



Planning Commission
Regular Meeting
February 18, 2020
7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
- January 21, 2020
5. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS
 - A. PSUP20-01 Robert & Lauren Welch, 4175 E. Wing Rd., Section 35, parcel #14-035-10-003-04
 - a. Public Hearing
 - b. Deliberation
 - c. Action (recommendation to the Township Board)
9. OTHER BUSINESS
 - A. HOP 20-01 Roy & Gerrie Hoyt, 2305 E Millbrook Rd., Section 33, parcel #14-033-30-002-02
 - a. Updates from the Applicant and Staff
 - b. Deliberation
 - c. Action (approval, denial, approval with conditions)
 - B. TXT 20-01 BSP Enterprises LLC – Navita S. Patel, President Amend Section 30.4 AB (Special Use Permits – Multi Use), Section 23.3.B (Special Uses – Multi-Use Structures)
 - a. Updates from the Applicant and Staff
 - b. Deliberation
 - c. Action (recommendation to the Township Board)
 - C. Zoning Ordinance update
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. ADJOURNMENT

CHARTER TOWNSHIP OF UNION
Planning Commission
Regular Meeting

A regular meeting of the Charter Township of Union Planning Commission was held on January 21, 2020 at the Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Present: Buckley, Clerk Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster

Others Present

Mark Stuhldreher, Township Manager; Rodney Nanney, Community and Economic Development Director; Township Planner, Peter Gallinat and Administrative Assistant, Jennifer Loveberry

Approval of Minutes

LaBelle moved **Shingles** supported the approval of the December 17, 2019 regular meeting as amended. **Vote: Ayes: 8 Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- Board of Trustees – updates from Clerk Cody
- ZBA – updates by Buckley
- Sidewalk and Pathway Prioritization Committee – updates by Webster
- Township Planner, Gallinat shared upcoming available MAP Training to Planning Commissioners, reminding them per the bylaws to attend 1 training per 3-year term and referred to the Nine Golden Rules of Defensible Decision Making written by Rodney Nanney
- Presentation by Township Manager introducing Rodney Nanney, Community and Economic Development Director

Approval of Agenda

Webster moved **LaBelle** supported to approve the agenda as presented. **Vote: Ayes: 9 Nays 0. Motion carried.**

Public Comment – 7:13 p.m.

No comments were offered.

Closed 7:13 p.m.

New Business

A. HOP 20-01 (Public Hearing) Roy & Gerrie Hoyt, 2305 E Millbrook Rd., SECTION 33, 14-033-30-002-02

Township Planner stated the applicant has applied to utilize a new accessory building as a repair shop for oil changes and other minor auto repairs in an AG zone. The owner indicated to use the building for personal use, also inquiring about using the building for minor auto repairs as it relates to “About

Time Taxi” company stating that he informed the applicant that this would not be possible without first being granted a Home Occupation Permit.

Applicant, Roy Hoyt applied for and was given approval to construct an accessory building in December 2019.

Discussion was held by the Planning Commission.

Fuller moved **Shingles** supported to postpone HOP 20-01 until the February 18th meeting to allow Township Staff to work with the applicant, as the Planning Commission felt they need more information in clarifying the application. **Vote: Ayes: 9 Nays: 0 Motion carried.**

B. TXT 20-01 (Public Hearing) BSP Enterprises LLC – Navita S. Patel, President Amend Section 30.4 AB (Special Use Permits – Multi Use), Section 23.3.B (Special Uses – Multi-Use Structures)

Township Planner stated that the applicant is proposing to amend the zoning text to allow a larger than currently permitted multi-use structure. He suggested holding the Public Hearing; however, take no action and use the allowed time by Ordinance to work with Township Staff and the Consultant (McKenna) to draft language for amending section 31 in regard t mixed uses. He did suggest to still send the application to the County Planning Commission for their 30-day review and comments.

Public Hearing Open 7:46p.m.

No comments were offered.

Written correspondence email from Julian Denha that was included in packet

Public Hearing Closed 7:48 p.m.

Applicants representative, Tim Bebee, CMS&D – presented the proposed text amendment to Section 30-Special Use Permits, Sub-Section AB, and Multi-Use (Combination of Commercial and Residential) to the Planning Commission.

Brad Williams, ASL questioned/commented on Section 31 of the current Zoning Ordinance permits planned unit development (P.U.D.’s).

Discussion was held by the Planning Commission.

