standards proposed by Spring Arbor Township that were recommended for approval by the JCPC on 4/12/18.

#### Staff Report Attachments:

- Background information provided by Blackman Township
- Draft Spring Arbor Township Ordinance

#### Suggested Actions:

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



JCPC Case #: 19 - 01  
(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 JCPC with the Township Board Action.

THE Blackman 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.) \_\_\_\_\_

Proposed New Solar Ordinance

C. PUBLIC HEARING on the above amendment was held on: month 1 day 15 year 19

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 12 day 27 year 18

(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 1/15/19 (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



## SECTION 5.26 – SOLAR ENERGY SYSTEMS

### A. Purpose and Intent

Blackman Charter Township determines that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, and rural character of the region. The Township resolves that the following regulation and standards shall be adopted to ensure that solar energy systems can be constructed within Blackman Charter Township while protecting public health, safety, and natural resources.

### B. Criteria for the Use of All Solar Energy Equipment

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
3. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

#### 5.26.1 – Definitions

A. **Accessory Solar Energy System:** A small solar energy system which is roof, or building mounted, or architecturally-integrated, or ground mounted panels which are located on a lot or parcel with a principal use such as residence or business designed to supply energy for onsite residential or business use; excess energy produced may be sold back to the grid through net metering or commercial use to generate energy to offset utility costs or as an additional revenue stream. A small solar energy system generates up to but not exceeding 20kW, and can occupy, in total, no more than five (5) acres.

B. **Community Solar Energy System (CSES) (also called "Solar Garden"):** A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of providing retail electric power (or financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Roof or ground-mounted CSES or Solar Gardens are designed to supply energy for off-site users on the distribution grid. A large scale CSES or Solar Garden system exceeds 20kW, and can occupy, in total, more than five (5) acres.

C. **Solar Farm:** A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of wholesale sales of generated electricity to the electric transmission grid. A roof or ground-mounted solar farm is the primary land use for the parcel on which it is located. A large scale solar energy system exceeds 20kW, and can occupy, in total, more than five (5) acres.

**D. Solar Collection Panels:** Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity or solar thermal panels that convert solar energy indirectly to heat a fluid, and can also power solar cooling systems.

#### **5.26.2 - Permitted Use Standards for Accessory Solar Systems**

Accessory Solar Energy Systems are a small solar energy system designed and used as an accessory use to serve the needs of a home, farm, or small business (on-site usage). Accessory Solar Energy Systems are Permitted Uses in all zoning districts, reviewed by the Zoning Administrator, and subject to the following standards:

- A. Property Set-Backs:** Projects shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas and scenic trail corridors.
- B. Construction Standards:** The owner(s) and/or operator(s) shall submit a site plan and obtain all necessary permits from the Township, and other applicable government agencies.
1. An Accessory Solar Energy System may not occupy more than five (5%) percent of the property or up to five (5) acres, whichever is less.
  2. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
  3. Plans shall be provided to the Public Safety Department for review of potential hazards/issues.
  4. Height of ground mounted panels shall not exceed fourteen (14) feet.
- C. Nuisances:** Accessory Solar Energy Systems shall not produce glare that is a nuisance to occupants of neighboring properties, or persons traveling neighboring roads, or air routes. Noise produced from Solar Energy Systems shall not exceed 5 dB above ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

#### **5.26.3 - Conditional Use Standards for CSES/Solar Garden, or Solar Farm**

Community Solar Energy System, Solar Garden, or Solar Farms are large solar energy systems designed with the primary use of generating electricity to the electric transmission grid. Community Solar Energy System, Solar Garden, or Solar Farms are Conditional Uses in all agricultural, commercial, and industrial zoning districts (excludes residential and office districts),

reviewed by the planning commission, and subject to the following standards:

- A. **Process:** Large solar energy system projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s) and/or property owner to determine feasibility, including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis including soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.
- B. **Nuisances:** Large solar energy system projects shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads, or air routes. Noise produced from large solar energy systems shall not exceed 5dBA above ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.
- C. **Property Set-Backs:** Set-Backs shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, within one hundred fifty (150) feet of a residential district, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas, parks, and scenic trail corridors.
- D. **Construction Standards:** Project applicant(s) shall submit a site plan, and obtain all pertinent permits from the Township and other applicable government agencies.
  - 1. The maximum property coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the property are subject to the maximum lot coverage restrictions of the district.
  - 2. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
  - 3. Lighting at the facility must be shielded to prevent atmospheric light pollution. Light pole(s) shall not exceed eighteen (18) feet.
- E. **Height:** Ground mounted photovoltaic solar panel arrays shall not exceed fourteen (14) feet.
- F. **Landscaping:** Ground mounted photovoltaic solar panel arrays shall be screened from view along road and adjacent residences. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site.
- G. **Safety/Access:** Perimeter security fencing is required around the Solar Energy facility and all electrical equipment. Keys or code access shall be provided for emergency personnel.

1. Owner(s) and/or operator(s) shall identify emergency and normal shutdown procedures.
2. Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and to the community in general.
3. Plans shall be provided to the Public Safety Department for review of potential hazards/issues.

**H. Telecommunications Interference:** Owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference.

**I. Utilities Interconnection:** No grid-connected photovoltaic system shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

**J. Project Life and Final Reclamation:** The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s) and/or operator(s) properly remove the equipment and facilities upon the end of the project life or in the event they are not in use for twelve (12) consecutive months. The plan **must show a completion date not to exceed eighteen (18) months, and** shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may require the owner(s) and/or operator(s) to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

**K. Planning Commission Review:** Due to the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found within the Solar Energy Systems Ordinance.

#### **5.26.4 - Effective Date:**

This ordinance shall take effect upon publication following its adoption.

MINUTES  
BLACKMAN CHARTER TOWNSHIP  
PLANNING COMMISSION  
1990 W. PARNALL RD.  
**TUESDAY DECEMBER 18, 2018**  
6:00PM

Members Present: Decker, Grabert, Bachus, Williams  
Members Absent: Schroeder

Sign-in list of names present: 2 members of public present, but did not sign in.

**APPROVAL OF THE DECEMBER 4, 2018 MINUTES**

Motion by: **Grabert** supported by: **Bachus** to approve Minutes for the Planning Commission Meeting held 12/4/18. **Roll Call: Ayes 4, Nays 0.** Motion Carried.

**SOLAR ORDINANCE DISCUSSION**

Members continued discussion of draft Solar Ordinance. Motion by: **Grabert** supported by: **Williams** to approve the draft Solar Ordinance, following language updated regarding non-functional equipment.

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

Final draft to go to County Planning for review/input prior to going to Board of Trustees.

**PUBLIC COMMENT:** None.

**TRUSTEE REPORT:** None.

**ZBA REPORT:** None.

**ADJOURNMENT:** Meeting adjourned at 6:25 pm.

*Minutes prepared by: Brandon Williams, Twp. Board Representative*



SPRING ARBOR TOWNSHIP  
JACKSON COUNTY, MICHIGAN

3/30/18 DRAFT ORDINANCE

*An ordinance to amend Article VII of the Spring Arbor Township Zoning Ordinance by adding Section 5.9.16 regarding large solar energy facilities (Solar Farms) within the Township; adding Section 6.23 regarding small solar energy facilities; adding Solar Farms to the listings of conditional uses in the Agricultural (AG-1) and Light Industrial (I-1) Districts; and addition of associated definitions to Article 2.*

**The Township of Spring Arbor ordains:**

**Section 1. Amendment to Article 5**

Article 5, Conditional Land Use Provisions, of the Spring Arbor Township Zoning Ordinance is amended by adding Section 5.9.16, Large Solar Energy Facility, as follows:

...

**Section 5.9 – ADDITIONAL DEVELOPMENT REQUIREMENTS**

...

**5.9.16 Large Solar Energy Facility (Solar Farm)**

The purpose of this Section is to establish minimum requirements and regulations for the siting, installation, operation, repair, decommissioning, and removal of large solar energy facilities (hereafter referred to as Solar Farms), as defined in Section 2.1, while promoting the safe, effective, and efficient use of such energy facilities as a conditional use in specified zoning districts. The following requirements shall apply to all Solar Farms:

- A. **Location.** All Solar Farms are limited to the Agricultural (AG-1) and Light Industrial (L-I) districts.
- B. **Regulations and design standards.** All Solar Farms shall comply with the following minimum regulations and design standards.
  - 1. **Design Standards**
    - a. **Minimum Lot Size.** No Solar Farm shall be erected on any Zoning Lot less than twenty (20) acres in size (as defined in Section 2.1).
    - b. **Maximum Height.** The maximum height for a solar panel shall be fourteen (14) feet. The maximum height of a Power Switchyard (as defined in Section 2.1) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located, as listed in Article 4. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods

shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.

- c. **Setbacks.** Solar Farm facilities and related structures and components shall be set back a minimum of thirty feet (30) from all lot lines. In addition, Solar Farm solar arrays and other structures must be located at least three hundred (300) feet from the road right-of-way along M-60; one hundred fifty (150) feet from the road right-of-way along all other roadways, public and private; and one hundred fifty (150) feet from any lot line adjacent to all existing Rural Non-Farm Residential (RNF-1), Suburban Residential (RS-1 and RS-2), and Multiple-Family Residential (RM-1) District land and any lot line adjacent to an existing residence at the time the Solar Farm is granted conditional use approval, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.
- d. **Safety/Access**
  - (1) Security fencing shall be installed around the Solar Farm as follows: fencing to be a minimum of six (6) feet and a maximum of eight (8) feet in height; fencing to be located inside the perimeter of screening, if any. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
  - (2) Appropriate warning signage shall be placed at the entrance and perimeter of the Solar Farm.
- e. **Noise.** No component of any Solar Farm shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
  - (1) Fifty (50) dBA, as measured at the property line of any adjacent Rural Non-Farm Residential (RNF-1), Suburban Residential (RS-1 and RS-2), and Multiple-Family Residential (RM-1) District zoned land in existence at the time the Solar Farm is granted conditional use approval.
  - (2) Forty-five (45) dBA, as measured at any neighboring residence in existence at the time the Solar Farm is granted conditional use approval, between the hours of nine p.m. and seven a.m.
  - (3) Sixty (60) dBA, as measured at the lot lines of the project boundary.
- f. **Visual Appearance**
  - (1) Solar Farm buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the Solar Farm into the existing environment.

- (2) The perimeter of Solar Farm facilities shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Solar Farm's entire lot perimeter from adjacent parcels, subject to the following requirements:
- (a) Unless screened and buffered at all times by natural forest vegetation having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Solar Farms.
  - (b) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of six (6) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.
  - (c) Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.
  - (d) An alternate screening method may be considered for approval by the Planning Commission as long as it has a substantially similar obscuring effect of an evergreen buffer.
  - (e) If the Solar Farm is not visible from any road and if the Solar Farm is not visible from any existing residence, the screening requirements may be modified at the discretion of the Planning Commission.
- (3) Lighting of the Solar Farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. A photometric study may be used to make this determination.
- (4) No Solar Farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Zoning Administrator, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of

g. **Medium Voltage Cable.** All medium voltage cable (as defined in Section 2.1) within the project boundary shall be installed underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for Power Switchyards (as defined in Section 2.1) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

- C. **Permit Applications.** An application for a conditional use permit to establish a Solar Farm must include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 5.9.16.B.1 will be met. Supporting documentation for addressing the review criteria of Section 5.9.16.D and Article 5 (conditional land use provisions) is also to be provided. The planning commission and township board may require any information reasonably necessary to determine compliance with this ordinance. The application must also be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

- 4

5. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
6. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Solar Farm and within 1,000 feet of the outside perimeter of the Solar Farm.
7. Proposed setbacks from the solar array(s) to all existing and proposed structures within the Solar Farm.
8. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the Solar Farm.
9. Access driveways within and to the Solar Farm, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation approval, and shall be planned so as to minimize the use of lands for that purpose.
10. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Solar Farm.
11. A written description of the maintenance program to be used for the solar array(s) and other components of the Solar Farm, including decommissioning and removal when determined by the Township to be obsolete, uneconomic, or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Solar Farm becomes obsolete, uneconomic or abandoned.
12. A copy of the manufacturer's safety measures.
13. Planned lighting protection measures.
14. Additional detail(s) and information as required by the conditional use permit requirements of the Zoning Ordinance, or as required by the Planning Commission.

It is preferred that any related conditional use permit applications for substations or new transmission lines be considered in conjunction with the conditional use permit application for the Solar Farm; however, if the details of those improvements are not available at the time of application for the Solar Farm, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the Solar Farm.

Due to the complexity of Solar Farm projects, the Township may require a development agreement or other appropriate instrument to address taxing, property assessment, decommissioning bond, and other related issues not addressed by this Section. A devel-

opment agreement may be required as a condition of the permit, and must be approved by the Township Board prior to commencing construction.

- D. **Provisions for Conditional use permit review.** In addition to the standards set forth for conditional use approval in Article 5, additional consideration shall be given to the following:
1. **Project Rationale.** Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
  2. **Siting Considerations.** Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
  3. **Wildlife Habitat Areas and Migration Patterns.** Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with the Michigan Departments of Natural Resources and Environmental Quality will be necessary.
  4. **Environmental Analysis.** The planning commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
  5. **Hazardous Waste.** As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
  6. **Transportation Plan for Construction and Operation Phases.** Proof of an agreement with the Jackson County Department of Transportation and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.
  7. **Public Safety.** Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
  8. **Decommissioning Plan.** Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (i.e., Township, any lessor or property owner, etc.) that ensure proper final reclamation of the Solar Farm. Among other things, revegetation and road repair activities should be addressed in the plan. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may

be left in place. The ground must be restored to its original condition within 180 days.

- E. **Application Escrow Account.** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a conditional use permit for a Solar Farm. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the conditional use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the review process shall cease unless and until the applicant makes the required additional escrow deposit.
- F. **Decommissioning Escrow Account.** If a conditional use permit is approved pursuant to this section, the Township shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use permit has been approved but before construction commences on the Solar Farm. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Solar Farm. Such financial security shall be kept in full force and effect during the entire time that the Solar Farm exists or is in place, and such financial security shall be irrevocable and non-cancelable.
- G. **Code Compliance.** Construction of a Solar Farm shall comply with the National Electric Safety Code and any applicable State Building Codes as a condition of any conditional use permit under this section.
- H. **Certified Solar Array Components.** Components of a Solar Farm shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.
- I. **Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a Solar Farm.

## **Section 2. Amendment to Article 6**

Article 6, Supplemental Regulations, of the Spring Arbor Township Zoning Ordinance is amended by adding Section 6.23, Small Solar Energy Facility, as follows:

...

### **Section 6.23 – SMALL SOLAR ENERGY FACILITY.**

Notwithstanding other provisions of this Section of the Ordinance, Small Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy Facility (as defined in Section 2.1) shall be required to have appropriate building permits.

- A. All Small Solar Energy Facilities are subject to the following minimum requirements:
1. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  2. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Spring Arbor Township acknowledging and approving such connection.
  3. A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.
  4. A ground mounted facility shall not exceed a height of fourteen (14) feet.
  5. The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
  6. A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.
  7. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
  8. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:
    - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence



meeting the requirements of Section 4.12 and that is at least fifty percent (50%) opaque may be used.

- b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
  - c. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.
- 9. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- 10. All power transmission lines from a ground mounted small solar energy facility to any building or other structure shall be located underground.
- 11. A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
- 12. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.
- 13. The small solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.
- 14. Before any construction can commence on any small solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.
- B. If a ground mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.
- C. If a ground mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to

remove or repair the defective or abandoned small solar energy facility, the Township may pursue a legal action to have the facility removed at the owner's expense.

- D. **Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

### **Section 3. Amendment to Article 4**

Article 4 of the Spring Arbor Township Zoning Ordinance is amended by adding Solar Farms to the listing of Conditional Uses in the Agricultural District (Section 4.1.1.B), and Light industrial District (Section 4.5.1.B) as follows:

#### **Section 4.1 – OPEN DISTRICTS**

...

##### **4.1.1 Agricultural District (AG-1):**

...

##### **B. Conditional Uses (See Article 5)**

...

24. Solar Farms, subject to regulations contained in Section 5.9.16.

...

#### **Section 4.5 – INDUSTRIAL DISTRICT**

...

##### **4.5.1 Light Industrial District (I-1):**

...

##### **B. Conditional Uses (See Article 5)**

...

8. Solar Farms, subject to regulations contained in Section 5.9.16.

...

### **Section 4. Amendment to Article 2**

Article 2 of the Spring Arbor Township Zoning Ordinance is amended by adding the following definitions to Section 2.1:

...

**Solar Energy Facility:** An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:

- A. **Large Solar Energy Facility (Solar Farm).** A Solar Farm is a utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies.

Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.

- B. **Small Solar Energy Facility**. A small solar energy facility is accessory to a principal residential or small business use and converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies. The sale and distribution of excess available energy shall be incidental and not the primary purpose of the facility. For ground-mounted facilities, the total area covered by solar arrays shall not exceed 10,000 square feet.
- C. **Photovoltaics (PV)**. A technology that converts light directly into electricity.
- D. **Power Switchyard**. The structure needed to tie the solar energy facility to electric transmission lines.
- E. **Medium Voltage Cable**. 34.5 kV lines which provide electricity to homes.

...

**Zoning Lot**. Provided that the owner(s) of any number of contiguous lots, or contiguous portions of lots, may have as many of said contiguous lots, or contiguous portions of lots, considered as a single lot for the purpose of this Ordinance as he/she so elects, and in such case the outside perimeter of said group of lots or portions of lots shall constitute the front, rear, and side lot lines thereof. This definition shall apply only to the siting of a Solar Farm.

#### **Section 5. Severability**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

#### **Section 6. Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

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# 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 | #19-02

**To:** County Planning Commissioners

**From:** Grant E. Bauman

**Date:** February 14, 2019

**Proposal:** The rezoning of a property in Section 23 (T2S-R1E) of Leoni Township

### Request

A property is proposed for rezoning to 'Agricultural (AG)' from Suburban Residential (RS).

### Purpose

The purpose of the request is to 'build a barn for [an] event venue/weddings' (see the Township's 'Application for Zoning Change or Conditional Use'). There is local opposition to the proposed use, as illustrated by the documentation appended to this report.\*

### Location and Size of the Property

The subject property (ID# 000-09-23-126-001-00) is situated in Section 23 (T2S-R1E) of the Township (see Figure 1). Located on the east side of Whipple Road and the north side of Updyke Road, the property has an area of approximately 34 acres. The Waterloo State Recreation Area is located to the north-east and I-94 traverses the Township to the south.

