

WINDSOR CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING – JULY 12, 2017
REGULAR MEETING – JULY 12, 2017
MEETING ROOM – 7:00 PM

The Public hearing for the Change of Zoning Request for 5096 Canal Road, was called to order by Chairperson Jim Bogi at 7:00 pm.

Present: Bogi, Johnson, Pray, Bergamini, Brija and Holtz

Absent: Sabourin

Also Present: Lisa Rumsey, Clerk

Martin Neumann, representing the applicant, Terry Auten of Dimondale Equity, LLC gave an overview of Terry Auten and the intended use of 5096 Canal Road. Mr. Auten has been in the business of refurbishing vehicles and selling used vehicles to the public for the last 25 years and desires to do the same at this location. There are plans to rehabilitate the existing structures and create office space to rent. The history of the parcel and the business that still operates to the north was discussed. There was also a discussion on the possibility of the property having been zoned B-2 in the past.

Jim Bogi – How many cars do you anticipate being on site on any given day? 8 to 10 cars. Mr. Auten's previous location in Holt was discussed.

Jave Bergamini – Are you planning to do active repairs, such as oil changes, transmissions, etc.? No, he is purchasing cars at auctions. If it has a dent or ding in it he'll refurbish for resale. What are you speaking of when you say 8 to 10 cars per day? Vehicles offered for sale to the public.

Brian Holtz – So you're saying all you do is some detailing and body work, you're not running a mechanic shop? That is correct.

Jave Bergamini – Are you planning to have a hoist? Yes, at some point, for inspection and such. Neighbors being concerned about noise, are you going to be having repairs ongoing onsite? There will be some, yes.

Sandy Pray – Are you going to be working deep into the night? Mr. Austen won't be, but maybe somebody might.

Jay Bergamini – Will you be installing lights, light towers, parking lot lights? Will be required to have some lighting by the State of Michigan, but no tall bright lighting.

Ralph Resznick, Village of Dimondale President – He has no knowledge or records that the property was ever zoned B-2. Doesn't mean it wasn't at one time. The property is more or less existing nonconforming now. The change of zoning to B-2 would be inconsistent with the future land use plan that the township and village developed together. The considered use is fine, but once you zone to B-2 it opens it up to any owner, at any time, to all the uses by rights. Please take that under consideration.

Steve Reedy, 9047 Bridge Hwy. – Expressed his concerns with the possible decrease in property value, the drive being on the down side of a blind hill and causing hazards with the increase in traffic.

Sara Reedy, 9027 Bridge Hwy. – It is her understanding that even if it were to be rezoned to B-2, this type of facility would also still need a variance to be a nonconforming use. This type of facility is not a use of right under that classification. There are no other B-2, Highway Services, this far from the main thoroughfare. Concerned with it being open up to future uses if rezoned to B-2, as well as the noise and lights.

Ralph Resznick, Village of Dimondale President – If considering this, it would be spot zoning, in this case single business use surrounded by residential. Whereas existing nonconforming you would have more control. You could have some of this activity in an existing nonconforming and you wouldn't have to allow every other use in a B-2 zoning by rights.

Jean Wank, 5200 Canal Rd. – Agrees with Steve Reedy of 9047 Bridge Hwy. Also would not like to see any more traffic on Canal Road.

A discussion took place concerning the split of the property and the Shared Wall Agreement.

Jim Bogi read letter from **Bryan & Lynda Fox, 5039 N. Canal Rd.** – They are strongly opposed to this type of zoning change request. The area is predominately residential and feel it should stay that way. The current business at that location is barely acceptable, only because it's a weekday, indoor, quiet establishment. The vet around the corner and the cemetery down the road are quiet with little traffic. Concerns were expressed for the additional traffic and noise during the day time, nights and weekends, as well as with the constant visibility of parked cars waiting to be repaired or sold. They are all for bringing new businesses to Dimondale, but only in the business districts.

Martin Neumann stated the resident's concerns, including the hours of operation, number of lights, etc. will be addressed when applying for Special Use Permit. They want to improve the property and its structures.

With no more comments or questions, Chairperson Bogi closed the public hearing at 7:22 pm.

The regular meeting of the Windsor Charter Township Planning Commission was called to order at 7:22 pm by Chairperson Bogi.

Bergamini moved and Johnson seconded to approve the agenda as presented. Carried 6-0.

Bergamini moved and Brija seconded to approve the minutes of the previous meeting. Carried 6-0.

Hear Public present on agenda items: None.

Reports:

Board of Trustees: Pray reported 1) Purchased new fire truck. 2) Approved the Amendment to Zoning Ordinance No. 25. 3) Length of grass discussion. 4) Looking into a Solar Ordinance.

Board of Appeals: None.

Board of Review: Set for July 18, 2017 starting at 9:00 am.

Reports & Announcement: Michigan Association of Planning's Annual Conference is scheduled for September 27-29, 2017 at Mackinac Island.

Unfinished Business:

The change of zoning request by Dimondale Equity, LLC was discussed including the previous use and conditional zoning. There are concerns with the property split and setbacks. **Bergamini moved and Johnson seconded to table the Change of Zoning request for 5096 Canal Rd by Dimondale Equity, LLC until next meeting. Carried 6-0.**

New Business:

Discussion took place on updating the zoning map in regards to the State Buildings. **Bergamini moved and Holtz seconded to have Chairperson Bogi request Supervisor Braman submit in writing what specific zoning is being requested or if a new zoning is to be created on the State Buildings. Carried 6-0.**

Grass height discussion was held. **Bergamini moved and Johnson seconded in response to the request from the Township Board to review and consider the idea of putting into place a Lawn Ordinance, the Planning Commission respectively decline. Carried 6-0.**

Jim Bogi announced his resignation from the Planning Commission as well as Chairperson. **Pray moved and Brija seconded to appoint Holtz as new Chairperson. Carried 5-1.**

Johnson moved and Bergamini seconded to go into a brief recess. Carried 6-0.

Reopened meeting after brief recess.

Pray moved and Johnson seconded to reschedule the next Planning Commission's regular meeting to Wednesday, August 2, 2017, at 7:00 pm, at which time the Public Hearing will be held for Rezoning of the Township's Creyts Road properties (080-002-100-022-00, 080-003-200-041-00 & 080-003-200-051-00) to M-1. Carried 6-0.

HEAR PUBLIC PRESENT ON ANY SUBJECT:

Discussion took place on whether 5096 Canal Road can still qualify as an existing nonconforming use or if it's existing nonconforming use has expired.

There is a Grand Celebration at Danford Park on Saturday, July 29, 2017. There will be canoeing, food, a fishing demonstration and games for the kids.

With no further business **Pray moved and Johnson seconded to adjourn the meeting. Carried: 6-0.**
Adjournment: 8:10 pm.

Lisa A. Rumsey, Clerk
Windsor Charter Township