Cody moved **Darin** supported to instruct the Township Planner to send this application to the Isabella County Planning Commission for their 30-day review. **Vote: Ayes: 9 Nays: 0 Motion carried.**

PUD vs. SUP question brought up by Chair, Squattrito

Community and Economic Development Director, Nanney addressed this question.

Buckley moved Darin supported to postpone TXT 20-01 until the February 18th meeting. **Vote: Ayes: 9 Nays: 0 Motion carried.**

Other Business

Extended Public Comment

Open –8:19 p.m.

No comments were offered.

Closed – 8:20 p.m.

Final Board Comment

The Planning Commissioners thanked Denise Webster for her service to the Planning Commission and expressed best wishes to her.

Adjournment – Chairman Squattrito adjourned the meeting at 8:22 p.m.

APPROVED BY:

Alex Fuller - Secretary
Mike Darin – Vice Secretary

(Recorded by Jennifer Loveberry)

DRAFT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2020
3-Vice Chair	Denise	Webster	2/15/2020
4-Secretary	Alex	Fuller	2/15/2020
5-Vice Secretary	Mike	Darin	2/15/2022
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2022
8	James	Thering Jr.	2/15/2021
9	Doug	LaBelle II	2/15/2022
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/18/2021
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Taylor	Sheahan-Stahl	12/31/2021
5 - Vice Secretary	Judy	Lannen	12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
Alt. #2	Jim	Engler	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering	12/31/2020
3	Bryan	Neyer	12/31/2020
Alt #1	Randy	Golden	1/25/2021
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Don	Long	12/31/2020
2	Mike	Lyon	12/31/2020
3	vacant seat		12/31/2018
4-BOT Representative	vacant seat		11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Ben	Gunning	11/20/2020
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2021
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2020
2 - PC Representative	Denise	Webster	8/15/2020
3-Township Resident	Sherrie	Teall	8/15/2021
4 - Township Resident	Jeremy	MacDonald	10/17/2020
5 - Member at large	Connie	Bills	8/15/2021



Peter Gallinat, Zoning Administrator
pgallinat@uniontownshipmi.com
2010 South Lincoln
Mt. Pleasant, MI 48858
Phone 989-772-4600 Ext. 241

TO: Planning Commission Meeting 02/18/2020
FROM: Township Zoning Administrator

NEW BUSINESS

SUBJECT: A) A Special Use Permit for a Group-Day Care home located at 4175 E WING RD MOUNT PLEASANT, MI 14-035-10-003-04 48858 Owner: WELCH ROBERT & LAUREN

Applicant: WELCH ROBERT & LAUREN

Owner: WELCH ROBERT & LAUREN

Location: 4175 E WING RD. MOUNT PLEASANT MI 48858

Current Zoning: AG (Agricultural)

Adjacent Zoning: AG (Agricultural)

Future Land Use/Intent: *Rural Buffer:* Rural Buffer areas generally do not have sewer and water, but are appropriate for agricultural, low density residential, and other uses allowed by zoning. Typically, this buffer is located on the fringe between rural and more urbanized areas. Rezoning requests for more intensive uses should be limited, especially those requiring extended utility service.

Current Use: One-Family Dwelling

Reason for Request: To operate a Group Day-Care home.

History: Home was built in 2019.

Objective of board: Hold a public hearing. Following such hearing, hear from the applicant, Township staff and deliberate as a commission. Determine from sections 30.3.A and 20.4.J if the permit should be recommended to the Board of Trustees. Within a reasonable time following the public hearing, the Planning Commission shall review the application for the special use permit, testimony received at the public hearing, and other materials submitted in relation to the request and make a recommendation to the Township Board.

Key Findings:

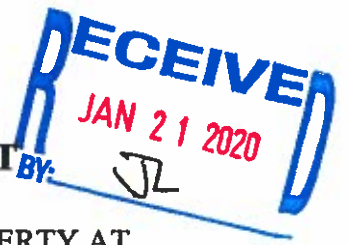
- ✓ Currently no fence is on site. For the safety of the children a fence no higher than 6 feet is required to be installed on property were the children would play outside.
- ✓ Any employee outside of the home will require (1) one parking space. This space will need to be identified and reserved for that employee.
- ✓ Parking on the road is prohibited. Driveway is long enough to park multiple vehicles. However, it does not appear from a site visit that parking will be able to exceed more than one lane. Applicant has indicated parking available to the left and right. These parking to the right and left must be an improved surface such as gravel or pavement.
- ✓ No parking is allowed for the group day care home on the lawn or within the road right-of-way.
- ✓ A pick and drop off plan should be submitted by the applicant.