### Land Use and Zoning

**Current Land Use** – The subject property is currently vacant (see the Rezoning Worksheet Form and Figures 1, 5a & 5b). Call's Pit (a quarry owned by the Jackson County Department of Transportation and currently operated by Lester Brothers) is located to the north. The Hideaway RV Park (a commercial recreational vehicle campground) is located to the east. The Sanctuary at Brills Lake (a site condominium development) and other residential properties are located to the west and south.

**Future Land Use** – The future land use map in the *Leoni Township Master Plan* places the subject property in an area recommended for 'Open Space' uses (see Figure 2), as are properties to the north, east, and directly to the south. 'Low-Density Residential' uses are proposed for properties to the west and further to the south.

**Current Zoning** – The subject property is zoned 'Suburban Residential (RS)', as are properties to the west and further to the south (see Figure 3). Properties to the north and east, and directly to the south, are zoned 'Agricultural (AG)'.

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\* 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.

## Public Facilities and Environmental Constraints

**Water and Sewer Availability** – Municipal water is not available and there are no plans to extend that service, according to the Township (see the Rezoning Worksheet Form). Municipal sewer service is available.

**Public Road/Street Access** – Whipple and Updyke Roads provide direct access to the subject property. They are paved county local roads (see the *Jackson County 2008 Road Map*), although Updyke Road becomes a gravel county local road further to the east.

**Environmental Constraints** – The subject property has no known environmental constraints, according to the Township (see the Rezoning Worksheet Form). A site visit revealed that it is wooded with a rolling topography.

## Analysis and Recommendation

**Township Planning Commission Recommendation** – The Leoni Township Planning Commission recommended **approval** of the proposed rezoning to ‘AG’ (see the Zoning Amendment Form).

**JCPC 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.** ‘Open Space’ is the plan designation for the subject property and properties to the north, east, and south (see Figure 2). According to the Zoning Plan, only the ‘Open Space (OS)’ zoning district equates to the ‘Open Space’ plan designation. Properties to the west are included in a ‘Low-Density Residential’ plan designation. No properties in the general area are included in an ‘Agricultural’ plan designation.

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

**Yes.** Given that residential development regularly occurs in agriculturally zoned areas, the uses allowed in the ‘Agricultural District (AG)’ are compatible with residential development. However, some agricultural uses may be objectionable to nearby residential property owners, as indicated in some of the attached written public comments (see the following listings of permitted and conditional uses in the ‘AG’ district):<sup>†</sup>

- **Permitted uses:** Agriculture and the usual agricultural buildings and structures; one-family detached dwellings; general and specialized farming; any accessory use or structure clearly incidental and customary to the operation of the above uses; and signs.
- **Conditional uses:** The raising of domestic animals, fowl and fur-bearing animals (other than farm livestock) for commercial purposes; livestock auction yards and structures; quarries;<sup>‡</sup> portable asphalt plants; aircraft landing fields or airports; permitted home occupations; off-site sludge storage facilities and lagoon or water reservoirs; churches; commercial kennels for the raising, breeding and boarding of dogs and other small animals; riding stables and academies; roadside market stands; and essential services.

<sup>†</sup> Unabridged listings of permitted uses and conditional uses are located in Sec. 42-153 of Chapter 42 (Zoning) of the *Leoni Township Code of Ordinances* (attached). Exclusions and other stated parameters (e.g., setbacks, etc.) found in the unabridged sections were not included in the listings in order to make them easier to read.

<sup>‡</sup> Sec. 205 of the Michigan Zoning Enabling Act (MCL 125.3205) states that mining operations must be allowed in all zoning districts under certain circumstances.

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

**No.** It is not anticipated that an 'Agricultural (AG)' rezoning will have an adverse effect on public services and facilities. However, it is recognized that an 'event venue/weddings' use may have some adverse impacts.

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?**

**Yes.** Properties to the north, east, and south are already zoned 'Agricultural (AG)'. However, Call's Pit is assessed 'industrial vacant', the Hideaway RV Park is assessed 'commercial', and the properties directly to the south and the northwest are assessed 'residential' (see Figure 4).

**JCPC Staff Advisement** – The proposed rezoning does not conform to the *Leoni Township Master Plan*, which places the subject property in an 'Open Space' plan designation. However, properties to the north, east, and south are zoned 'Agricultural (AG)'. Although the proposed use should not be utilized in making the rezoning decision, the situation is further complicated in that it does not appear that the proposed 'event venue/weddings' use is covered under the listings of permitted and conditional uses for the 'AG' district. Nor is it likely that such a venue unassociated with a farm operation would be covered by Michigan's Right to Farm Act (please see the following additional analysis). Consequently, the proposed use should not be permitted even if the property is rezoned.

**Additional Analysis**

The reason behind the rezoning request to Agricultural (AG) is to 'build a barn for [an] event venue/weddings'. The rezoning to 'AG' should not allow for the establishment of such a facility. A 'wedding barn' does not fit any of the permitted or conditional uses listed in the Agricultural District (AG) for Leoni Township (see Sec. 42-153 of the Code of Ordinances (attached)) in the opinion of JCPC staff.

Michigan's Right to Farm Act (RTFA) does have a General Accepted Agricultural and Management Practice (GAAMP) for 'Farm Markets' which includes farm activities such as 'concerts', 'haunted barns/trails', and 'social events', which may be akin to a 'wedding barn' (see the Farm Market GAAMP). However, the purpose of the RTFA was "to help existing commercial farmers protect their livelihoods against lawsuits that were beginning to pop up as a result of urban (and suburban) sprawl" and "to help protect commercial farmers legally, provided they adhered to the Generally Accepted Agricultural and Management Practices (GAAMPs), established as part of the RTFA" (see Right to Farm: What It is and Isn't).<sup>\*</sup> Consequently, the 'wedding barn' would need to be part of a larger 'farm operation (as defined by the RTFA), to be covered by the 'Farm Market' GAAMP.

<sup>\*</sup> [https://www.michigan.gov/mdard/0,4610,7-125-1599\\_1605---,00.html](https://www.michigan.gov/mdard/0,4610,7-125-1599_1605---,00.html)

Based upon the above analysis, staff advises the Jackson County Planning Commission to recommend **DISAPPROVAL** of the 'Agricultural (AG)' rezoning request to the Leoni Township Board. Staff further advises the JCPC to caution that if the rezoning is approved by the Township Board, it will not permit the establishment of 'a barn for [an] event venue/weddings'.

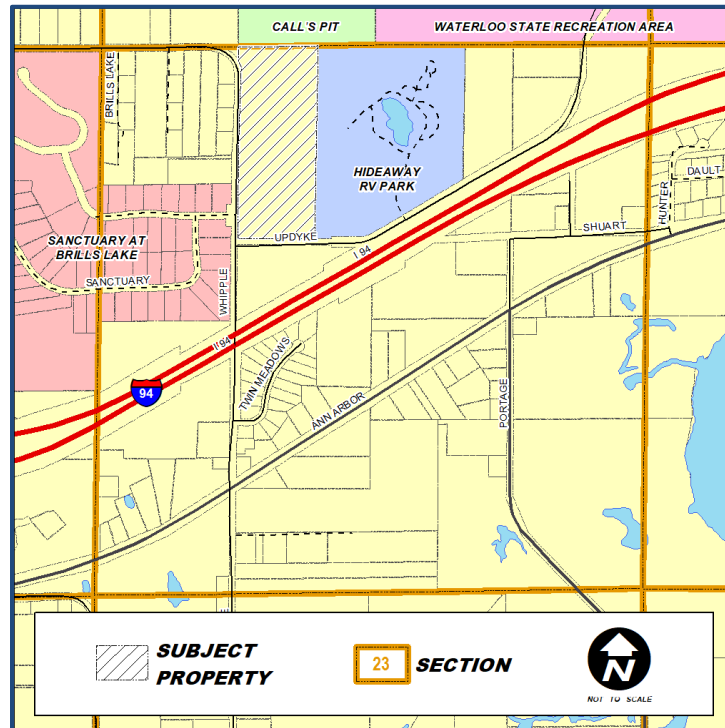
**Staff Report Attachments:**

- Background information provided by Leoni Township
- Correspondence from concerned property owners/citizens
- Sec. 42-153 of Leoni Township's Code of Ordinances

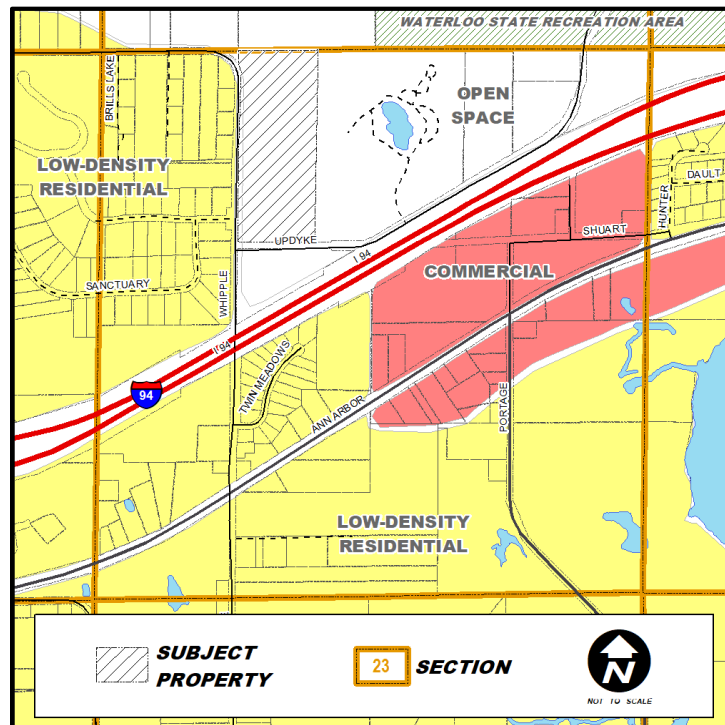
**Suggested Actions:**

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

**Figure 1  
Location**

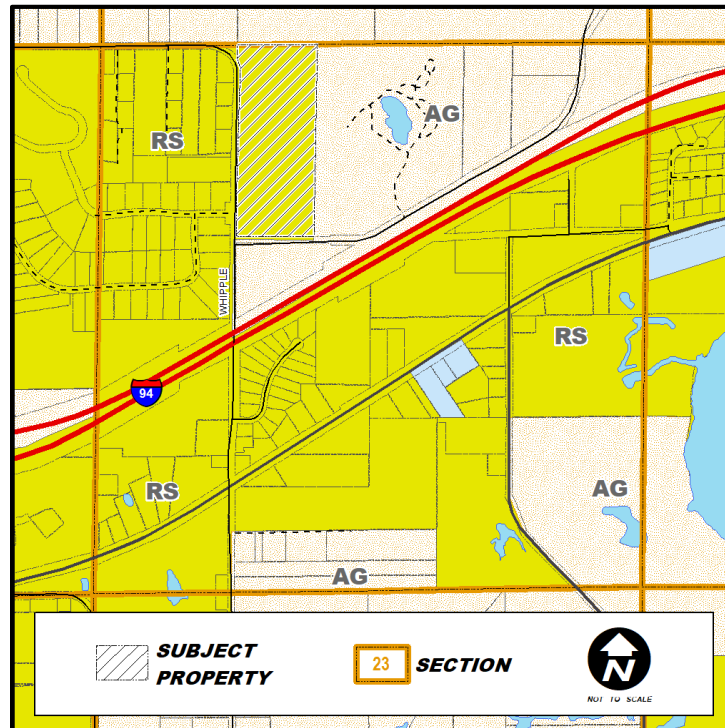


**Figure 2  
Municipal Future Land Use**

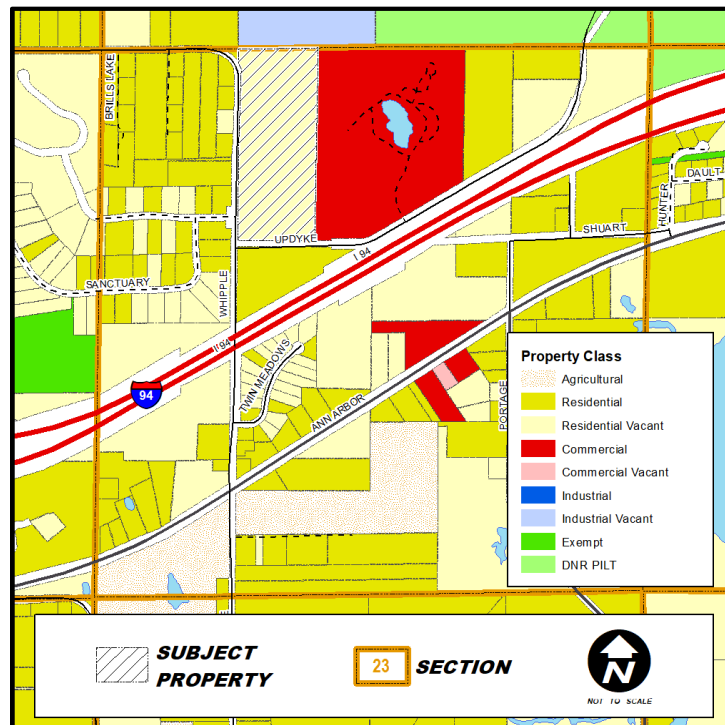




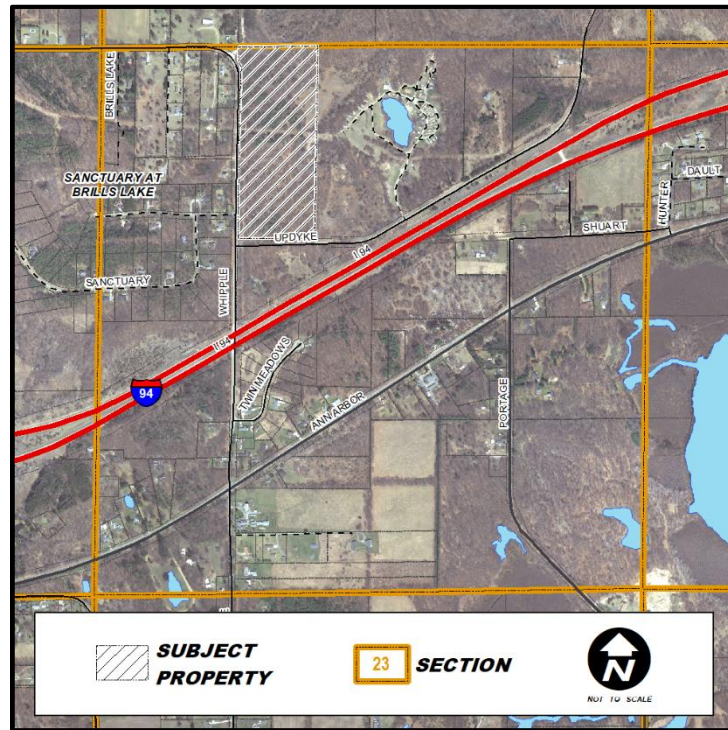
**Figure 3**  
**Municipal Zoning**



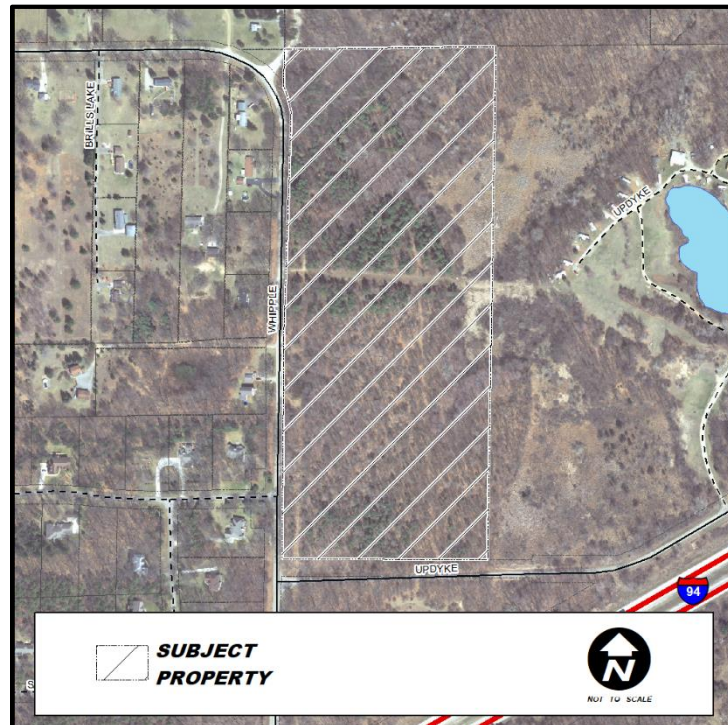
**Figure 4**  
**Property Assessment**



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



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





**ZONING AMENDMENT FORM**

**JACKSON COUNTY PLANNING COMMISSION  
(COORDINATING ZONING)**

mailed 1/28/19  
**COPY**  


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 Leoni 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

1. The above described property has a proposed zoning change FROM Sub-residential (RS) ZONE TO Agricultural (AG) ZONE.

2. PURPOSE OF PROPOSED CHANGE: Rezone to Agricultural for an Event Venue

**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 Jan day 2nd year 2019

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month Dec day 16 year 2018  
(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 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 1 / 2 / 19 (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

## 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: Mark Carpenter Phone #: (517) 936-2290  
Applicant: Benjamin & Ashley Carroll Phone #: (517) 914-0219  
Rezoning Request: From: Sub-Residential (RS) To: Agricultural (AG)  
Property Location: Section(s): 23 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"): 33.94 Acres

Please attach location map ☒ Yes ☐ No

What is the existing use of the site? Vacant Land

What is the proposed use of the site? Re Zone to Agricultural for an Event Venue

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

North: Industrial-Vacant

South: Residential

East: Commercial

West: Residential

What are the surrounding Zoning Districts?

North: (AG) Agricultural

South: (AG) Agricultural

East: (AG) Agricultural

West: (RS) Sub-Residential

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

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 Whipple

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.

Please include any additional information or comments as an attachment.



# Leoni Township Office

350.4

913 Fifth Street P.O. Box 375  
Michigan Center, Michigan 49254  
PHONE: (517) 764-4694 FAX: (517) 764-1106  
email: [leonitwp@modempool.com](mailto:leonitwp@modempool.com)

DATE OF APPLICATION: 10-3-18

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.  
(X) Re-Zone the property to another classification.  
( ) Conditional Use.  
( ) Home Occupation.  
( ) Extending Residential Non-Conforming Use.

