



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 MINUTES

September 12, 2019

5th Floor Commission Chambers • Jackson County Tower Building • Jackson, Michigan

Members Present: Timothy Burns, At Large; Roger Gaede, Environment; Amy Guerriero, Industry and Economics; Nancy Hawley, At Large; Ted Hilleary, Education; Russ Jennings, At Large; and Jim Videto, Agriculture

Members Absent: Corey Kennedy, Jackson County Board of Commissioners, and Jennifer Morris, At Large

Liaisons Present: Grant Bauman, Principal Planner

Others Present: Ashley and Benjamin Carroll, John Kane, and Nora Sharpe-McGee

- 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. Hawley, to **approve** the minutes of the August 8, 2019, meeting as presented. *The motion was approved unanimously.*
- Item 4. **Approval of the Agenda.** A motion was made by Comm. Hilleary, and seconded by Comm. Burns, to **approve** the September 12, 2019, meeting agenda as presented. *The motion was approved unanimously.*
- Item 5. **Request(s) for Review, Comment, and Recommendation.**
- a. **Consideration of Township Zoning Amendment(s).**
- (1) **CZ #19-21 – Summit Township**

Staff summarized his report on the proposed text amendments to Chapter 150 (Zoning Code) of the *Summit Township Code of Ordinances* which will prohibit the placement of accessory structures in front of single and two family dwellings. County Planning Commissioners were advised to recommend **approval with comments** of the text amendments (please see the staff report). Comm. Gaede was concerned about also locating the prohibition in Sec. 150.150, which regulates height exemptions for all structures, and thinks it should be removed. Comm. Guerriero was concerned about the use of the term 'single and two family residential districts' and thinks it should be changed to 'single and two family dwellings'.

A motion was made by Comm. Gaede, and seconded by Comm. Hilleary, to concur with the staff advisement to recommend **approval with comments** (provided by staff and commissioners) of the text amendments to the Summit Township Board (please see the staff report and these minutes). *The motion was approved unanimously.*

(2) **CZ #19-22 – Leoni Township**

Staff summarized his report on the proposed text amendments to Chapter 42 (Zoning) of the *Leoni Township Code of Ordinances* that would allow Agricultural Tourism as a permitted use in the Agricultural District and would also allow an Agricultural Business as a conditional use in that district, as long as certain development requirements are met. County Planning Commissioners were advised to recommend **disapproval** of the amendments as currently written (please see the staff report). Comm. Guerriero noted that the use proposed for Sec. 42-153(b)(6) should be 'Agricultural Tourism' rather than 'Agritourism'. Comm. Gaede noted that distance from the property line listed in Sec. 42-345(9)(g)(2) should be '(100)' rather than '(1001)' feet. A motion was made by Comm. Hawley, and seconded by Comm. Videto, to concur with the staff advisement to recommend **disapproval** with comments (provided by staff and commissioners) of the text amendments to the Leoni Township Board. The Chair opened the floor for discussion.

Several people spoke in favor of the proposed amendments. Ben Carroll, a co-owner of property proposed for a wedding barn (a type of Agricultural Business), did not think the Farm Market GAAMPs (Generally Accepted Agricultural Management Practices) cited by staff apply to Agricultural Businesses and that the GAAMPs are not law. John Kane, the Carroll's attorney, stated that the intent of the amendments goes beyond the GAAMPs and that staff's concerns do not apply. Ashley Carroll, a co-owner of property proposed for a wedding barn, cited the proposed definition of an Agricultural Business and the JCPC recommendation to approve the amendments to the *Grass Lake Charter Township Zoning Ordinance* upon which the current amendments are based.

Comm. Hawley stated that the Farm Bureau refers to seasonal Agritourism, cited court case rulings which determined that year-round businesses are beyond seasonal and were okay to prohibit, and declared the need for clear definitions. Comm. Jennings welcomed the opportunity for lots of discussion, specified his opinion that the amendments are an attempt to open a commercial business using tools not intended for that use, relayed his respect for the Carroll's viewpoint, and noted that there is a lot of community support for the proposed wedding barn. Comm. Guerriero stated that the proposed amendments seem to be allowing for a commercial use in the agricultural district but recognized the importance of community support. Comm. Videto pointed out that the role of the JCPC is to identify loopholes.

Nora Sharpe-McGee, a Leoni Township Trustee, pointed out that the proposed definition for an Agricultural Business replicates the definition recommended by the JCPC for amendment into the *Grass Lake Charter Township Zoning Ordinance* word-for-word and asked why not for Leoni Township. Mr. Carroll summarized the reasoning behind the exclusion of certain sections from Grass Lake Township amendment noted in the staff report and explained in the attached Kane letter. Staff related his opinion that the proposed amendments, as modified, are made to fit a particular use and project.

Comm. Hawley stated that she was willing to withdraw her motion concurring with the staff advisement to recommend **disapproval** of the text amendments. She just

requested that the amendments be looked at by new eyes and made to be protective of the citizens of Leoni Township. Comm. Jennings noted that other Agricultural Businesses are tied to a Farm Operation or at least 50% of the products produced on site. Comm. Guerriero recommended that the 5-year renewal be added back in as a protection if an Agricultural Business becomes a nuisance. Comm. Videto did not agree to the withdrawal, stating that he likes the staff advisement. The motion was restated and voted upon as follows:

A motion was made by Comm. Hawley, and seconded by Comm. Videto, to concur with the staff advisement to recommend **disapproval** with comments (provided by staff and commissioners) of the text amendments to the Leoni Township Board (please see the staff report and these minutes). *The motion was approved by majority vote: Yes = 4 (Gaede, Hawley, Guerriero, and Videto), No = 3 (Burns, Hilleary, Jennings), Abstain = 0, Absent = 2 (Kennedy and Morris).*

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

(1) **MP19-05 – Village of Brooklyn**

Staff summarized its report on the proposed *Village of Brooklyn 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. Comm. Gaede asked about reviewing the text. Staff explained that a review of the text was beyond the normal practice of the JCPC, but that a link to the full document was included in the staff report.

A motion was made by Comm. Hilleary, and seconded by Comm. Burns, 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.** Staff informed Commissioners that various changes to Chapter 2 (Community Description and Issue Identification) recommended by the Jackson County Drain Commissioner are currently under review. The Trails map was also updated to include water trails established on the North and South Branches of the Kalamazoo River by the Kalamazoo River Watershed Council.

b. **New Business.** None.

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.** Comm. Hilleary remarked that it was quite a meeting and thanked staff for his efforts. Comm. Guerriero and Comm. Videto also thanked staff. Comm. Gaede stated that the Columbia Township Planning Commission will consider if wedding barns are appropriate to zone in early 2020.

Item 9. **Adjournment.** The meeting was adjourned by Chair Guerriero at 7:30 p.m.

Respectfully submitted by:
Grant Bauman, Recording Secretary