Recommendation from the Zoning Administrator

Hold a public hearing. At this time, I would recommend postponing action on this application with a request that the applicant provide the following additional details needed to confirm compliance with Section 30.4.J. (Group Day Care Home) of the Zoning Ordinance:

- A plan for how pickup and drop off activities will be handled during peak periods to maximize safety for children and parents, allow for ease of turning movements in the driveway, and provide for safe ingress/egress of vehicles without parking or driving on the lawn.
- A plan for short-term and employee parking on the site, including the location, extent, and timing of any parking space or driveway improvements (gravel or paving) needed to conform to Section 30.4.J. requirements.
- A plan for where and when a fence will be installed on the property, along with details of the type and height of proposed fencing.
- The plans for any required parking, access, and fence improvements should include a specific date (preferably by no later than May 31, 2020) by which each improvement will be completed.
- To be included on the March meeting agenda, all updated plan information will need to be submitted to the Township by Monday, March 2, 2020.

Zoning Administrator
Peter Gallinat



APPLICATION FOR A SPECIAL USE PERMIT

I (we) Lauren Welch/Robert Welch OWNERS OF PROPERTY AT 4175 E. Wing Rd. LEGAL DESCRIPTION AS FOLLOWS:

3 bedroom, two bath 1,800 sq ft home. See attached property plans for exact property specifications.

Respectfully request that a determination be made by the Township Board on the following request:

- I. Special Use For In home daycare license 7-12 children
- II. Junk Yard Permit

Note: Use one of the sections below as appropriate. If space provided is inadequate, use a separate sheet.

I. Special Use Permit is requested for in home daycare license application.

Give reason why you feel permit should be granted: location meets required restrictions of state guidelines for approval of daycare use.

II. Junk Yard Permit requirements are:

Location of property to be used _____

Zoning of the area involved is agricultural

Zoning of the abutting areas agricultural

Fees \$ 350.00

Signature of Applicant Lauren Welch

989-444-1991

Date 1-20-2020

ZONING APPROVAL FOR GROUP CHILD CARE HOMES
Michigan Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

Licensee Name: Welch, Lauren

Licensee Address: 4175 E. Wing Rd

Mount Pleasant, MI 48858

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, at 517 -373-8300.

Thank you.

-
- Location is APPROVED by the local zoning authority.
 Location is DISAPPROVED by the local zoning authority.

Signature of Zoning Authority

Date

Telephone Number

Printed Name of Zoning Authority

Jurisdiction (City, Township)

AUTHORITY: 1973 PA 116

COMPLETION: Required

PENALTY: Applicant cannot be licensed/registered

LARA is an equal opportunity employer/program.

UNION TOWNSHIP PUBLIC HEARING NOTICE -SPECIAL USE PERMIT

NOTICE is hereby given that a Public Hearing will be held on Tuesday, February 18, 2020, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Planning Commission for the purpose of hearing any interested persons in the following request for a Special Use Permit, as allowed by the Union Township Zoning Ordinance 1991-5 as amended.

Requested by **Welch, Robert & Lauren**, a Special Use Permit in an AG (Agricultural District) for a Group Day-Care Home