1. Applicants Name: Benjamin + Ashley Carroll Phone: 517 9140219  
2. Address of Property Involved: Parcel ID: 000-09-23-124-001-00  
3. Legal Description of Property: \_\_\_\_\_  
4. The above property is presently Zoned: Sub-Residential  
5. I wish the zoning to be changed from: Sub-Residential to: Agricultural  
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: Build a barn for ~~events~~ Event Venue / Weddings

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: \_\_\_\_\_

Ashley Carroll  
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: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

SIGNATURE

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

DATE: 2/14/19 JCPC Agenda Packet

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

SIGNATURE

Page 33

# TOWNSHIP OF LEONI

Receipt: 114174

10/04/18

913 5TH STREET  
P.O. BOX 375  
MICHIGAN CENTER, MI 49254

Cashier: SHELLEY  
Received Of: CARROLL ASHLEY

(517) 764-4694  
(517) 764-1106 FAX

The sum of: 350.00

ZON RE-ZONE 000092312600100

350.00

Total 350.00

CHECK 1777

350.00

Signed: \_\_\_\_\_

# Real Estate Summary Sheet

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

10/17/2018 1:49 PM

**Parcel:** 000-09-23-126-001-00  
**Owner's Name:** CARROLL BENJAMIN & ASHLEY  
**Property Address:** WHIPPLE RD  
JACKSON, MI 49201

**Current Class:** 402.RESIDENTIAL VACANT LAND  
**Previous Class:** 402.RESIDENTIAL VACANT LAND  
**Gov. Unit:** 07 LEONI TOWNSHIP  
**MAP #**  
**School:** 38090 EAST JACKSON  
**Neighborhood:** 4002 4002 METES/BOUNDS SOUTH OF I-94

**Liber/Page:** Created: / /  
**Split:** / / **Active:** Active

**Public Impr.:** Paved Road  
**Topography:** Wooded

**Mailing Address:**

CARROLL BENJAMIN & ASHLEY  
3637 SEYMOUR RD  
JACKSON MI 49201

**Description:**

THE W 770 FT OF THE N 58A OF E 1/2 OF NW 1/4 SEC 23 T2S R1E 33.94A

## Most Recent Sale Information

Sold on 09/26/2018 for 109,000 by MILLER STEVEN D & KATHRYN S.

**Terms of Sale:** ARMS LENTH

**Liber/Page:**

## Most Recent Permit Information

None Found

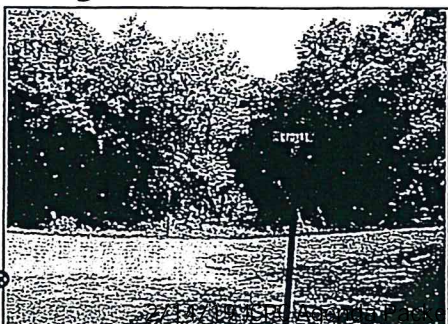
## Physical Property Characteristics

<b>2019 S.E.V.:</b>	45,228	<b>2019 Taxable:</b>	45,228	<b>Lot Dimensions:</b>	
<b>2018 S.E.V.:</b>	45,228	<b>2018 Taxable:</b>	42,676	<b>Acreage:</b>	33.94
<b>Zoning:</b>	RS SUBU	<b>Land Value:</b>	90,455	<b>Frontage:</b>	0.0
<b>PRE:</b>	0.000	<b>Land Impr. Value:</b>	0	<b>Average Depth:</b>	0.0

## Improvement Data

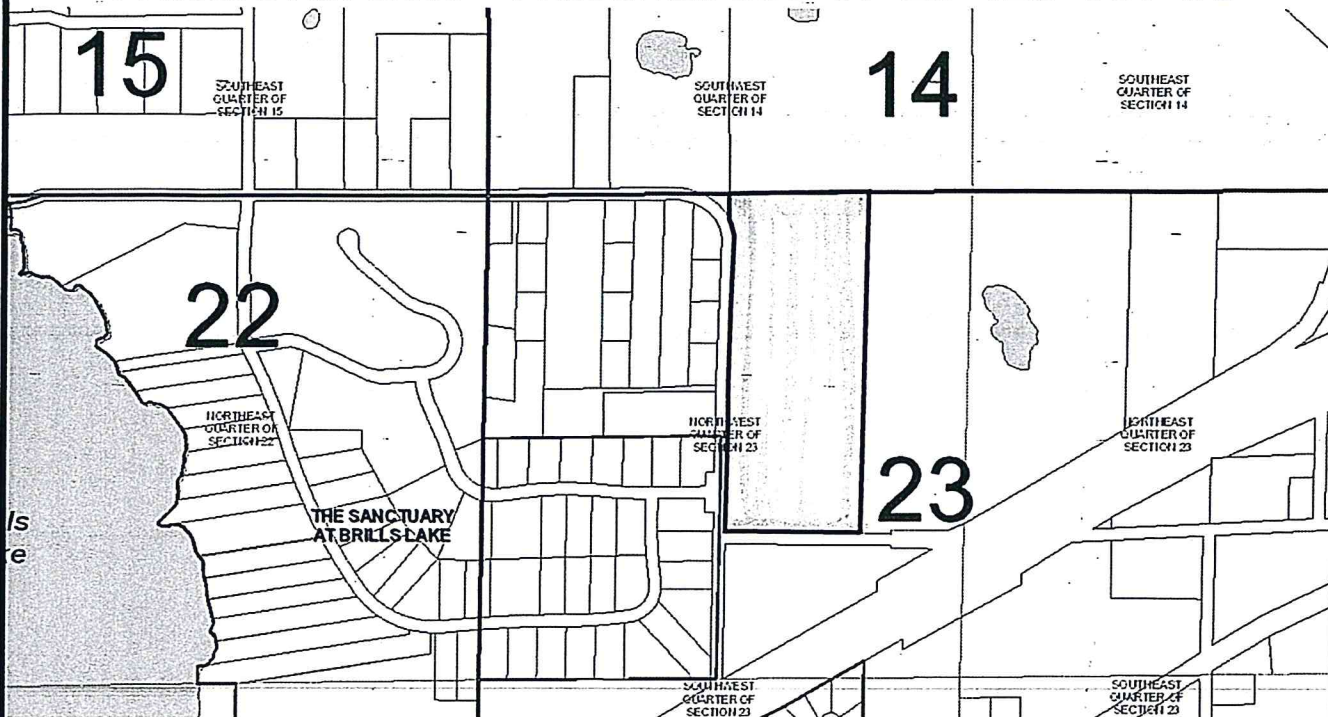
None

## Image





# PARCEL DATA SHEET - PARCEL ID: 000-09-23-126-001-00



OWNER NAME CARROLL BENJAMIN & ASHLEY  
 OWNER ADDRESS 3637 SEYMOUR RD  
 JACKSON MI 49201  
 HOMESTEAD 0%  
 PARCEL ADDRESS WHIPPLE RD  
 JACKSON MI 49201  
 PROPERTY CLASS 402 - RESIDENTIAL VACANT  
 STATUS Active  
 ACREAGE 33.94 Acres  
 GOV'T UNIT Leoni  
 TAX UNIT Leoni  
 SCHOOL DISTRICT EAST JACKSON SCHOOL  
 LIBER/PAGE 2128-1134

	2016	2017	2018
TAXABLE VALUE	\$44,978	\$41,799	\$42,676
ASSESSED VALUE	\$48,994	\$41,799	\$45,228
TAX DESCRIPTION	THE W 770 FT OF THE N 58A OF E 1/2 OF NW 1/4 SEC 23 T2S R1E 33.94A		



This generated map is provided to allow easy access and visual display of governmental information and services, as well as to information from other sources. Every reasonable effort has been made to ensure the accuracy of the maps and data provided; nevertheless, some information may not be accurate. The burden of determining the accuracy, timeliness, completeness, merchantability, and fitness or appropriateness of use rests solely on you, the user. The parcel data on this sheet was last updated on January 15, 2019.





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

**PLANNING COMMISSION MINUTES**

**January 2, 2019**

The Leoni Township Planning Commission held a meeting Wednesday, January 2, 2019  
@ 6:30 p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

Members Present: V. Beckwith, K. Cole, J. Spencer, D. Helmlinger, L. Maurer & B. Lester, J. Southworth

Members absent: None

Persons in attendance: 70+

Purpose of Planning Commission read by Spencer.

Motion by Beckwith, supported by Helmlinger, to approve of the agenda as amended:  
To remove from agenda Hammonds Conditional Use on Smith Road

**Motion carried by voice vote.**

Motion by Beckwith, supported by Cole, to approve the minutes of December 19, 2018.

**Motion carried by voice vote.**

**Public Comment:** Open at 6:05 pm.  
Closed at 7:10 pm.

**Old Business:** Master Plan

**Public Hearing Opened:** Whipple Rd Property 7:12 pm  
Comments from Carrolls  
Comments from the public

**New Business:** Rezone property from suburban residential to agricultural for entertainment venue.

Motion by Spencer, supported by Maurer

Roll Call: 5 Yaes: Lester, Southworth, Spencer, Maurer, Helmlinger

2 Naes: Beckwith, Cole

Board Discussion: John, Judy, John

**Public Hearing Closed** 8:19 pm

**Public Comment:** Open at 8:19 pm.  
Closed at 8:26 pm.

**Adjourn:** 8:33 pm.

**Next meeting:** January 16, 2019

**Submitted by:** Southworth



Mike Mallard - Sanctuary Dr.  
Against rezone of Whipple Rd -

Dan Hammond - Smith Rd -

Dennis Richards - Sanctuary Dr.  
Against rezone

Resident of Lane. Dr. - against rezone.

Resident in support of Carrolls  
rezone -

Terry Witters Lane Dr -  
Against rezone -  
2nd time repeat against rezone -

Resident feels they should  
have property rezone.

7196 Sanctuary Dr -

Kim Dean - history of her family -  
rezone -

Doug Scott - thank for allowing people to  
speak for against rezone.

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Cindy Norris

Address: 3770 Sargent Rd

Phone #: 517 788 9679

Subject: Carroll Retaining

Public Comment:

Held -

Suppose for Carroll -

R. Kennedy - who's to know who told  
he could do this.

Closed Public hearing @ 8:06 p.m.

Bd discussion: - regarding zone -  
Joe open space, -  
Chambers.



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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Jon Scott

Address: 7400 Seymour Rd Cross Lake MI 49240

Phone #: 517 962 8518

Subject: Rezone: Benjamin + Ashely Carroll

# 000-00-23-126-001-00

Public Comment: Held

Sevens Magazine - 30 under 30 2018 article  
Ben Carroll  
Support of Carrolls rezone -

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Jason Allison

Address: 731 Ellery Jackson M. 49202

Phone #: (517) 315-8877

Subject: Rezone 000-09-126-001-00 - ~~RETRACT~~

*Held -*

Public Comment:

Speaking on behalf of Ben & Ashley Carroll

trust in Carrolls -

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: 1 Doug Scott

Address: 7400 Seymore Rd Grass Lake, 49240

Phone #: 517-764-2723

Subject: Rezone Vacant Land

## Public Comment:

Speaking on behalf of Ben & Ashley Carroll  
and the intended use of the land

for rezone on Whipple Rd.



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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Timothy Edward Hill

Address: 3824 East Mich Ave Jackson MI

Phone #: 517 414 5006

Subject: Ben Carroll

## Public Comment:

- 1 Test to Ben's quality
- 2 Ask why Ben & Family have  
Restrictions on their Property
- 3 Receive answers
- 4 Ask questions

speaking for me: one to ag.

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Kim Dean

Address: 7402 Cain Rd

Phone #: \_\_\_\_\_

Subject: Rezoning

## Public Comment:

not a permitted use of ag land

\_\_\_\_\_

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 - FAX: (517) 764-1380

Name: James Pickett (James Pickett)

Address: 6551 Seymour

Phone #: 517 392 2948

Subject: Hammond

Public Comment:

Truck traffic (in front of home) - speeder  
- Danny Hammond

# Leoni Township Office

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913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Kelly Jordan

Address: 4490 Jordan Rd

Phone #: 517-202-5510

Subject: Ben & Ashley Carroll Zone

## Public Comment:

Bought to business & personal

For rezoning of property on Whipple Rd.

# Leoni Township Office

[www.leonitownship.com](http://www.leonitownship.com)

913 Fifth St.

Michigan Center, Michigan 49254

PHONE: (517) 764-4694 – FAX: (517) 764-1380

Name: Ellia Croff

Address: 3600 Reed Rd. Charlevoix, 49234

Phone #: 727-430-7787

Subject: Agricultural Rezone.

## Public Comment:

Speak on behalf of Benel Ashley Carroll  
Vote for rezoning of Whipple Rd -

**January 17, 2019**

**PETITION TO THE REGION 2 JACKSON COUNTY PLANNING COMMISSION**

**SUBJECT: PROPERTY CODE #000-09-23-126-001-00 BEING REZONED  
FROM SUBURBAN RESIDENTIAL TO AGRICULTURAL**

**The petitioners listed below are homeowners and property owners in the site condo development called the "Sanctuary at Brills Lake" that are off Whipple Rd, just west of the subject property that was proposed to be rezoned by the Leoni Twp Planning Commission on January 2, 2019 by a 5 to 2 vote. Also there are petitioners that live on Whipple Rd. that are on this list.**

**The petitioners request that this Planning Commission reject this rezoning request by Leoni Twp. Briefly, Leoni Township is ignoring the Master Plan that has this noted property being proposed to go to "Open Space". It also will be a hardship to the citizens in the area for the proposed use that has been revealed. The Leoni Township Planning Commission gave no reason for this change as they are violating their own ordinance requirements.**



January 17, 2019

Petition to Region 2, Jackson County Planning Commission

Petitioner

Address

Date

Evelyn Mailland	6076 Sanctuary Dr	1/15/2019
Michael Mailland	6076 Sanctuary Dr	1/15/2019
Charlotte Marsh	7183 Sanctuary Dr	1/15/2019
Edward Marsh	7183 SANCTUARY DR	1/15/2019
7183 TW.	7191 SANCTUARY DR	1/15/2019
Shawn Withers	7191 Sanctuary Dr.	1/15/19
John Cordes	3625 Whipple Rd	1/17/19
John M. Fourn	3900 WHIPPLE RD	1/17/19
Maya Fourn	3900 Whipple Rd.	1-17-19
Gary Komarska	7176 Sanctuary Dr	1/17/19
Sue Komarska	7176 SANCTUARY DR	1/17/19
KIM McLean	6984 Sanctuary Dr	1-17-19
Melissa Rickett	7016 Sanctuary Dr.	1-17-19
Andrew Rickett	7012 Sanctuary Dr	1/17/19
Yes Ken	7200 Sanctuary Dr.	1-18-19
Andy Kean	7200 Sanctuary Dr	1/18/19
Robert J. Kean	3625 WHIPPLE	1-18-19
Brian Atling	7023 Sanctuary Dr	1-18-19
Umarie J. King	7023 Sanctuary Dr.	1-18-19
Frank Jones	3850 Whipple Rd	1-18-2019

February 18, 2019

Petition to Leoni Township Board of Trustees

Petitioner

Address

Date

Francine Deans	7001 Sanctuary Dr	1/24/19
James D. Deans	7007 Sanctuary Dr	1/24/19
Debbie Deans	7007 Sanctuary Dr	1/24/19
Vernie Deans	7196 Sanctuary Dr	1/27/19
John Deans	7196 Sanctuary Dr	1/27/19
Glenn Meale	7011 Sanctuary Dr	2-1-19
John Deans	7011 Sanctuary Dr	2-1-19
Donna Deans	6980 Sanctuary Dr	2-3-19
Kay Richard	6980 Sanctuary Dr.	2-3-19
Dodd Deans	7240 BRILLIS RD	2-3-19
John Deans	7019 Sanctuary Dr.	2-3-19
Marilyn Deans	7019 Sanctuary Dr.	2-3-19



January 2, 2019

**Presentation to the Leoni Twp. Planning Commission by Michael Maillard, 6076 Sanctuary Drive, Leoni Twp.**

**Commissioners:**

**I am before you in response to the Hearing this evening concerning the rezoning petition by Benjamin and Ashley Carroll for property No. 000-09-23-126-001-00 from Suburban Residential to Agricultural for a "Wedding Venue". This has changed significantly since the Nov. 7, 2018 unofficial hearing where petitioners would not divulge the reasons for the rezoning request, other than to build a home. It was noted at that time that some members of the Commission counseled the petitioners on an approach they could take through an option of applying for a Conditional Use" permit. This was off the record, however. Though the hearing was postponed until this day, an effort by some Commissioners at the hearing on December 19<sup>th</sup> attempted to force a vote on the petition that was totally out of order. Thankfully clearer minds stopped that effort.**

**With that background, first I would like to say that the petition, as written cannot and should not be acted on as rezoning to Agricultural<sup>which</sup> would allow this operation, which is a commercial operation, in clear violation of the Agricultural zoning criteria. Under Agricultural, aggregate mining is also allowed under Section 42-345 (9)a. There is no guarantee that this property, if rezoned to Agricultural, will not be used in whole or in part for mining, which the residents along Whipple Rd have suffered from Lester Brothers leasing Road Commission property at Calfs Pit for the last nine years. We want no more it. For this reason I request that Billy Lester excuse himself from participating in this hearing for obvious conflict of interest issues.**

**Now let's discuss portions of the "Master Plan" for Leoni Township that was developed for the Commission in 2012 and approved by the Leoni Township Planning Commission on 11/28/2012 and the Leoni Township Board of Trustees on 12/11/2-12. On page 24 of this document is the Future Land Use Plan- Map 1, that indicates the future use of the property will be zoned as Open Space (OS). That is defined on three different pages- 27, 30 and 37. They all designate low density residential, wetlands and potential community recreational use. Clearly not applicable to the petitioned rezoning. In a meeting I had with the township supervisor, Howard Linnabary, on December 12, 2018, I inquired on the zoning designation in the Master Plan. He responded, very straightforward that the future zoning under the Master Plan preempts any other petition to designate the property differently.**

Now I would like to discuss the use of a "Conditional Use" permit as members of the Commission advised the petitioner on November 7 to consider. In Section 42-245- Conditional Uses, in the township ordinances, part (5) and (6) are most noteworthy. In reviewing this section, it certainly appears that this structure can be legally challenged and can be misused, as I believe this Commission has fallen into making improper decisions, by not reviewing the criteria stipulated as the Commission is required to comply with. In part (5)b. - "... site will be constructed to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity." (Not possible to attain that.) In part (5)c.- "will be served adequately with essential public facilities and services." (How to deal with the sewage and road system. Sewage treatment is tenuous, at best and two lane road system is inadequate to handle large volumes of traffic. Evening traffic will be disruptive to the our housing development. Police and fire are both inadequate in this area, which would be important services to this "Venue". In part (5)d.- "Will not be disturbing to existing or future neighboring uses." ( This is surely a key one as it will be very disturbing with lights, party noise and traffic issues to the residents in the area.) In Part (5)e.- "Will not create excessive additional requirements at public cost for public facilities and services." (It will be costly in police and fire service, resurface road system and provide sewage disposal.) Part (6)- "...recommend such conditions...to protect the best interest ... of the surrounding property owners." (For the issues noted it could not be attained.) Finally part (7)- "Approval would be based on parts (2) through (6) being satisfactorily met." ( How could the parts be met with no legal means to comply, not adequate services available and the local community does not want it.