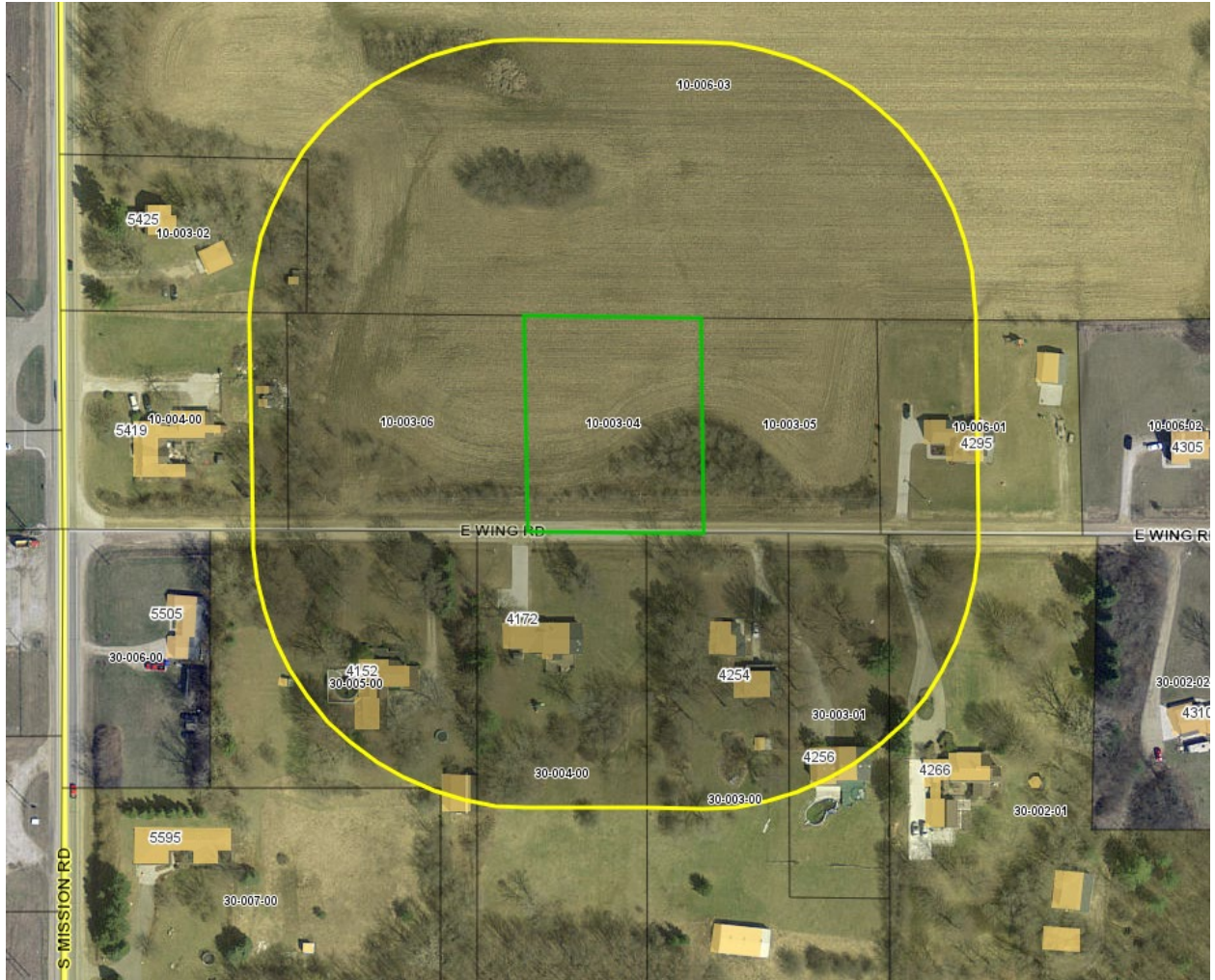
Legal Description of property: T14N R4W SEC 35 COM N89°33'39"E 512.11 FT FROM W 1/4 COR TH CONTINUING N89°33'39"E 193.58 FT; TH N01°08'08"W 225.02 FT; TH S89°33'39":W 193.58 FT; TH S01°08'08"E 225.02 FT CONTAINING 1 ACRE M/L

This property is located at: 4175 E. Wing Rd. MT PLEASANT, MI 48858 PID 14-035-10-003-04

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

Peter Gallinat,
Zoning Administrator



The parcel outline in **GREEN** represents the subject parcel owned by the applicant. The **YELLOW** border around the subject parcel represents a 300' foot radius. Property owners within 300' feet are sent a notice of the public hearing.



PETERSEN RICHARD A & DOREEN &
17901 MOHAWK DR
SPRING LAKE, MI 49456

WELCH ROBERT & LAUREN
~~48211 PLEASANT~~ 4175 E WING Rd.
MT PLEASANT, MI 48858

CAMPBELL SHELLEY
PO BOX 1645
MT PLEASANT, MI 48804-1645

RUSSELL JASON
4152 E WING RD
MT PLEASANT, MI 48858

UTTERBACK LAWRENCE H & FRELYN
5419 S MISSION RD
MOUNT PLEASANT, MI 48858

BOUMAN BRENT & KARA
4295 E WING RD
MOUNT PLEASANT, MI 48858

DESHANO DEVELOPMENT CO
325 COMMERCE CT
GLADWIN, MI 48624

IRVIN CLARENCE F & MARY A
4266 E WING RD
MOUNT PLEASANT, MI 48858

TAIT ALICE A
4256 E WING RD
MT PLEASANT, MI 48858

TAIT ALICE A
4256 E WING RD
MT PLEASANT, MI 48858

HAUSBECK CHRISTOPHER & LISA
4172 E WING RD
MOUNT PLEASANT, MI 48858

RUSSELL JASON T
4152 E WING RD
MT PLEASANT, MI 48858

CRAWFORD ANTHONY & NICOLE
5595 S MISSION RD
MT PLEASANT, MI 48858

Garage

Horse

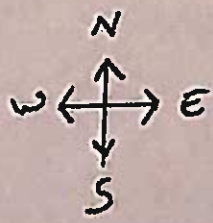
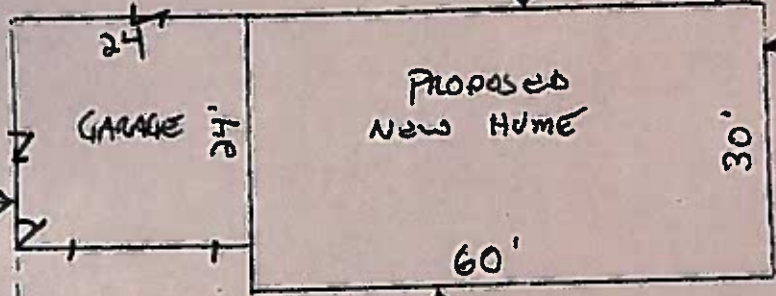
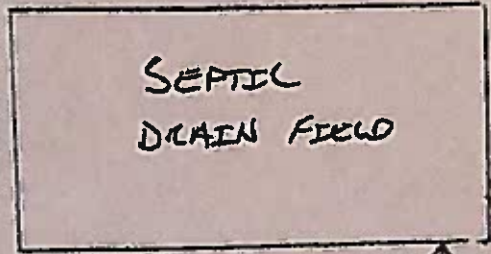
Parking

Parking

Driveway

Parking

WELCH
TBD WING RD.
MT. PLEASANT, ME
Jan Welch
Robert Welch



DRIVEWAY

R.O.W

R.O.W

← TBD - WING ROAD →

APPROX - 70'

APPROX 86'

APPROX - 200'

APPROX - 79'

APPROX - 20'



02/06/2020
017



02/06/2020

018

From: [Peter Gallinat](#)
To: [Jennifer Loveberry](#)
Subject: FW: Group Day Care info/hours of operation
Date: Tuesday, February 11, 2020 10:39:04 AM

Please add to packet for group day care.

Peter Gallinat
Zoning Administrator
Charter Twp of Union
2010 S. Lincoln Rd.
Mt Pleasant, MI 48858
989-772-4600 x 241
pgallinat@uniontownshipmi.com

From: Lauren Recker <laurenrecker_3@live.com>
Sent: Friday, February 7, 2020 4:01 PM
To: Peter Gallinat <pgallinat@uniontownshipmi.com>
Subject: Re: Group Day Care info/hours of operation

We have ample parking to the left and right of the drive way. In the beginning it will just be myself as we won't have more than six kids. After that there will be another person but she won't reside in the home. She'll just be commuting as needed she also lives in mt pleasant. No one will be parking on the road. Her name is Kelly and she will be there at the meeting. Her and I are both on the daycare application with the state.

Thanks
Lauren

From: Lauren Recker <laurenrecker_3@live.com>
Sent: Friday, February 7, 2020 3:18 PM
To: Peter Gallinat <pgallinat@uniontownshipmi.com>
Subject: Re: Group Day Care info/hours of operation

Hours of operation:

Monday thru Friday
6am-6pm

Thanks!



Peter Gallinat, Zoning Administrator
pgallinat@uniontownshipmi.com
2010 South Lincoln
Mt. Pleasant, MI 48858
Phone 989-772-4600 Ext. 241

TO: Planning Commission
FROM: Zoning Administrator

Meeting 02/18/2020

OLD BUSINESS

SUBJECT: A) HOP 20-01 Auto Repair Shop in Accessory Building. Located at 2305 E MILLBROOK RD MOUNT PLEASANT, MI 48858 PID 14-033-30-002-02 Owner: HOYT ROY E & GERRIE L

Applicant: HOYT ROY E & GERRIE L

Owner: HOYT ROY E & GERRIE L

Location: 2305 E MILLBROOK RD. MOUNT PLEASANT MI 48858-0000

Current Zoning: AG

Adjacent Zoning: AG, AG -1 Restrictive Agricultural (Lincoln Township)

Future Land Use/Intent: *Rural Preservation:* Rural Preservation Areas outside of the growth boundary should be maintained at a low intensity rural character of development that will not adversely impact natural features and agricultural uses. Agriculture should be promoted and future rezoning requests for residential should be prohibited to prevent leapfrog development.