It was disturbing during the December 19<sup>th</sup> Planning Commission meeting to see one Commissioner overtly fraternizing with the Carrolls in the audience in supporting their application without reviewing the circumstances or how this has evolved. I feel that Commissioner is not supportive of the citizens in the area and has prejudged without understanding her responsibilities.

In conclusion this will have an adverse effect on our property values in our development and the area and will change the natural atmosphere that residents that have expected in moving out here. As to sewage deposal, a potential large number utilizing the constructed facility, that would also include any other party venues, would tax the system in dealing with short term, large volumes of sewage. The road system would have to be upgraded and the sparse fire and police protection would have to be addressed.

What is cited by the chairman at the beginning of each Commission Meeting, as the number one priority of this Commission is: "Promoting and protecting the public health, safety and general welfare." If that is lived up to we would not have the continued problems coming out of this Commission.

measures in approving an applicant without considering the impact it has to the citizens in an area. Refusals, when appropriate, should be issued giving the signal to others in the township that applicants will not get an automatic approval process that normally should have been rejected. As your township supervisor stated to me on December 12<sup>th</sup>, he wished the Commission would not approve applicants, without merit, that burdens the work load of the Board of Trustees.

February 4, 2019

Jackson County Planning Commission

Jackson County Tower Bldg.

120 W. Michigan Ave, 9<sup>th</sup> Floor

Jackson, Michigan 49201

Subject: Review of Property Code#: 000-09-23-126-001-00, Voted by the Leoni Twp. Planning Commission to Rezone Land from Residential Suburban to Agricultural at the January 2, 2019 Hearing.

Commissioners:

First to introduce myself, my name is Michael Maillard and my wife is Evelyn. We have resided since 2004 in a site condo complex called the Sanctuary at Brills Lake. It was intended to be our retirement and dream home. Our home is some 80 feet west of Whipple Rd and we are some 150 feet from the subject property that was approved for rezoning by the Leoni Township Planning Commission.

For a brief history the property noted has been for sale for some six years and was purchased by the Carrolls in September, 2018. In October 2018, we received a notice from the township that the property notice above was the subject of a hearing on November 7, 2018, with only the legal description provided. We and others affected within 300' of the property did not realize the implication until I made an inquiry at the township assessor's office and found out the new owners wanted to build a pole barn and could avoid taxes on the building if they built it before they built their home and had the zoning changed to Agricultural. Then a home owner, the Corders, just south of this property had talked to the new owners and they only talked about building a home. They asked why are you requesting to change it to Agriculture? He was told that was what the township advised. Then it got more ominous when a resident in our development related she had talked to a cohort involved with the township operations and it was related to her that the new owners of the property were planning to build a structure for wedding venues and how wonderful it was. That brought immediate alarm in our development as the community prepared for that hearing. The hearing for November 7, 2018 found two of the Planning Commission had resigned. At the beginning of the hearing, chairman, John Spencer announced that with the two resignations and one commissioner not in attendance he was going to cancel the meeting. With some discussion it was decided to have the meeting being informal as they addressed another issue unrelated to this application. The owners of the

property were in attendance and we were allowed comment periods, off the record. What was alarming that some of the commissioners were advising the applicant away from the speaking podium on ways he would get approval through a "Conditional Use", that the audience picked up. The applicant during the meeting still stated while at the podium, he was building a home with other structures.

My expectation was that we would get another required notice, being within 300' of the subject property, for the next hearing. Not forthcoming, I eventually got an e-mail from John Spencer that the hearing would be on December 19, 2018. I requested the required notice and to other affected residents, within 300'. Eventually I received an e-mail that the topic would be on the January 3, 2019 date.

Being very anxious of what was going on, I and others from the development went to that meeting on Dec. 19<sup>th</sup> to find the two commissioners, that reportedly had resigned. were now in attendance and repeatedly indicated they had not resigned. What then transpired was the two commissioners now in attendance made an effort for a good hour to have a vote taken on the property that was to be considered, now on January 3, 2019! Chairman Spencer held firm in the generated arguments and reinforced that the topic would be discussed on January 3. Mr. Grant Bauman was at this meeting to relate his work progress on required updating of the existing township Master Plan to the Commission. He was even interrupted by one those commissioners if he felt a second public notice was required for Carrolls property. He was a witness to this spectacle. What was alarming was the open fraternizing with the Carrolls in the audience by one commissioner.

The hearing of January 2, 2019 was capacity attended. It was highly attended by relatives and friends of the Carrolls, none of which lived in the proximity of the subject property and most not living in the township. This was also attended by a number of residents from the "Sanctuary" and one resident on Whipple Road. I now would like to comment on the document you have received from the township that reflects a 5 to 2 vote for approval of the above property be rezoned to Agricultural. There are some 19 pages in this document, seven are petitions to speak from friends and relatives of the Carrolls. A number of residents living close to this property did speak, but no record is contained, other than two pages of very sketchy notes that was totally inadequate for proper records of this two plus hour meeting. One of the notations was for the Doane's family at 7196 Sanctuary Drive, that shows supporting the rezoning. In actuality, Valerie Doane made an excellent presentation why the rezoning should be denied. I made a detailed presentation that had to be condensed due to the time constraints. I was not listed as a speaker, which I filled out the proper form and my report given to all seven commissioners is not contained in their submittal to the Jackson County Commission nor a neighbor representing the Sanctuary, Dennis Richards who also submitted a copy of his presentation to the Commission. I am sending you my presentation on the issues. There are also no comments from six of the seven commissioners on justifying their individual decision. The one commissioner, Commissioner Cole presented an excellent analysis of the

proposal, which resulted in an understandable conclusion that the request for rezoning should be denied. He is not on record nor is his report contained in the submittal you have received from the township. There were also some late meeting inquiries on who from the township had assured the Carrolls would get an approval. That inquiry was made by Cory Kennedy who recently resigned from the Township Board of Trustees to take a position on the Jackson County Board of Commissioners. It's unclear where the conversation went on that subject. What the document now clearly states are that the application for rezoning is for an "Event Venue" with no discussion of building a home.

I would now like to address Agricultural zoning. The existing zoning- Residential/ Suburban is intended to be a transition for "Residential" which our development, the Sanctuary is zoned. In the township's Master Plan, page 24, this subject property is recommended to go to Open Space, which is light residential, wetlands and possible recreational uses by the community. There is no Commercial zoning now or being proposed in the Master Plan. The properties east and north are also recommended to be rezoned from Agricultural to Open Space that would be consistent with the Waterloo State Recreation Area next to it. On the north side is the County Pit that is zoned Agricultural with a label of "Industrial Vacant" for tax purposes only. The Master Plan is consistent with protecting residents along Brills Lake Road making it Low Density Residential. To address Agricultural an "Event Venue" is clearly a commercial operation. That is not allowed whether it's Residential Suburban, Open Space or Agricultural. It would have to satisfy the requirements in the township ordinance, namely Mission Statements, Conditional Use. What zoning to Agriculture allows is the potential for mining, farming and animal occupancy. You have no guarantee what the property or a portion of the property would be used for. The telling comment from Chairman John Spencer, "We can't predict what the property could eventually be used for." Then why change it?

As to nuisance it will be significant with an "Event Venue". Late night noise, heavy traffic on the restricted road system, late night headlights into the homes for lengthy periods, honking, etc. There are numerous issues still to be discussed with the township. One significant concern is the effect on our property values and the worsening issue of the ability of selling, buying and building in our development.

I have looked through the Master Plan for Leoni Township and realize that the visions and recommendations are not cast in stone. However, the township Planning Commission and the township Board of Trustees have signed onto this program in late 2012. I have seen decisions made utilizing the Master Plan that has left stress and anxiety to some residents who will be affected by decisions using the proposals in this document ignoring the impact it may create. In this case it is ignoring the existing zoning and the proposal in the Master Plan to satisfy one applicant which will be a significant negative impact to the citizens in the area. In regards to that statement you are receiving a petition from the citizens from the Sanctuary development and citizens along Whipple Rd to deny the proposed change, which numbers 32 signatures.

Thank you for consideration in the matter.

Michael and Evelyn Maillard

6076 Sanctuary Drive

Jackson, MI 49201

## Grant Bauman

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**From:** bhawley@jtv.tv  
**Sent:** Sunday, January 6, 2019 8:49 PM  
**To:** Grant Bauman  
**Subject:** New submission from Contact Region2Planning

### Name

JoEllen Corder

### Email

[crdrje@aol.com](mailto:crdrje@aol.com)

### Subject

Event venue at Whipple and Updyke Rds

### Message

We live on the opposite corner of the planned event center at Whipple and Updyke Rds and oppose this project. Initially the owners, the Carrolls, told us they simply wanted to build a house for their growing family so we did not oppose their request to zone agricultural. Walking by the property today, we discovered the Carrolls had invited all neighbors except us to view the property and discuss the venue. Ben assured us it would have little impact on the neighbors. However, there is limited actual building area and the paved parking area and event center will encompass the majority of the buildable land. A line of trees screening the building will not obscure lighting or the parking area. They liken this to Sandhill Cranes, however the area is not comparable.

There is already disruption to the area due to Lester Brothers incessant truck traffic during the week. This event center will disrupt this community on the weekends. We and others moved to this area because it is a suburban residential area designated in the master plan as open space and residential. The event center will not be "quaintly tucked away" on this piece of property. Please visit the area. It is dark and quiet for families at night. This is not the area for an event/conference center. The only safe bike riding/walking/running outdoor paved area now is Updyke Rd. Please preserve the ideal of this neighborhood, respect the homes and property we have purchased as refuges, and stop "creep".

Thank you,  
JoEllen and Robert Corder  
3625 Whipple Rd  
Jackson, Mi 49201



## Grant Bauman

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**From:** crdrje@aol.com  
**Sent:** Sunday, February 3, 2019 5:51 PM  
**To:** Grant Bauman  
**Cc:** crdrje@aol.com  
**Subject:** Jackson County Planning Comm. Property Rezoning

We are writing as owners of property at the junction of Whipple and Updyke Rds, Leoni Township. We have frontage on both roads opposite that property being considered for a zoning change from suburban residential to agricultural on the NE corner of Whipple and Updyke Rds.

We oppose this rezoning. The petitioners, The Carroll's, are planning to build an event center with the capacity of approximately 200 people. Benjamin Carroll also stated they are looking for a place to house people, and may consolidate business with Norris Limousine located on Sargent Rd and owned by Ashley Carroll's mother, Carol Norris.

We have been residents of Leoni Township for over 27 years and moved to our current address at 3625 Whipple Rd in order to provide a physically accessible place for our disabled son to thrive physically and mentally. We researched the zoning and Master Plan and noted there was no commercially zoned property in the area. At the time, Lester Brothers was not operating out of Cal's Pit. We, and the other 5 and more people with disabilities living on Whipple Rd and in the Sanctuary, were able to ride bikes, operate wheelchairs, run, and walk down both Whipple and Updyke Rds. Lester Brothers traffic has since removed that safe route from Whipple Rd and, in fact, large bike tours no longer include this area on their cycle routes. This pedestrian traffic, minus the cycle groups, has been forced onto Updyke Rd. People from the community regularly park on Updyke Rd and run or walk in the area. The proposed event center has it's main drive and proposed paved parking area located on Updyke Rd near sensitive wetlands. We recently watched 10 vehicles visit the property. Just these vehicles created a hazard for non-motorized traffic on Updyke Rd and a traffic slow down at the nearly blind corner of Whipple and Updyke Rds. This poses a direct threat to the safety of my son who rides an adapted trike, and ourselves who walk with him. This decreases his physical and mental well-being as well as ours by denying free access to the road alongside our property, as Whipple Rd has been made unavailable.

Updyke Rd is not a well-maintained road and lacks street lights. This is a suburban residential area with many families with children and people with disabilities. There is the Waterloo Recreational Area close by and as such, there are many hunters surrounding the proposed event center. There are red-tail hawks, foxes, coyotes, deer, many turkeys, flying squirrels, and more wildlife. There are wetlands bordering the property on both sides of the road. There is a Wolverine oil pipeline running through the property. The property according to The Master Plan is residential and open space. This is what we relied upon when moving here. If one can't rely on zoning, how is anyone to plan a residence for the future?

We are concerned as well, should this event center happen, about light and water pollution, heavy and frequent traffic in a residential area due not only to guests but to deliveries, and incidental traffic. We assume there will be a request for a liquor license creating potential for inebriated drivers. This is a very quiet area, we assume the events/weddings will be scheduled late into the evenings. We are concerned about late night traffic on country roads. We are also concerned about "creep". Lester Brothers was not supposed to operate out of the county owned Cal's Pit permanently, yet it is being cited as commercial/industrial for the sake of this zoning change. The DDA has already planned for Ann Arbor Rd and Page Ave to be development areas. We must stop "creep" arbitrarily into residential neighborhoods thereby destroying the desire of long time and new residents to remain.

For the well-being of the residents of Whipple and Updyke Roads in accordance with zoning and The Master Plan we ask you to deny this request change from residential to agricultural.

Thank you for your regard,  
JoEllen, Robert, and Derek Corder  
3625 Whipple Rd  
Jackson, Mi. 49201

## Grant Bauman

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**From:** burdickjackson@aol.com  
**Sent:** Monday, February 4, 2019 5:47 PM  
**To:** Grant Bauman  
**Subject:** property rezoning

My daughter and her family have lived on the corner of Whipple and Updyke roads for many years. It's a pleasant, relatively quiet rural area with abundant wildlife , trees and bushes. Now it's in danger of losing all that because of a desire of a commercial business to intrude on the neighborhood. For years deer have wandered through those woods that will be cut down in order to build a 200 space parking lot along with other buildings. People moved here because the zoning gave them a quiet country atmosphere. In this day and age that is priceless. And how much will the property values of all the neighbors drop?

There are plenty of other building sites in Leoni Township for business ventures. Please let this area remain as is.

Sincerely,

Barbara Burdick

## Grant Bauman

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**From:** dcr531@comcast.net  
**Sent:** Sunday, February 3, 2019 8:43 PM  
**To:** Grant Bauman  
**Subject:** Jackson County planning Commission Hearing on Rezoning CZ19-02, 34 Acres in Leoni Township from Suburban Residential to AG  
**Attachments:** CZ19-02background.pdf

Mr. Bauman:

My name is Dennis Richard. I am writing to request that the following comments be given to the Jackson County Planning Commission prior to their February 14<sup>th</sup> meeting to document my wife and my opposition to the proposed rezoning the 34 Acre piece of property mentioned in the attached package from Leoni Township, CZ19-02. I would present the comments myself at the February 14<sup>th</sup> planning commission meeting, however we have a prior commitment that we can't change which will prevent us from attending this meeting. If you would, please reply and confirm for me that you've received this message and it will be passed along to the Jackson County Planning Commission members prior to the meeting at which this issue is considered.

Thank you for your time and assistance.

Dennis Richard

Jackson County Planning Commission – Public Comment Opposed to rezoning Parcel ID 000-09-23-126-001-00, 33.94 acres in Leoni Township from Suburban Residential to AG-1 for the purposes of building and event venue:

- First please note that the CZ19-02 package that the Jackson County Planning Commission received does not clearly document the January 2, 2019 Leoni Township Planning Commission meeting to capture all of the comments made in opposition to the rezoning. There were a number of speakers who were opposed to the rezoning and their comments were not captured. Many of these comments referenced several Leoni Ordinances and Master Plan that did not support the rezoning. In addition several of those speakers, including myself, provided their comments in writing to the planning commission that were not included in the documentation of that meeting. Therefore the Jackson County Planning Commission is not seeing any of those comments in detail that were opposed to the proposed rezoning as a part of the submittal package received from Leoni Township.
- Also note that the Leoni Township planning commission meeting notes from January 2<sup>nd</sup>, do not clearly describe how it was brought to light during the meeting that the party petitioning for the rezoning had been coached by a township official prior to their rezoning request on how to proceed. There is an apparent lack of transparency in the process which makes it seem as though the entire process is set up as a way to back door a commercial enterprise into what is primarily a suburban residential area on small county roads.
- We are opposed to the rezoning to agricultural district for many reasons. First, because it is inconsistent with the Leoni Township Master Plan which shows this particular parcel of land zoned as open space in the future. Such a planned use is intended for open/recreational uses per Ordinance Section 42-152,

Open Space District. Therefore, rezoning to agricultural is inconsistent with the township's own master plan. Rezoning to agricultural is not "closer" to open space as was stated by the township building inspector during the January 2<sup>nd</sup> planning commission meeting. Instead an agricultural zoning would open the property up to many permitted uses not consistent with open spaces or the surrounding residential areas.

- We are opposed to the rezoning because many of the agricultural uses permitted by the agricultural zoning would be inconsistent and not harmonious with the surrounding highly suburban residential use including individual residences and subdivisions (Twin Meadows and The Sanctuary at Brills Lake) established by the Township along both Whipple and Brills Lake Roads. Thus a change in zoning to agricultural would potentially open this 34 acre property to future uses that would not be in harmony with the surrounding residential usage that exists in the entire area. There are residential properties along all Whipple and Brills Lake Roads that would be hurt (both quality of life and property values) by some of the agricultural uses permitted by the ordinance. On the other hand, the Master Plan desire to see this property zoned as Open Space would be more consistent with the surrounding residential property.
- Assuming the final intent of rezoning to agricultural district is for construction of an event/wedding venue as described in the application package, Leoni Township Ordinance Section 42-153 Agricultural District does not permit the land to be used for an event or wedding venue. Permitted uses as stated in the ordinance are agricultural in nature. Neither do any of the stated conditional uses in that ordinance permit construction of an event/wedding venue. Therefore allowing such a venue would not meet any of the permitted or conditional uses allowed by Agricultural zoning.
- A conditional use permit for an event/wedding venue would be inconsistent with item numbers 1,2,4,6 and 9 of the Leoni Township Ordinance Section 42-3 Purpose of zoning. Among other things, these items discuss protecting public health, safety and general welfare; protecting character and stability of zoned areas; avoiding congestion on public highways; and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts. A commercial facility such as an event venue would certainly be inconsistent with these stated purposes in Section 42-3 Purpose of the zoning ordinances.
- If the intention is to apply for a conditional use permit for an event venue, such a usage in our view is also inconsistent with the intent of Ordinance Section 42-345, Conditional Uses which states that:
  - i. They will not be hazardous or disturbing to existing or future neighboring uses. We believe that the noise from heavy traffic volumes to/from events, people, and possible alcohol abuse will be disturbing to all the surrounding residential neighbors especially on weekends and evenings. Between heavy traffic coming to and leaving from events, outdoor noise from large crowds and music, rowdy behavior from the bar like party atmosphere, the quality of life for residents all along Whipple Rd. and Brills Lake roads will be negatively impacted. In addition, it is highly likely that residential property values all along Whipple and Brills Lake Roads will be negatively affected by having an event venue.
  - ii. The ordinance requires that conditional uses will be served adequately by essential public facilities. A large event venue should not be allowed without adequate roads and township utilities. It is conceivable that a large event could have 100 cars or more attending all arriving at nearly the same time, therefore creating excessive traffic with both high noise volumes and congested traffic conditions on the rural county roads in the area serving the properties. This is particularly true for Brills Lake Rd. where the closeness of the houses along the road allow no room for driver error. Also a large event venue serving 200 or more should not be allowed to be constructed without access to township sewage services to protect the public health of all the

residents in the area. Nothing has been provided to indicate whether the existing sewerage facilities are large enough to handle the additional flows.