Current Use: Existing one-family dwelling

Reason for Request: Applicant has applied to utilize a new accessory building as a repair shop for oil changes and other minor auto repairs.

History: The applicant applied for and was given approval to construct an accessory building in December 2019. Although the owner indicated to use the building for personal use, they also inquired about using the building for minor auto repairs as it relates to "About Time Taxi" company. Applicant was informed that this would not be possible without first being granted a Home Occupation Permit.

On January 21, 2020, the Planning Commission held a public hearing for HOP 20-01. The item was postponed to next month for the applicant and Township staff to work on clarifying questions the Commission had for the application. On Thursday January 23, 2020 the applicant met with the Township Zoning Administrator and the Director of Community Economic and Development. Applicant indicated they would still like to use the accessory building for taxi auto repairs.

On February 3, 2020, the applicant submitted a letter stating that the taxi service will no longer be operated at 2305 E. Millbrook Rd. The accessory structure would be used only for taxi auto repairs and as an accessory building to the home on site.

Objective of board: Next, review section 8.19.A-F (Home Occupations) and determine if applicant's Home Occupation Permit should be approved. There is no approval required from the Board of Trustees for a Home Occupation Permit. Final approval is with the Planning Commission. For your consideration please review my "key findings" followed by option(s) for recommendation.

Key Findings:

- ✓ The entire occupation must be conducted wholly within a principal or accessory structure by the residents of the dwelling on the premises. This does not allow for the occupation to take place outdoors. Any vehicles serviced for the occupation must be done inside the accessory structure. Outdoor parking or storage of vehicles to be serviced is prohibited.
- ✓ The applicant has not proposed retail sales on the property and would not be permitted retail sale of any product unless produced and sold by the residents of the home.
- ✓ The home occupation must not require further parking on or off premises than already allowed for the residential structure.
- ✓ The proposed accessory structure that will be utilized for the home occupation meets all the AG districts requirements (section 8.1 Accessory Buildings).
- ✓ The use of mechanical equipment is common with auto repairs by if the operation is indoors and the hours of operation are from 8am to 8pm then I see no health hazard or nuisance occurring for adjacent landowners.
- ✓ Given the occupation must be wholly conducted indoors I do not see the need for any type of screening (trees, shrubs, fence, wall).
- ✓ Please see attached floor plans and property sketch.
- ✓ The Taxi service will not be located at 2305 E. Millbrook Rd.

Recommendation from Township Planner

At this time, I would recommend approval of Home Occupation Permit HOP 20-01 subject to the following condition:

- All vehicle repair services and activities for the taxi service must take place entirely within in the accessory building.
- Parking, storage or servicing of taxi service vehicles outside of the accessory building is prohibited.
- The taxi service office cannot be operated on-site with residents that do not reside at the home.

Planning and Zoning Administrator
Peter Gallinat



FEB 2, 2020

TO WHOM IT CONCERNS

WE BEING ABOUT TIME HAVE LEASED
A PLACE TO DO BUSINESS WE
WILL NO LONGER HAVE CABS
AT 2305 E ~~MILLBROOK~~ MILLBROOK
RD MT. PLEASANT MI ALSO THE
POLE BARN WILL BE FOR THE
HOUSE WOULD STILL LIKE TO
BE ABLE TO SERVICE OUR
VEHICLES ONE AT A TIME IN
THEIR SHOP

THANKS

4049 NORTHWINDS ST
SUITE B
MT PLEASANT MI
48858

BRUCE E HOYT
231-760-7504

TEXT AMENDMENT – SUPPLEMENTAL REPORT

To: Planning Commission

From: Rodney C. Nanney, AICP, Director

Date: February 7, 2020

Subject: **Supplemental Report on TXT 20-01 BSP Enterprises LLC – Navita S. Patel, President
Proposed amendments to Section 30.4.AB. (Special Use Permits – Multi Use).**

This report is intended to serve as a supplement to the Zoning Administrator’s original report dated 1/21/2020 on the TXT 20-01 application to amend the special use standards of the Zoning Ordinance that apply to business district developments that include a mix of commercial and residential uses in a multi-use building:

A. Meeting with the Applicant.

The Zoning Administrator and I met with the applicants and their project engineer on January 24, 2020. We discussed the proposed text amendment and the anticipated timing of the Zoning Ordinance update project, which will include improved standards for this type of development. We also discussed the updated planned unit development (PUD) option, which is intended to support development consistent with the Master Plan, including the Bluegrass Center Area Plan.

B. Supplemental Report and Recommendations on TXT 20-01.

The following comments are based on review of Master Plan policies and Zoning Ordinance provisions for multi-use structures, and a detailed evaluation of the revised draft amendment document submitted by the applicant for the 1/21/2020 public hearing based on sound planning and zoning practices:

1. **Special exception for height.** The revised amendment adds a special exception to the 35.0-foot maximum height standard for development in the Business Districts (Section 29) that would not be available to other Business District developments of a similar visual character and land use impact, such as a multi-story office/retail/professional service building.
2. **Residential exception on the street level.** The intent of the current Section 30.4.AB. prohibition on first floor rental units is to ensure that the street level of Business District buildings retain a commercial character and function. The amendment would weaken this prohibition and the street level’s commercial character by adding an exception for up to half (50%) of the first floor to be occupied by “enclosed parking for residential units.” There is also no restriction on the location or use of this enclosed parking. Such spaces, when developed as individual garages, may be used as accessory household storage for the dwelling unit, which would further exacerbate parking challenges on the site.
3. **Minimum required lot area exception.** Each of the Business Districts have a separate

established minimum lot area requirement in Section 29, which varies from 12,000 square-foot (B-4 District) to 20,000 square-foot (B-7 (District)). The revised amendment would establish an exception for multi-use structures by applying the B-5 District lot area standard (16,000 square-foot) with residential modifiers irrespective of the zoning district. This provision as written directly conflicts with Section 29.

- 4. Residential square footage provision.** The revised amendment includes provisions to require a sliding scale of additional “Residential square footage,” with the calculation based on the number of proposed dwelling units. However, the revised amendment is missing any requirement that this “Residential square footage” be set aside as a residential amenity or open space for the building residents. Although adapted from a similar provision in Section 21 that applies to multiple-family housing in the R-3A (Multiple-Family Residential) District, the proposed amendment is missing the “required ground area per unit” language included in Section 21.

It is a common zoning practice to require multiple-family residential developments to provide adequate open space for the residents, and this appears to be the intent of the Section 21 ground area provision. The term ground area is only used in reference to multiple family housing and is distinguished from the term “lot area” used elsewhere in the Ordinance in reference to the total land area within the lot boundaries.

- 5. Special exceptions for parking.** The revised amendment would establish broad exceptions from the minimum required parking standards, including a fifty percent (50%) cut for all commercial uses located in a multi-use building, and from the current Section 30.4.AB. requirement for residential units the building. It would also reflect a twenty percent (20%) cut to the Section 10.2 standard that otherwise applies to apartments in the Township. In addition, the revised amendment would remove a provision requiring certain parking spaces to be set aside for the residents.

Allowing for shared parking between commercial and residential uses with limited overlap in their principal hours of occupancy can be a sound land development practice that encourages walkability, reduces stormwater runoff, and makes better use of land. This practice will be reflected in the updated parking calculations included in the draft Zoning Ordinance, but is missing from the revised amendment.

Without a means by which to resolve the specific parking needs and varied hours of operation for the range of office, retail, restaurant, and other commercial uses that could occupy the multi-use building, the broad parking exceptions could easily create land use conflicts related to insufficient parking on a particular site.

- 6. Anticipated timing of the Zoning Ordinance update.** We anticipate that the Planning Commission will be reviewing the updated draft Zoning Ordinance from McKenna Associates during your March and April regular meetings, and that the Open House event included in the McKenna project schedule will take place in late April or early May. The updated draft Zoning Ordinance will also be made available on a dedicated website, with an online link for comments from the public. Depending on the outcome of these activities,

a public hearing could be scheduled for the May or June Planning Commission meeting dates, with a recommendation to the Board of Trustees for final action to follow.