- During the November 7<sup>th</sup> Leoni Township planning commission meeting, Commissioner Spencer stated that the planning commission does not like to create “spot” zoning. It appears that the approach of trying to rezone this property then obtain a conditional use permit to establish the event venue simply is an attempt to circumvent the intent of the zoning process and effectively create a “spot” commercial business zoning within the residential/agricultural usages in the area. In other words it appears that the property owners are attempting to backdoor a commercial facility into what is currently a primarily residential zoned area.
- The property owners are certainly welcome to build their dream home which might include a pole barn for their own personal use on this property. During the November 7<sup>th</sup> Leoni Township planning commission meeting, the property owners stated that they wanted the rezoning so that they could build a pole barn to support the construction of their home. They are certainly welcome to the area for that purpose. Subsequently however, it has become clear that the true intent is that the owners want to build a clearly commercial facility within a primarily residential area. There is a clear lack of transparency making adjacent property owners question how the property will be used, managed and ultimately affect the surrounding property owners and property values.
- While these comments are our own, we know that many people in the area feel very similar as evidenced by the petition provided to the Jackson County Planning Commission opposing the rezoning and allowance of an event venue.

We have no desire to see anyone’s “dreams” stopped, but the idea of an event venue in the area of this property will be a substantial detriment to the existing residential nature of the entire area and people living there by creating a party atmosphere with potentially rowdy behavior, high noise and unacceptable traffic volumes. All existing residents in the area will be negatively affected by such a venue which ultimately will lower the value of all the residential property near such a venue. However the main point is that the rezoning and conditional uses for an event venue is inconsistent with and contrary to the allowed uses defined by the current Leoni Ordinances and the construction of such a facility should not be permitted at this location.

Planning commission members are urged to vote to oppose the rezoning and any conditional use that would allow construction of an event venue on this property. If you have any questions, comments or desire to discuss this with me, I’m available to discuss this in person or via telephone.

<<...>>

## Grant Bauman

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**From:** Valerie Doane <Val@jacksonorthopedics.com>  
**Sent:** Thursday, February 7, 2019 9:06 AM  
**To:** Grant Bauman  
**Subject:** Jackson County planning Commission Hearing on Rezoning CZ-19-02, 34 Acres in Leoni Township from Suburban Residential to Agriculture

Hi Mr. Bauman!

As the date of your meeting to approve or disprove the rezoning application approaches, I thought I would write you to express to you our opposition to this rezoning.

I believe you received a letter from my neighbor Dennis Richards highlighting all of our points against this rezoning. I do not think it is necessary for me to reiterate every point in Dennis's letter; however, you do need to know that we completely agree with all of those points noted.

Please do not consider rezoning this parcel of land. This rezoning request should not be on your desk based on the Leoni Township Master plan, ordinances, and the neighboring residential area. The last thing residents here need is a wedding venue located on a small dirt road in the middle of nowhere. My husband is a physician at the hospital and the last thing a patient needs is for him to be trapped by wedding attendees blocking our exit/entrance to our home. This once quiet area that we chose to reside in is now overrun by large gravel trucks. Please do not compound our misery by adding a wedding venue that would bring in hundreds of cars every weekend. The trucks alone have caused numerous families (some with disabled children) an enormous amount of stress.

As you know, Leoni Township is in the news every week. Most by their own doing over the past 2 decades. Township authorities have continued to disobey their own ordinances and master plans to accommodate any ridiculous request. By definition of the ordinances and master plan, this is a no brainer and should not be approved for rezoning.



As Mr. Richards stated, the application for rezoning that was sent to you, does not capture the enormous amount of opposition against the rezoning. I agree with Mr. Richards, when he stated it appears the Carrolls were coaxed by township officials as to how to purchase the land and rezone it. It is evident by all attendees at the meetings.

Mr. Carroll's attendees spoke solely on his character which has nothing to do with rezoning. However, at the November 7 Leoni Township Planning meeting, the Carrolls presented their case for a pole barn because they could not financially build their dream home at that time. Mrs. Southwell, one of the planning commission members, mentioned a wedding venue at that meeting and was quickly dismissed by Mr. Carroll. He was dishonest from the beginning of this process clearly trying to hide his intention for the property. How is the span of 2 months, do the Carrolls go from not being able to finance a dream home to being able to finance a wedding venue? They, along with their friends in Leoni Township, are dishonest.

I realize that I am a day late with my email; however, I hope you can include this with your packet to the commission members. We too do not wish to discourage anyone's dream in opening their own business but choose a site that will have less impact on the surrounding area. The infrastructure on Whipple Road and Updyke clearly is not appropriate for this venue. This type of venue should be off a main road with adequate facilities.

Please I beg you to do the right thing for the residents of East Jackson and do not approve this rezoning.

Kind regards,

**Valerie Doane & Robert Doane**

Code of Ordinances Township of Leoni, Michigan

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Chapter 42 – Zoning

...

Article III. – District Regulations

...

Division 2. – Open Districts

...

Sec. 42-153. – Agricultural district (AG).

- (a) *Purpose.* The agricultural district is composed of areas of the township suited to agricultural land use. The regulations governing this district are designed to retain and preserve farmland and farm dwellings, while providing transition from open space areas and rural nonfarm residences.
- (b) *Permitted uses.* Permitted uses are as follows:
  - (1) Agriculture and the usual agricultural buildings and structures, including processing of agricultural products but not including commercial slaughtering.
  - (2) Dwelling, one-family detached, subject to the provisions of section 42-352.
  - (3) Farming, general and specialized, including nurseries, greenhouses, truck gardening, poultry raising, beekeeping and similar bona fide agricultural enterprises or uses of land and structures, providing sale of products shall be limited to those grown on the premises. No commercial slaughtering is permitted.
  - (4) Any accessory use or structure clearly incidental and customary to the operation of the uses listed in this subsection.
  - (5) Signs permitted under the provisions of section 42-342.
- (c) *Conditional uses.* Each of the following uses shall be permitted upon recommendation by the planning commission and authorization by the township board, and subject to such reasonable restrictions as may be clearly and specifically set forth in writing by the township board. In every such case, the township board shall follow the procedures set forth in section 42-345.
  - (1) The raising of domestic animals, fowl and fur-bearing animals (other than farm livestock) for commercial purposes, provided that any structure, pens and yards in which animals or fowl are kept shall be located not less than 200 feet from any residence located on any other lot or premises.
  - (2) Livestock auction yards and structures, provided that:
    - a. Written consent of 80 percent of all owners of property is obtained within 500 feet of any part of the lot on which it is to be located.
    - b. No yards or structures shall be located less than 500 feet from any R district or any dwelling.
  - (3) Quarries. See section 42-345(9)a.

- (4) Portable asphalt plants. Such plant may be operated in any existing gravel pit in the township in a temporary basis after obtaining approval of the township board, provided such plant is not less than 1,000 feet from any R district, and provided that such use must be discontinued if the township board determines that the use has become a public nuisance.
  - (5) Aircraft landing fields or airports, provided that the parcel or tract of land is sufficiently large so as not to create a noise or safety hazard to adjacent or nearby property owners or their property.
  - (6) Permitted home occupations, subject to the provisions of section 42-355.
  - (7) Off-site sludge storage facilities and lagoon or water reservoirs.
  - (8) Churches, provided they are located at least 50 feet from all adjacent property lines.
  - (9) Commercial kennels for the raising, breeding and boarding of dogs and other small animals, and including office of a veterinarian, provided that all buildings and runs shall be at least 200 feet from all adjacent property lines.
  - (10) Riding stables and academies, provided that all buildings shall be at least 200 feet from all adjacent property lines and further provided that adequate bridle paths shall be made available either on private property or on nearby public lands.
  - (11) Roadside market stands, provided that any structure used for such purposes shall be located not less than 30 feet distance from the road right-of-way boundary line and have adequate off-road parking.
  - (12) Essential services (see section 42-345).
- (d) *Area, yard, height and bulk requirements.* See section 42-271.
- (Ord. of 3-26-2001, § 4.1.1)

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# 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

## MASTER PLAN REPORT | #19-02

**To:** County Planning Commissioners

**From:** Grant E. Bauman

**Date:** February 14, 2019

**Proposal:** Review of the proposed *Liberty Township Master Plan*

### Purpose

Section 41 (3) of the Michigan Planning Enabling Act (PA 33 of 2008) states that “if the county planning commission . . . that receives a copy of a proposed [municipal] master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

- (a) A statement whether the county planning commission . . . considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).
- (b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan”(MCL 125.3841(3)).

### Analysis and Recommendation

***Is the proposed master plan inconsistent with the master plan of any adjacent municipality in Jackson County?***

1. **Summit Township.** A large area recommending ‘agricultural’ uses is proposed along the Township’s northern border with Summit Township (see Map 1). A small commercial area is proposed east of South Jackson Road and the extension of the Jackson College Campus is also recognized. Those areas do not appear to be in conflict with the large area recommending ‘low density residential’ uses in Summit Township or the smaller areas recommending ‘parks and recreation’ and public/semi-public’ uses (see Map 2). The industrial development proposed along the US-127 corridor mirrors similar development along that corridor in Liberty.
2. **Napoleon Township.** Areas recommending ‘agricultural’ and ‘light industrial’ uses are proposed along the Township’s eastern border with Napoleon Township (see Map 1). That area does not appear to be in conflict with the area recommending ‘commercial’ uses on Napoleon’s draft future land use map (see Map 3).\*
3. **Columbia Township.** Areas recommending ‘commercial’, ‘light industrial’, and ‘agricultural’ uses are proposed along the Township’s eastern border with Columbia Township (see Map 1). Those areas do not appear to be in conflict with the areas along US-127 recommended for ‘industrial’, ‘commercial’, and ‘mixed use’ uses in Columbia (see Map 4).

\*The Napoleon Township Future Land Use Map is part of a draft Master Plan that has yet to be approved by the Napoleon Township Planning Commission.

4. **Hanover Township.** An area recommending 'agricultural' uses predominates along the Township's western border with Hanover Township (see Map 1). Areas recommending 'low density residential', 'medium density residential', 'commercial', and 'institutions' are proposed in the vicinity of Round Lake. Those areas do not appear to be in conflict with the areas recommending 'single-family residential' and 'commercial' uses in the vicinity of Hanover's Farwell Lake (see Map 5).<sup>†</sup>
5. **Spring Arbor Township.** A large area recommending 'agricultural' uses is proposed in the Township's northwest corner abutting Spring Arbor Township (see Map 1). This does not appear to be in conflict with the area recommending 'agricultural' uses in Spring Arbor (see Map 6).

***Is the proposed master plan inconsistent with Jackson County's master plan?***

The predominant land use recommended in the Township's draft future land use plan is 'agriculture' (see Map 1). Areas recommending 'light industrial' and 'commercial' uses are proposed along US-127. Smaller areas recommending 'residential' and 'commercial' uses are scattered throughout the Township, recognizing existing development. Those areas do not appear to be in conflict with the *Jackson Community Comprehensive Plan* that shows 'residential' uses in the vicinity of Round Lake and Mirror Lake and an area recommending 'industrial' uses along US-127 (see Map 7a). 'Agricultural preservation areas' are shown throughout the Township (see Map 7b); some of them conflict with the Township's proposed areas.

**Staff Recommendation** – Based upon the above analysis, staff advises the Jackson County Planning Commission to state that, in its opinion, the proposed *Liberty Township Master Plan* is generally consistent with:

- The master plans of adjacent Jackson County municipalities and
- The *Jackson Community Comprehensive Plan*.

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<sup>†</sup> The Hanover Township Future Land Use Map is dated 1973. Staff was not able to locate a more recent plan.

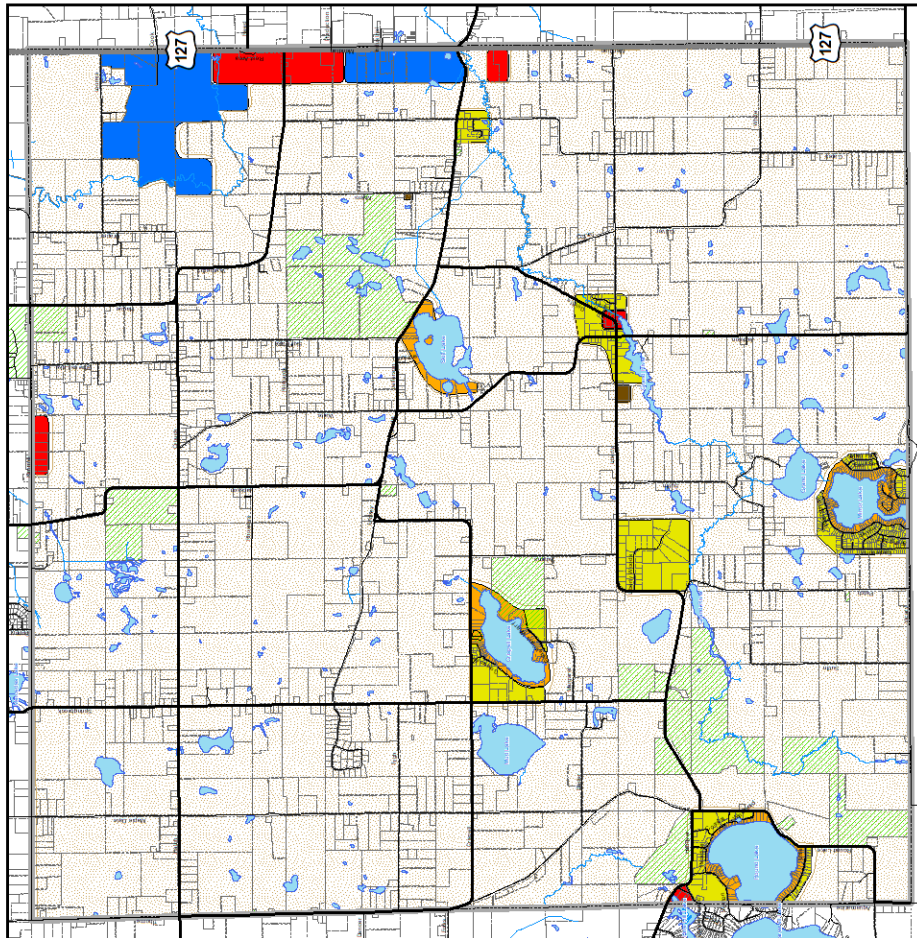
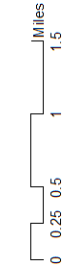
# Map 1 Liberty Township

## LIBERTY TOWNSHIP

### Future Land Use

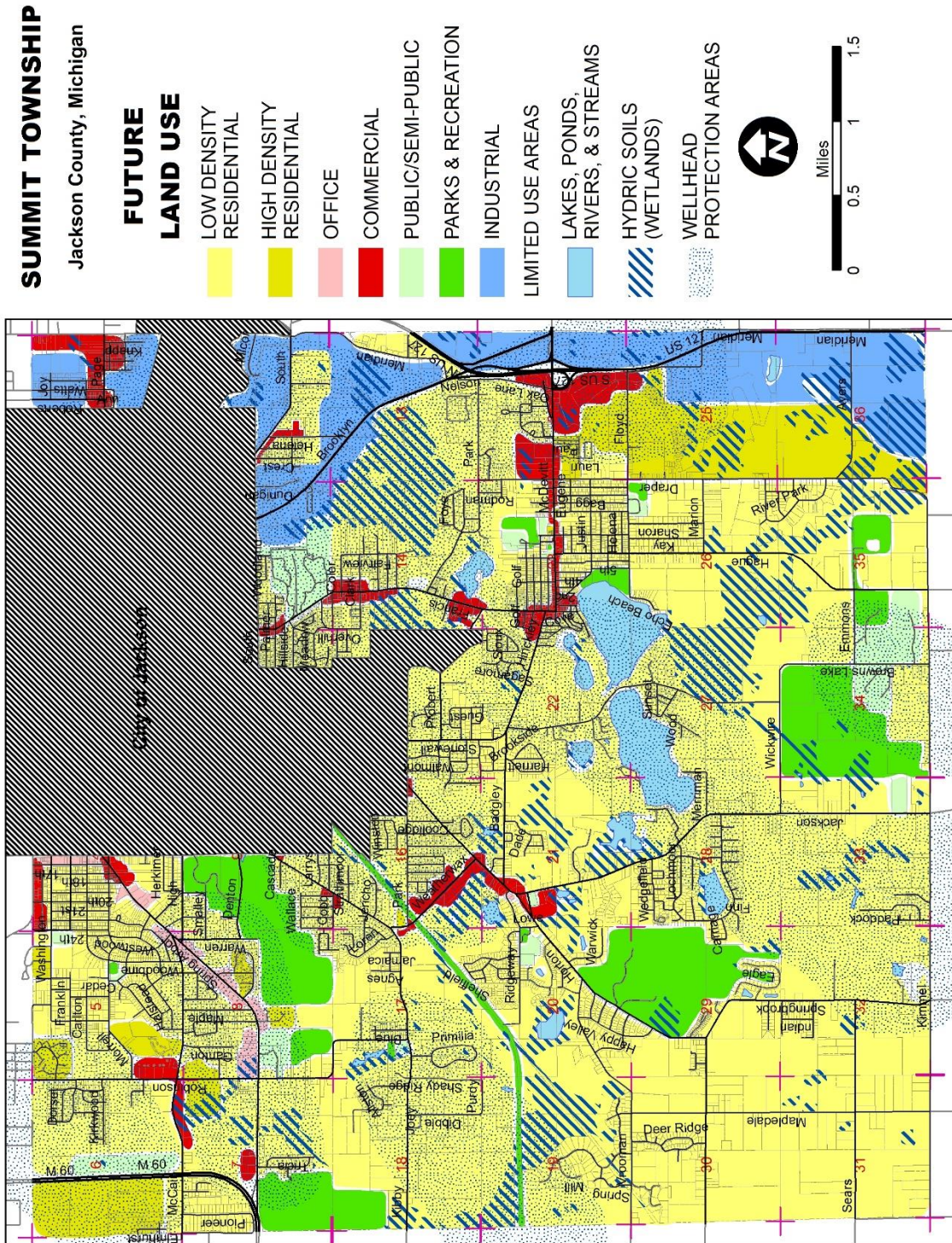
#### Legend

-  Agricultural
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Commercial
-  Light Industrial
-  Institutional



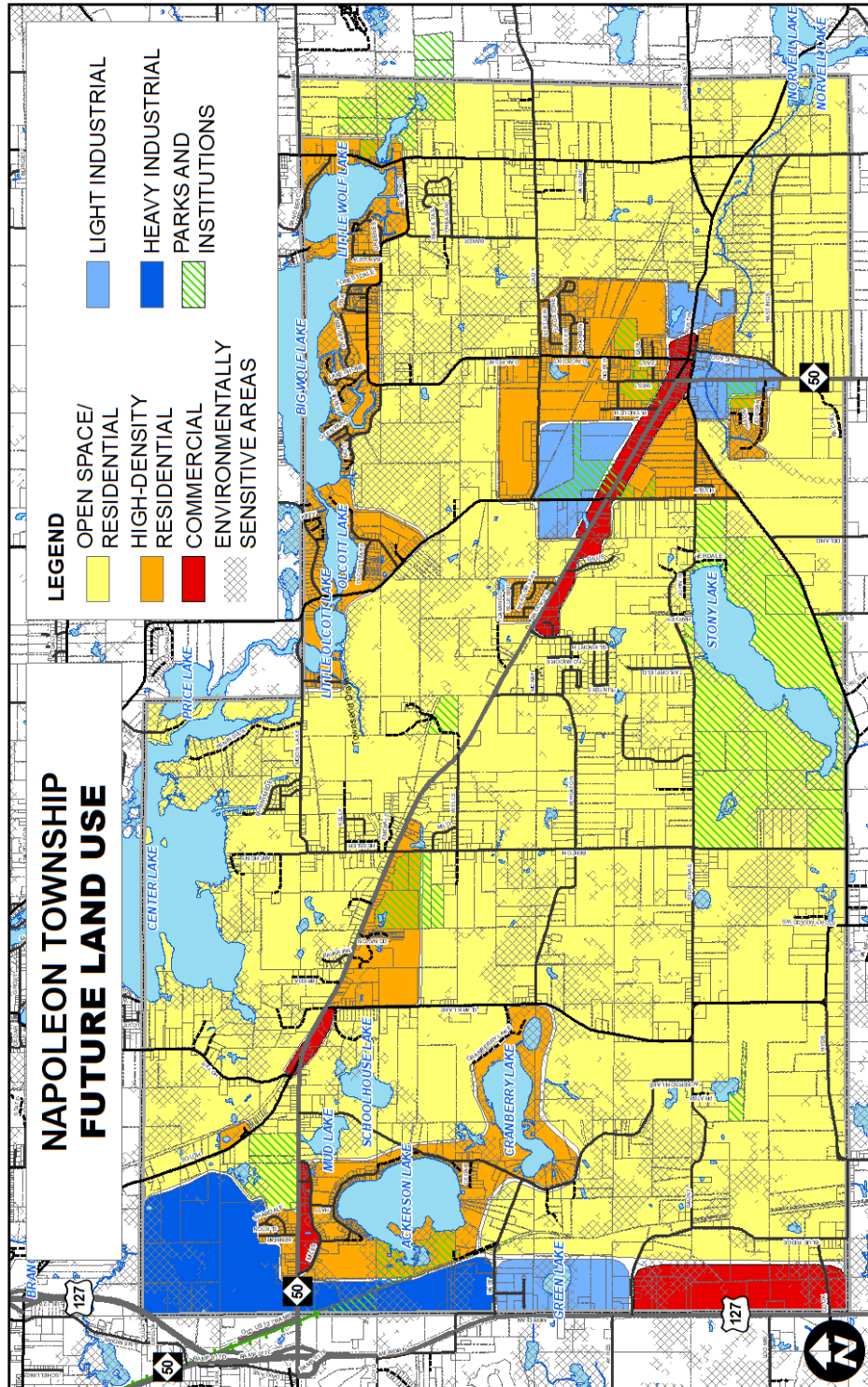


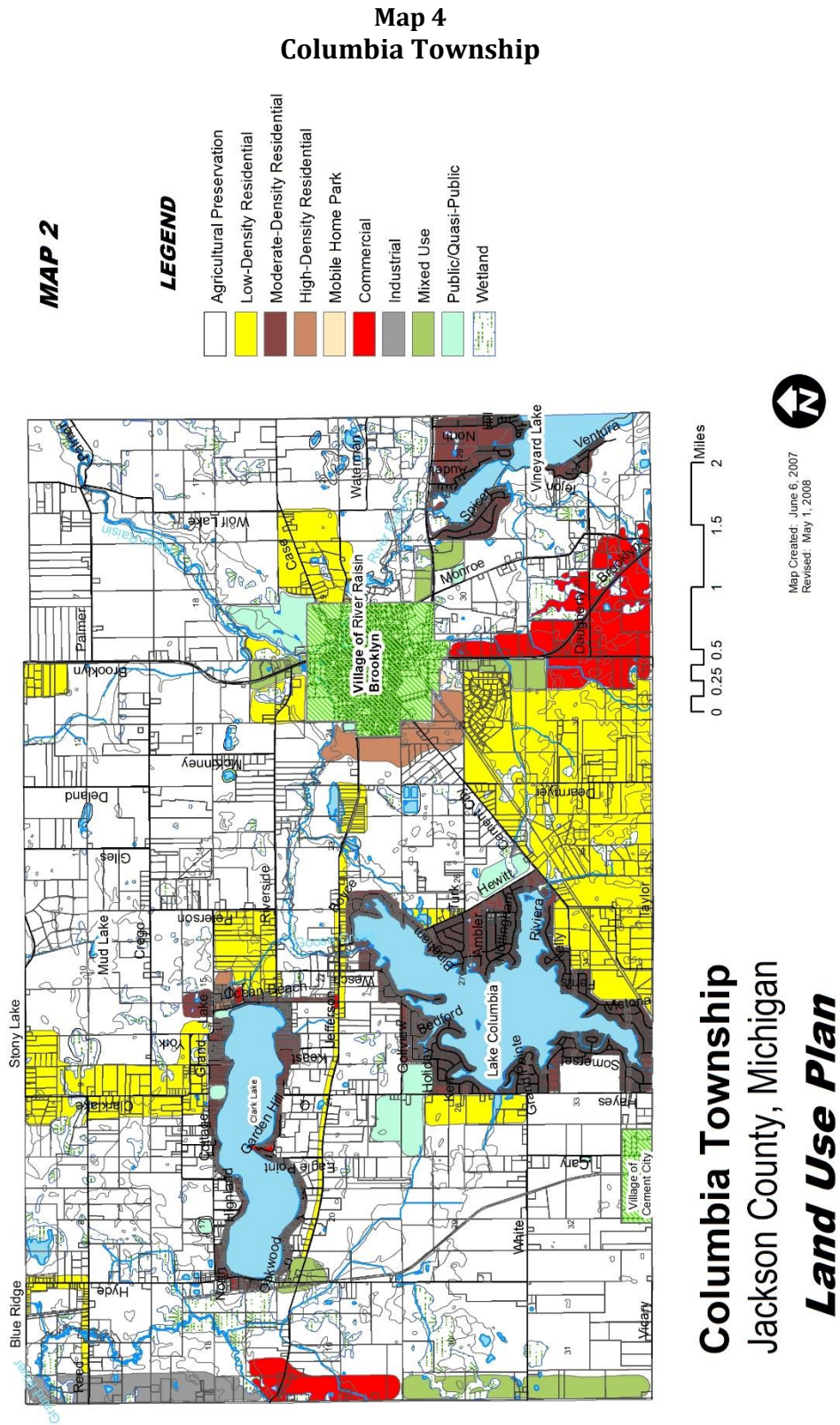
**Map 2**  
**Summit Township**





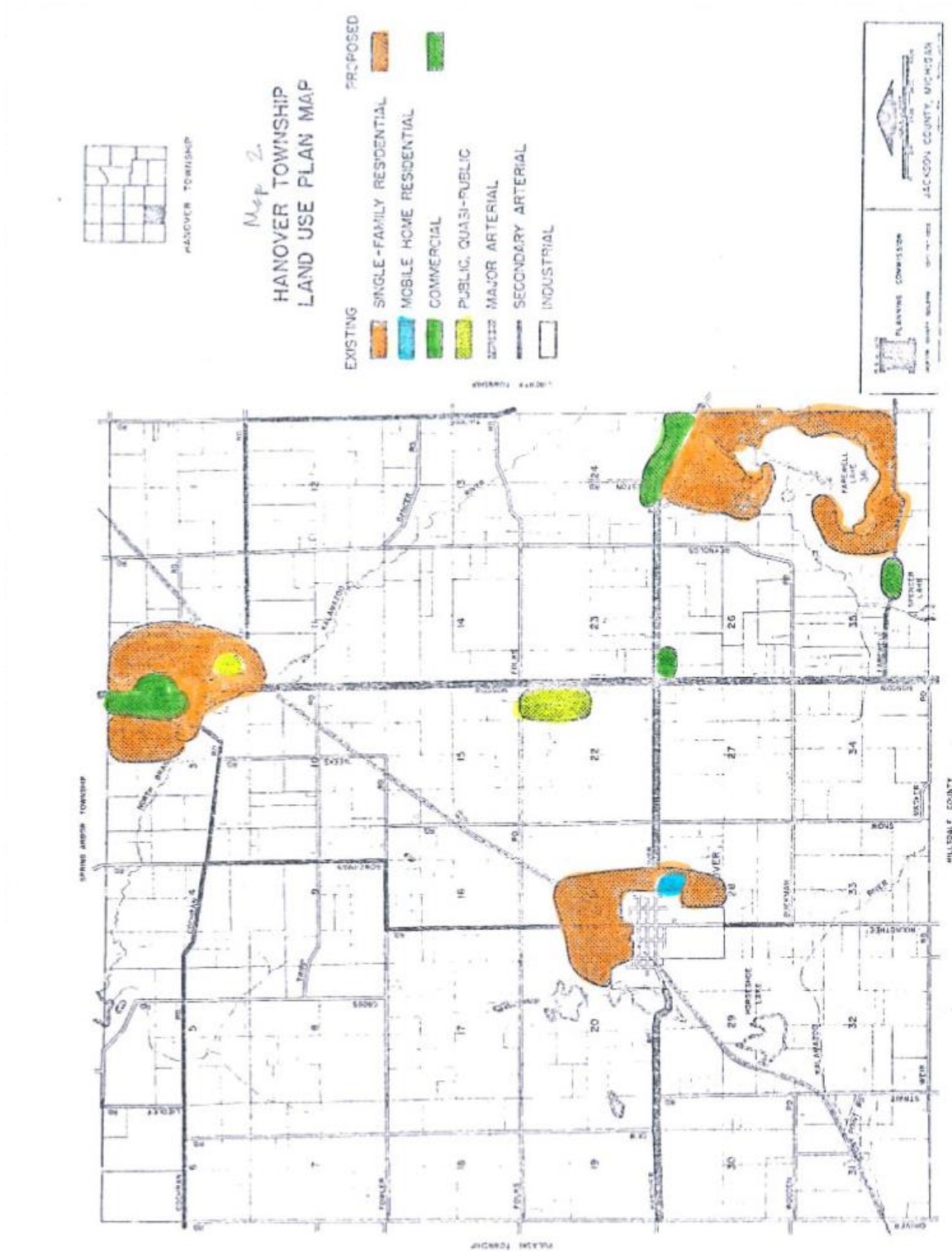
**Map 3**  
**Napoleon Township**



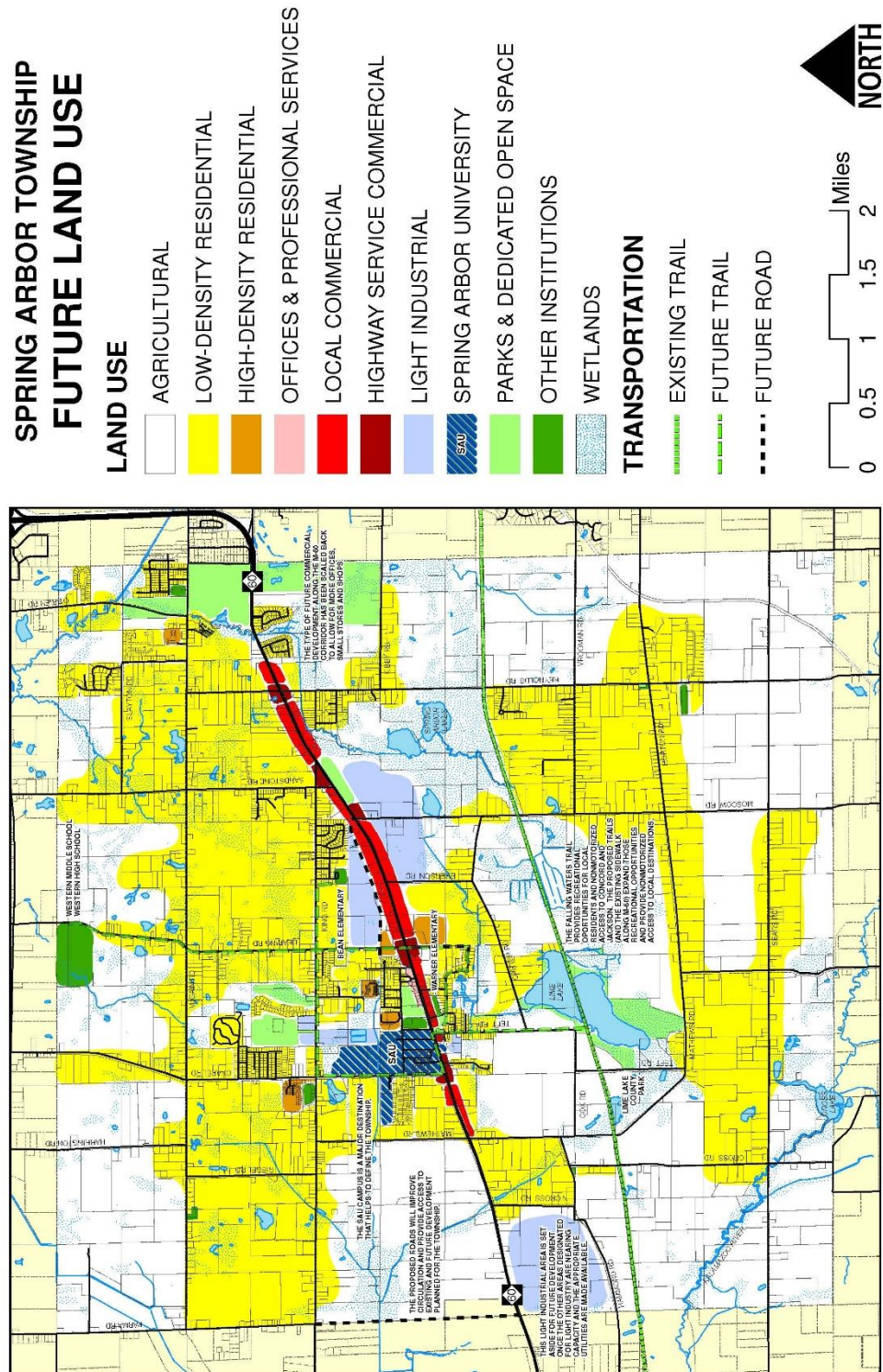




# Map 5 Hanover Township

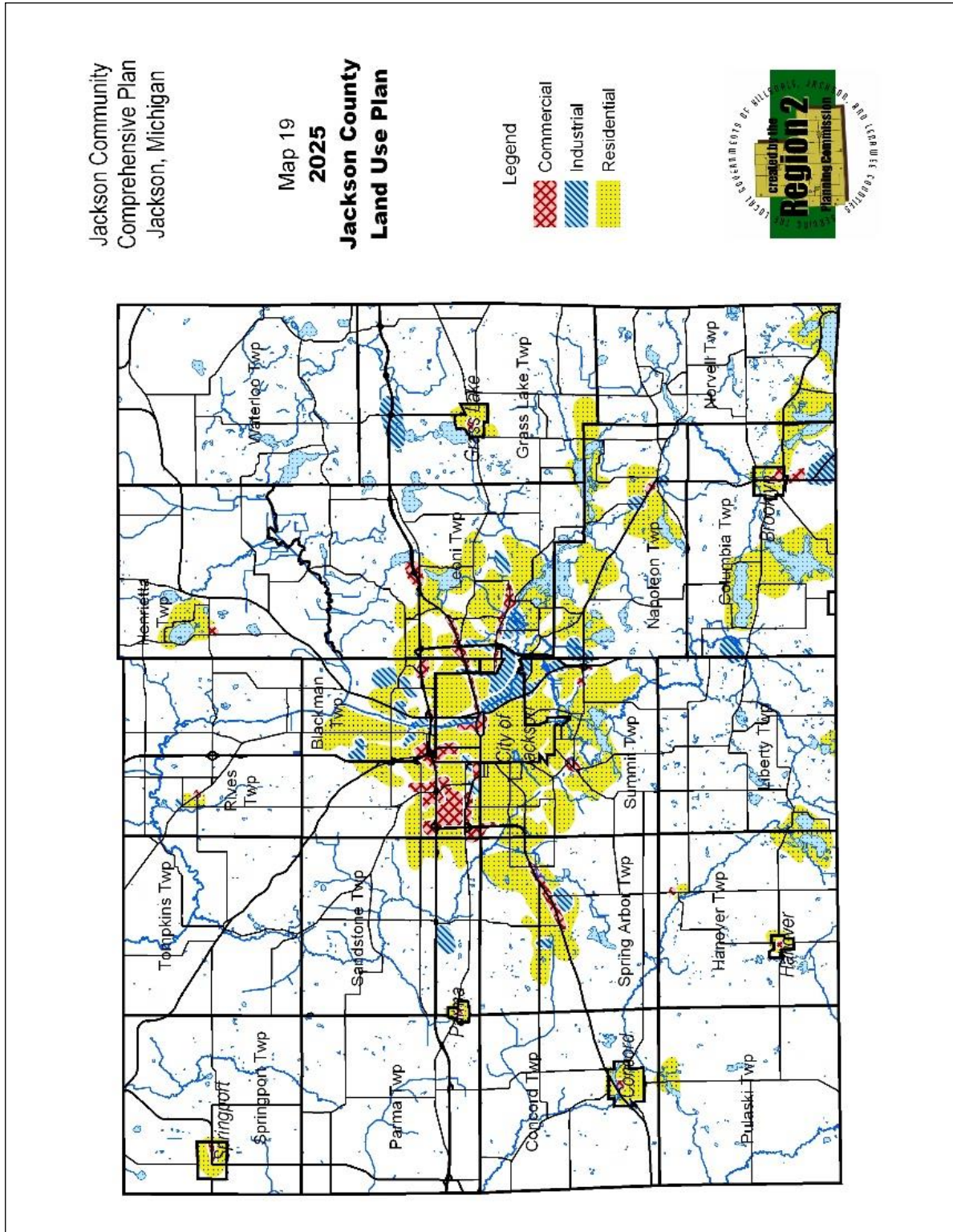


## Map 6 Spring Arbor Township

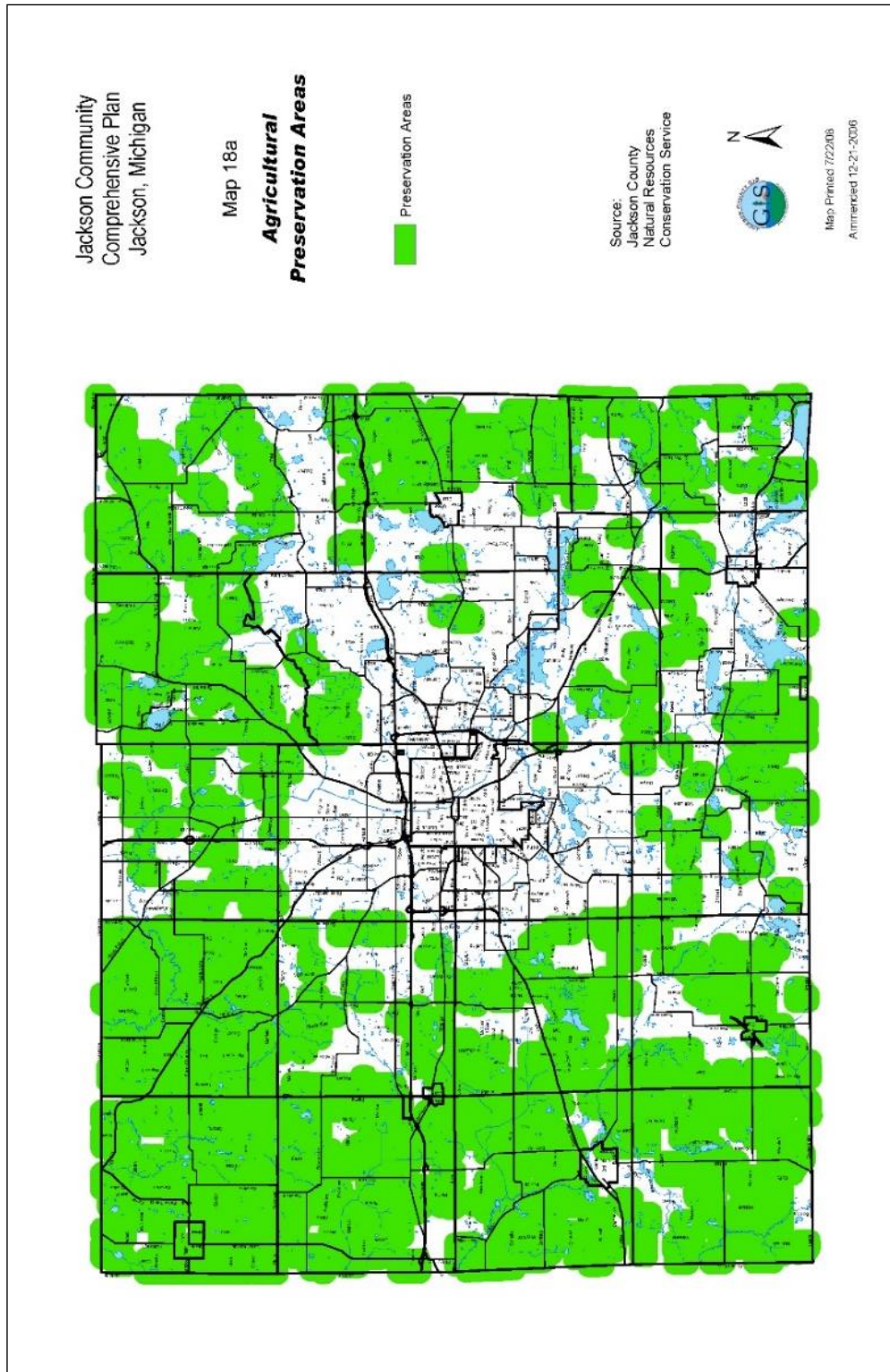




# Map 7a Jackson County



## Map 7b Jackson County







# 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

## MASTER PLAN REPORT | #19-03

**To:** County Planning Commissioners

**From:** Grant E. Bauman

**Date:** February 14, 2019

**Proposal:** Review of the proposed *Napoleon Township Master Plan*

### Purpose

Section 41 (3) of the Michigan Planning Enabling Act (PA 33 of 2008) states that “if the county planning commission . . . that receives a copy of a proposed [municipal] master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

- (a) A statement whether the county planning commission . . . considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).
- (b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan”(MCL 125.3841(3)).

### Analysis and Recommendation

***Is the proposed master plan inconsistent with the master plan of any adjacent municipality in Jackson County?***

1. **Leoni Township.** Areas recommending ‘open space/residential’ uses are proposed along most of the Township’s northern border with Leoni Township (see Map 1). An area recommending ‘heavy industrial’ uses is located along the US-127 corridor. Those areas do not appear to be in conflict with the area recommending ‘low density residential’ uses in Leoni and the industrial area further to the north (see Map 2).
2. **Grass Lake Charter Township.** Areas recommending ‘high density residential’ and ‘open space/residential’ uses, as well as and ‘parks and institutions’, are proposed along the Township’s northeastern border with Grass Lake Township (see Map 1). Those areas do not appear to be in conflict with the areas recommended for ‘agricultural’, ‘low density residential’, and ‘public’ uses proposed in Grass Lake (see Map 3).
3. **Norvell Township.** Areas recommending ‘open space/residential’ uses and ‘parks and institutions’ are proposed along the Township’s eastern border with Norvell Township (see Map 1). Those areas do not appear to be in conflict with the area recommending ‘agricultural’ uses in Norvell (see Map 4).\*

\* Staff could not find an official Future Land Use Map for Norvell Township. What is shown is an unapproved draft map.

4. **Columbia Township.** A large area recommending 'open space/residential' uses is proposed along the Township's southern border with Columbia Township (see Map 1). An area recommending 'commercial' uses is located along the US-127 corridor and the YMCA Camp Storer campus is recognized under 'parks and institutions'. Those areas do not appear to be in conflict with the areas recommending 'low density residential', 'agricultural preservation', and 'industrial' uses in Columbia (see Map 5).