Because of the comprehensive scope of the Zoning Ordinance update, the proposed TXT 20-01 amendment to the current Ordinance would likely need to be significantly revised again to eliminate conflicts with the new Ordinance. As the new Ordinance anticipated to be ready for final action by the Board of Trustees in a relatively short time, this topic is best addressed as part of that update rather than as a set of special exceptions.

C. Recommendations.

Based on the above findings, I would ask that the Planning Commission take action to recommend to the Township Board that the proposed TXT 20-01 application to amend Section 30.4.AB. (Special Use Permits – Multi Use), as submitted by the applicant BSP Enterprises LLC (Navita S. Patel, President), be denied for the following reasons:

1. For the current Zoning Ordinance, amending Section 31 (Planned Unit Development) to allow for a broader range of development options and mix of land uses consistent with the Master Plan would be a more effective option than amending Section 30.4.AB. (Multi-Use).
2. The proposed amendment includes provisions that conflict with current Zoning Ordinance requirements for minimum required lot area and off-street parking, which would require additional Ordinance amendments or text interpretation actions by the Zoning Board of Appeals to resolve conflicting interpretations.
3. The proposed amendment would establish special exceptions to benefit one type of development, which would not be available to other Business District developments of a similar visual character and land use impact.
4. The topic of this amendment is best addressed as part of the comprehensive Zoning Ordinance update project, rather than rather than as a set of special exceptions.

Please contact me at (989) 772-4600 ext. 232, or via email at RNanney@unionshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP, Director

Community and Economic Development Department



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TO: Planning Commission Meeting 01/21/2020
FROM: Planning and Zoning Administrator

NEW BUSINESS

SUBJECT: B) TXT Amendment 20-01 Multi Use Structures. Applicant : BSP Enterprises LLC – Navita S. Patel, President; Anjali P. Bhimalli, Vice President

Applicant: BSP Enterprises LLC – Navita S. Patel, President; Anjali P. Bhimalli, Vice President.

Location: B-5 (Highway Business District)

Current Zoning: TBD B-5 Parcel

Adjacent Zoning: TBD

Future Land Use/Intent: *Mixed Use – Bluegrass Center Area:* While currently more auto-centric, this area has the potential to transition into a more walkable, vibrant center. Future uses should be integrated to include multi-story, mixed-use buildings; first floor retail and office uses; public use and spaces; entertainment and restaurant venues; and additional attached housing types such as townhouses. Both vehicular and pedestrian cross connections should be promoted between sites, providing for future connections through easements, and should collectively promote a vibrant, livable center to the neighboring university population.

Current Use: Vacant

Reason for Request: Amend Zoning Txt to allow a larger than currently permitted multi-use structure.

History: In August of 2019 Brad Williams from ASL gave a presentation to the Planning Commission about a proposed project known as the Den of Broomfield. At the time they were exploring options to make the project a reality. Later in November of 2019 Tim Bebee of CMS&D presented possible draft language for a TXT amendment asking for advice. In December of 2019 the PC recommended options for Tim Bebee with regard to a TXT amendment.

Objective of board: Hold a public hearing. Following such hearing, or hearings, the Township Planning Commission shall submit the proposed amendment to the County Planning Commission for proper action. The Planning Commission shall submit the proposed amendment, along with its recommendation, to the Township Board for consideration within sixty (60) days from the conclusion of the public hearing.

Key Findings:

- ✓ The Master Plan, with regard to the Mixed-Use Bluegrass Center Area states that the area could benefit from master planning, a character-based code, or planned unit development to ensure that future development is coordinated with roadway improvements.
- ✓ Section 31 of the current Zoning Ordinance permits P.U.D's

- ✓ The Planned Unit Development is a method by which creative large-scale development of land is encouraged. The P.U.D. is a device that makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid Zoning pattern.
- ✓ Current uses allowed as a P.U.D in the B-5 District are limited to only uses by right and the following: Shopping centers and malls.
- ✓ Amending section 31 to permit a mix use could be better suited and fit in with the new zoning ordinance to create a consistent transition.

Recommendation from Township Planner

- Hold a public hearing but take no action following the public hearing. Use time allowed by Ordinance to work with Township staff and Consultant (McKenna) to draft language for amending section 31 in regard to mixed uses. Send application to County Planning Commission for 30 day review and comment.

Planning and Zoning Administrator
Peter Gallinat