5. **Liberty Township.** Areas recommending 'agricultural' and 'light industrial' uses are proposed along the Township's western border with the Liberty Township (see Map 1). Those areas do not appear to conflict with the area recommending 'commercial' uses in Napoleon (see Map 6).<sup>†</sup>
6. **Summit Township.** Areas recommending 'commercial', 'light industrial', and heavy industrial' uses are proposed along the Township's western border with the Summit Township (see Map 1). Those areas do not appear to conflict with the area recommending 'industrial' uses in Summit (see Map 7).

***Is the proposed master plan inconsistent with Jackson County's master plan?***

The predominant land use recommended in the Township's draft future land use plan is 'open space/residential' (see Map 1). An area recommending 'heavy industrial' is located along US-127 and areas recommending 'light industrial' uses are proposed along US-127 and in the vicinity of the unincorporated village of Napoleon. Areas recommending 'commercial' uses are proposed along segments of US-127 and M-50. Areas recommending 'high density residential' uses are proposed primarily within the unincorporated village of Napoleon and around the Township's lakes. Various 'parks and institutions' areas are also recognized. These areas do not appear to be in conflict with the *Jackson Community Comprehensive Plan* that shows areas recommending 'residential' uses in the vicinity of the Township's lakes as well as the unincorporated village and the 'industrial' area located along US-127 (see Map 8a). 'Agricultural preservation areas' are shown throughout the Township (see Map 8b); some of them conflict with the Township's proposed areas.

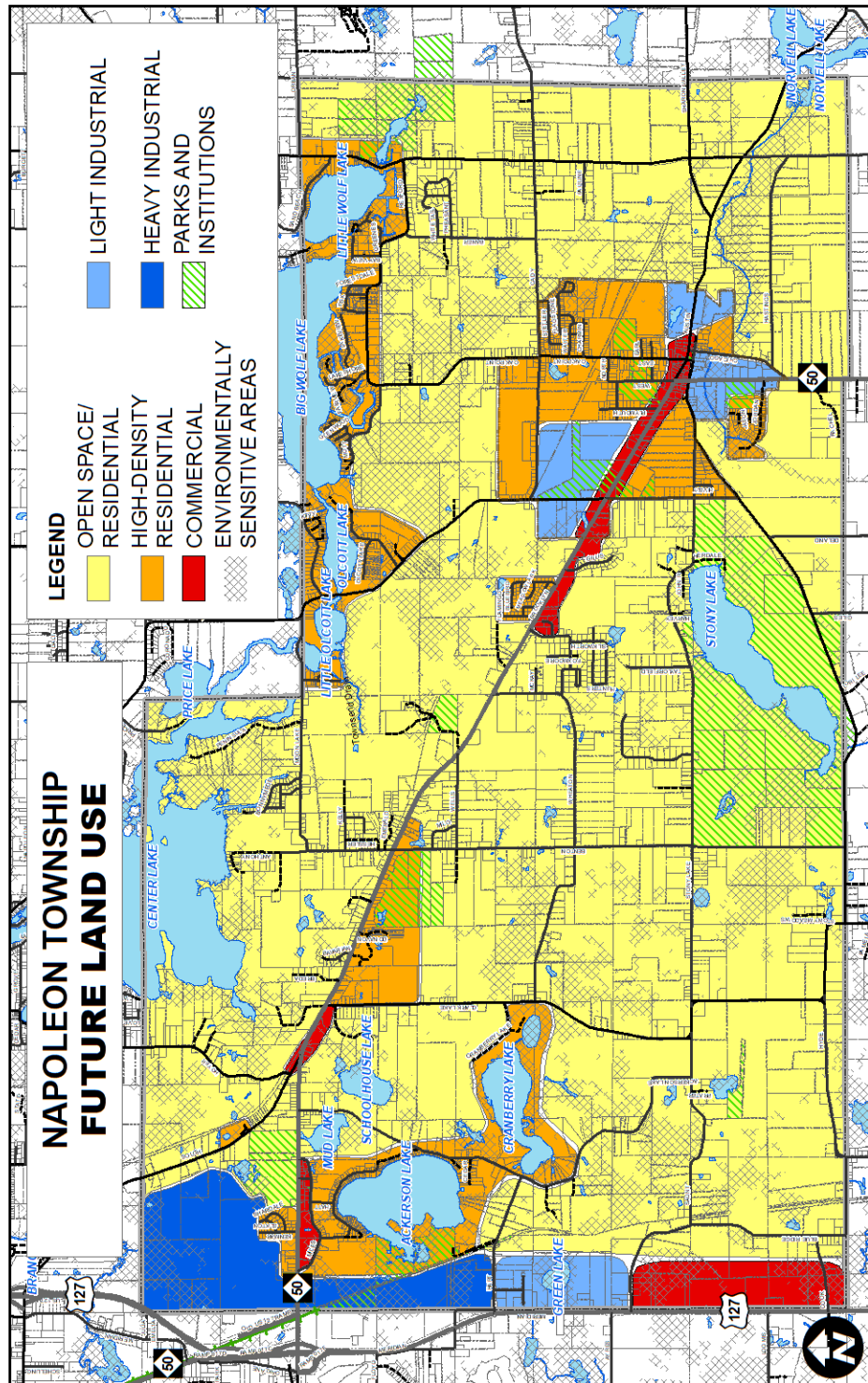
**Staff Recommendation** – Based upon the above analysis, staff advises the Jackson County Planning Commission to state that, in its opinion, the proposed *Napoleon Township Master Plan* is generally consistent with:

- The master plans of adjacent Jackson County municipalities and
- The *Jackson Community Comprehensive Plan*.

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<sup>†</sup> The Liberty Township Future Land Use Map is part of a draft Master Plan that has yet to be approved by the Liberty Township Planning Commission.

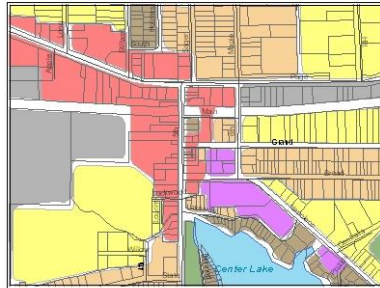
**Map 1**  
**Napoleon Township**



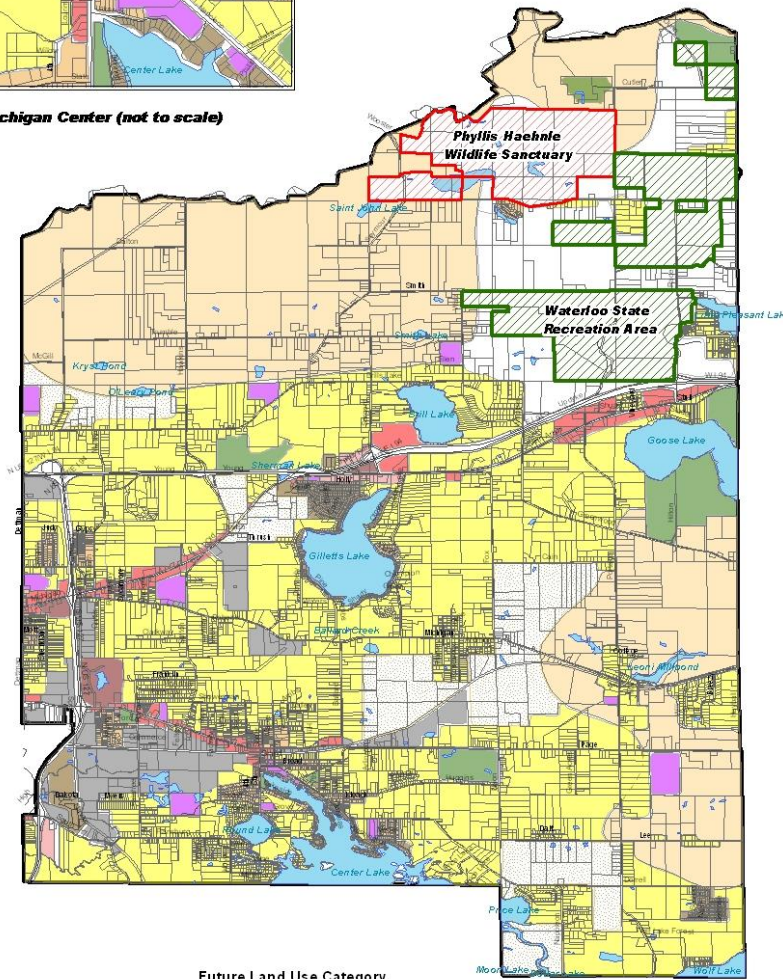
## Map 2 Leoni Township

### Map 1

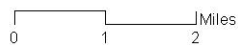
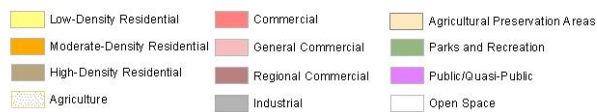
### Leoni Township Future Land Use Plan



Michigan Center (not to scale)



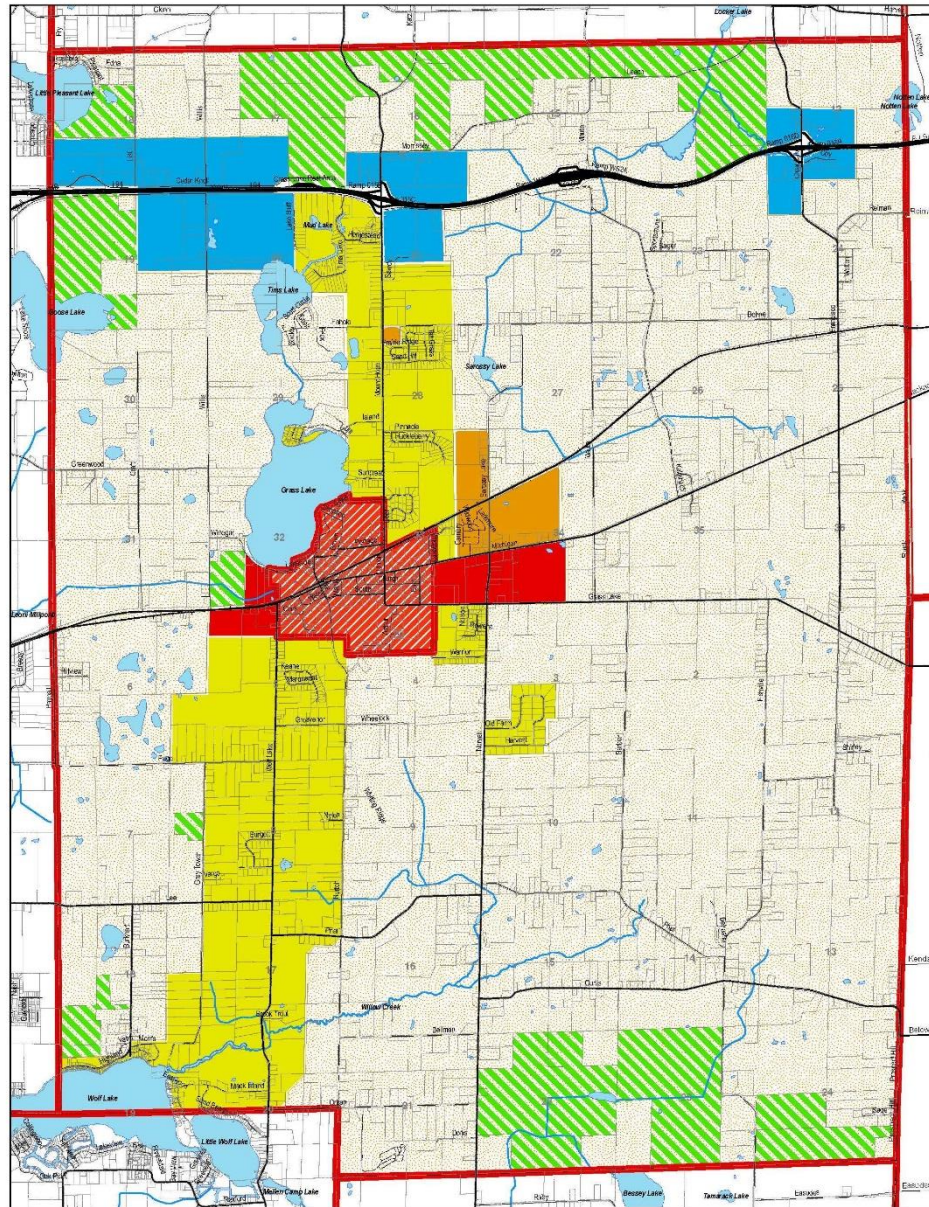
Future Land Use Category



Map Created: December 7, 2011  
Revised: January 18, 2012

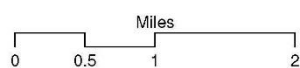








### Map 3 Grass Lake Township



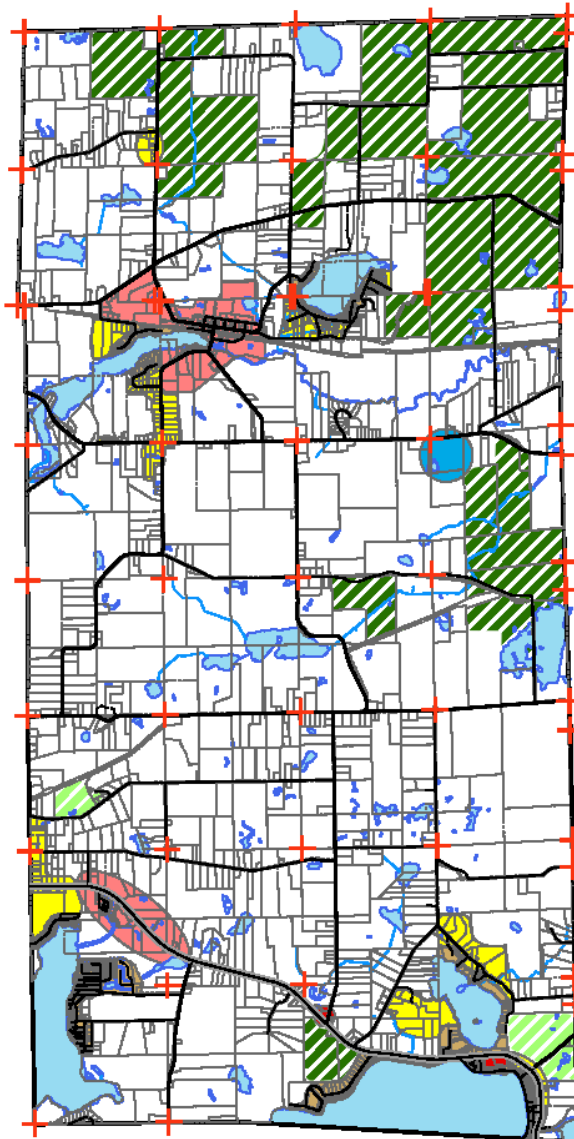
# Grass Lake Charter Township Master Plan

## Future Land Use



-  Public
-  Agricultural
-  Low Density Residential
-  Medium Density Residential
-  General Commercial
-  Commercial/Light Industrial

# **Map 4** **Norvell Township**



## Norvell Township Comprehensive Plan

### Map X **Proposed Future Land Use**

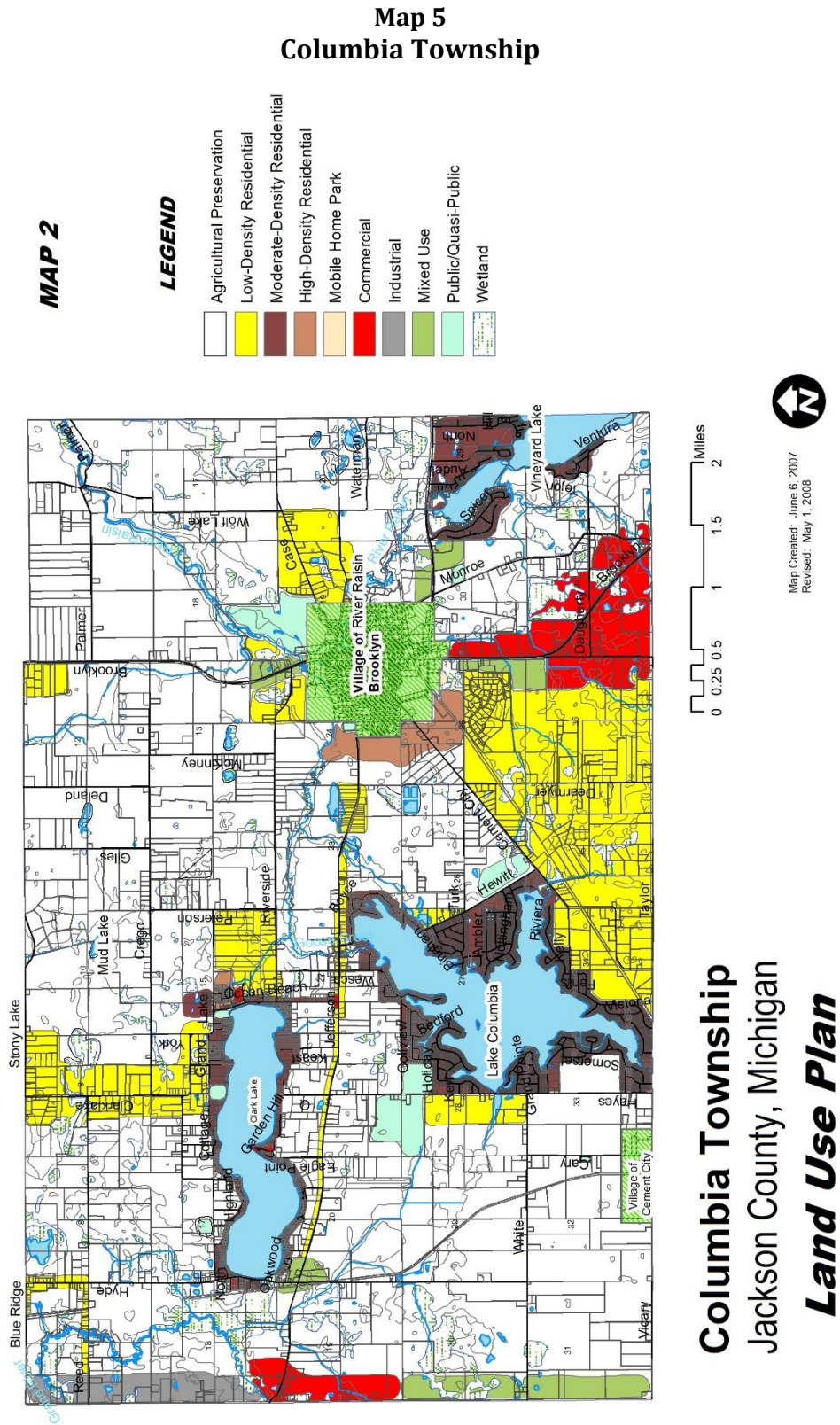
#### Legend

-  Agricultural
-  Low Density Residential
-  Medium Density Residential
-  Mixed Use
-  Commercial
-  Industrial
-  Institutional
-  Park

0 0.25 0.5 1 1.5 Miles
















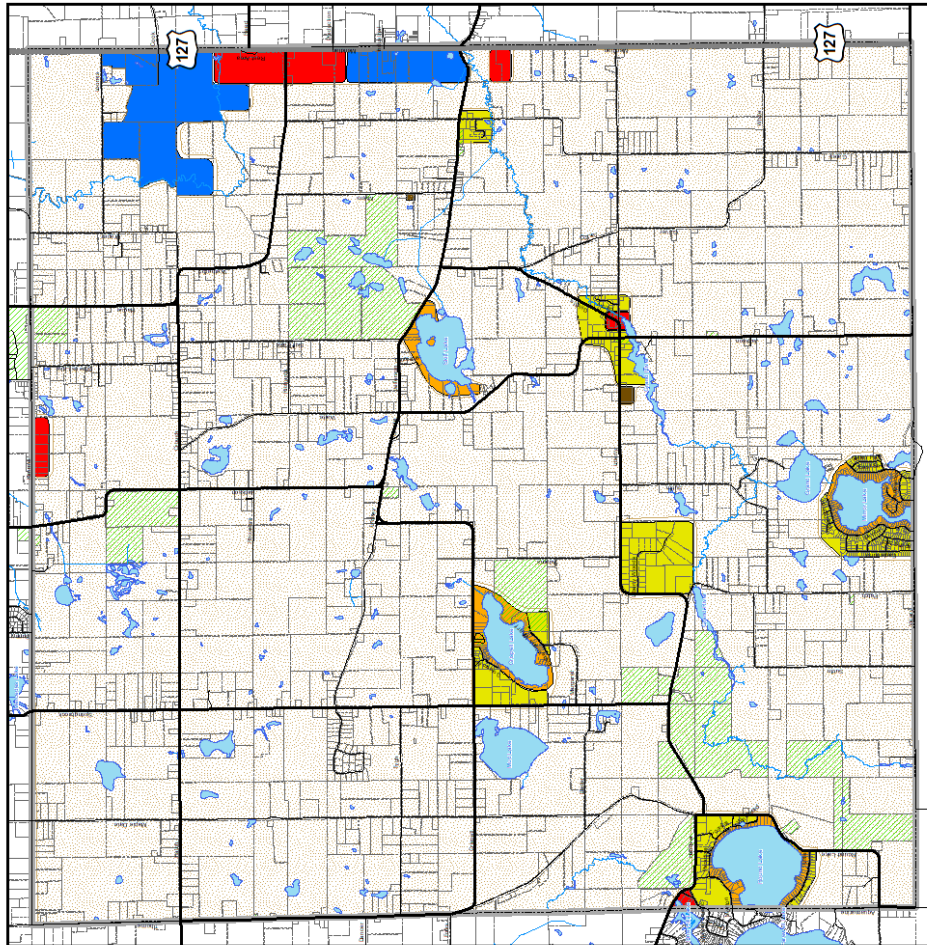
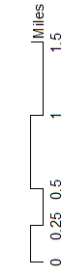
# Map 6 Liberty Township

## LIBERTY TOWNSHIP

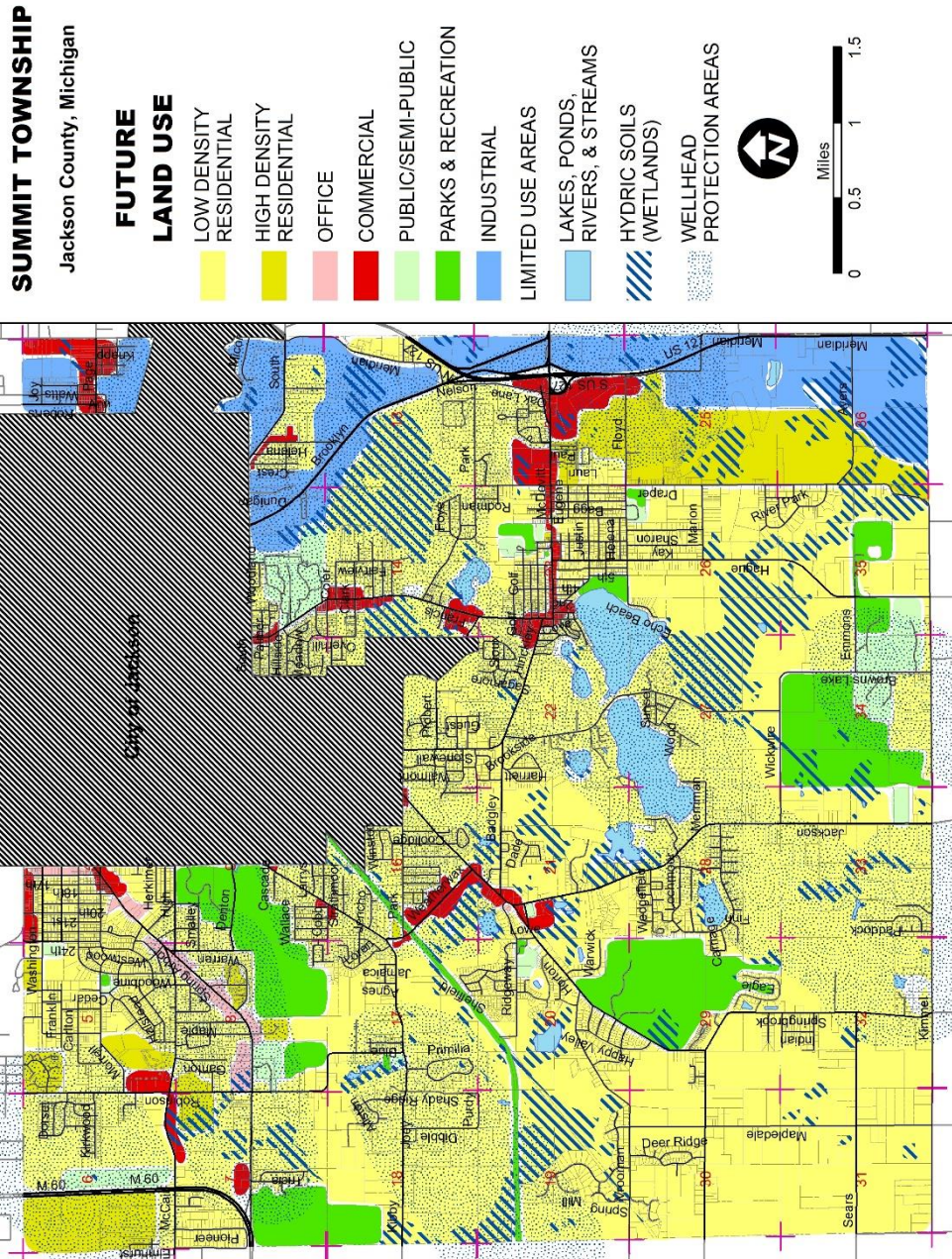
### Future Land Use

#### Legend

-  Agricultural
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Commercial
-  Light Industrial
-  Institutional

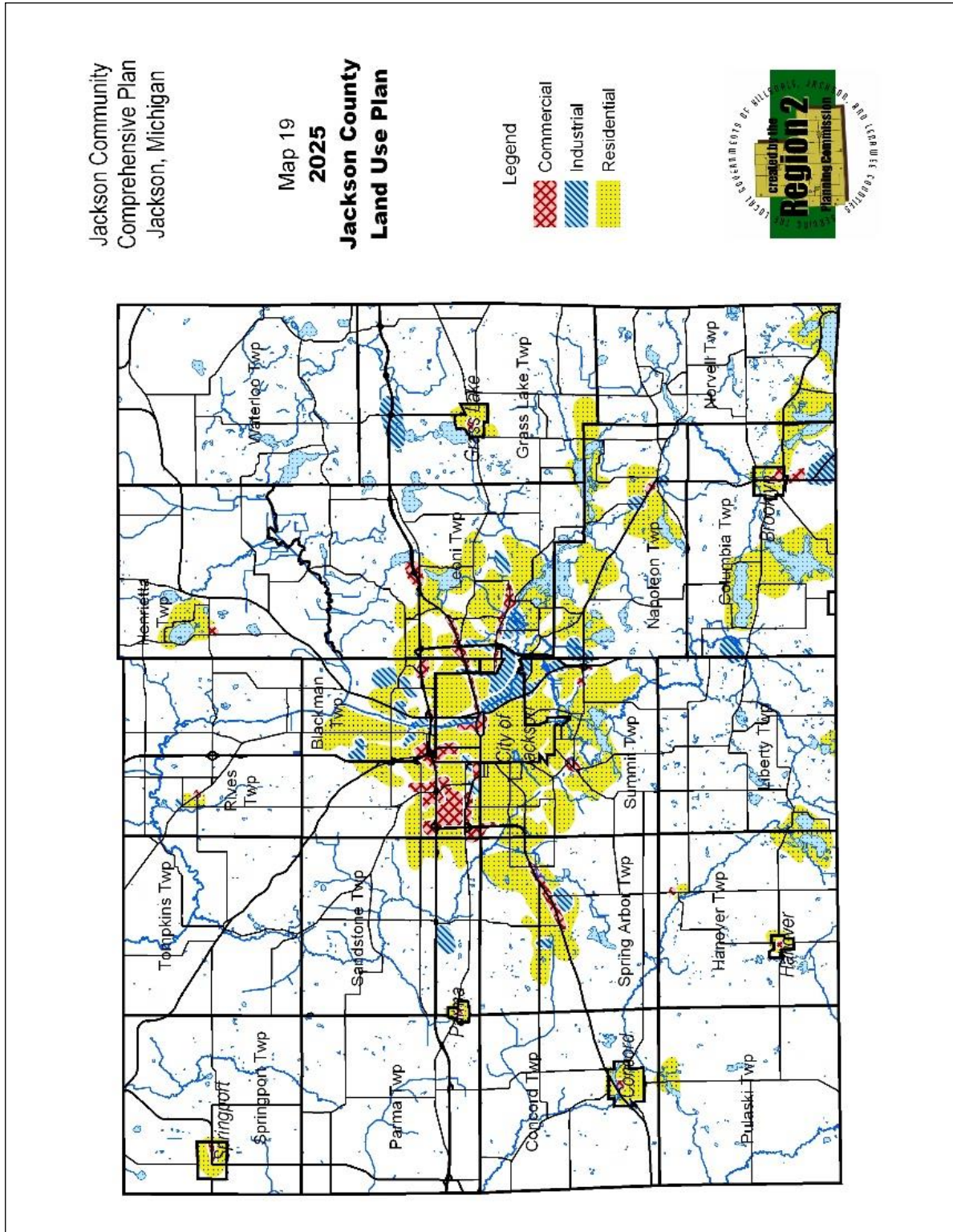


## Map 7 Summit Township





# Map 8a Jackson County



## Map 8b Jackson County

