

Crockery Township

Special Planning Commission Meeting

February 5, 2019

Approved Minutes

Chairman Bill Sanders called the meeting to order at 7:30 P.M. Roll call was taken with Commissioners Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, and Rich Suchecki, present. Z.A. Robert Toland and Attorney Ronald M. Redick were also present for this meeting.

Commissioners Mike Munch and Roy Holmes were absent.

There were six persons seated in the public gallery.

Agenda Item 2. Approval of the Agenda

Approved as submitted.

Agenda Item 3. Approval of Minutes

The Commission reviewed the minutes from the January 15, 2019, Regular Planning Commission Meeting. A **motion** was made to approve the minutes, as written, by Commissioner Ryan Arends. A 2nd was offered by Commissioner Rich Suchecki. The motion was unanimously approved.

Agenda Item 4. Announcements

Commissioner Rich Suchecki provided a brief overview of recent Board actions.

Agenda Item 5. Communications

Chairman Bill Sanders noted an e-mail memo authored by Bryan Montgomery, T & L Ventures, Eagle South Condominium #2, 12259C Cleveland Street, Nunica, Michigan, dated January 23, 2019, addressed to ZA Toland, offering support for a proposed zoning change affecting his property, from C-1 to C-3.

Agenda Item 6. Public Comment

No public comments were offered at this time.

Agenda Item 7. Action Items

A. Public Hearing - Maki Rezoning - C-1 to C-3.

Mr. Gregory Maki has made a request to rezone parcels #70-04-16-469-001, 70-04-16-469-002, and 70-04-16-469-003, (4.77 acres), located at 12259 Cleveland Street, 12261 Cleveland Street, and 12315 Cleveland Street, from C-1 Neighborhood Commercial to C-3 Highway Commercial. This request is consistent with the Township's Master Plan (for future land use).

Documents received by the Commission for this public hearing include; (1) a Planning and Zoning Review by Z/A Toland, dated February 5, 2019, discussing this proposed rezone, (2) two color aerials of the subject parcels and surrounding properties, by Ottawa County GIS, (3) a Crockery Township Zoning Application, signed by Gregory Maki, dated January 9, 2019, requesting a rezone, (4) an e-mail memo authored by Bryan Montgomery, T & L Ventures, Eagle South Condominium #2, 12259C Cleveland Street, Nunica, Michigan, dated January 23, 2019, addressed to ZA Toland, offering support for a proposed zoning change affecting his property, from C-1 to C-3, and (5) a color photograph of the structure at 12261 Cleveland Street.

Mr. Aaron Smith was present on behalf of Mr. Gregory Maki for this hearing.

Chairman Bill Sanders opened the public hearing in this matter.

Mr. Toland provided an overview of the rezone request, covering the information found in his Planning and Zoning Review, including the parcel descriptions, addresses, and the condominium status of the properties. Mr. Toland reminded the Commission the proposed zoning of C-3 allows for all commercial zoning uses allowed in C-1 and C-2, as well as, those uses specified in the C-3 zoning district. Mr. Toland further stated two of the properties are owned by Murphy Investments LLC, and the remaining property is owned by T & L Ventures LLC. Mr. Toland advised the rezone request proposing C-3 Highway Commercial is supported by the Township's Master Plan (future land use).

Mr. Maki is requesting this rezone to allow for a medical marijuana provisioning center.

Chairman Sanders asked for public comment.

Mr. Mike Murphy, Murphy Investments LLC, who owns two of the three parcels proposed for rezoning, was supportive of the request. Mr. Murphy feels the C-3 use allowances are appropriate for the properties.

Mr. Ted Solow asked a number of questions regarding the procedures for creating a zoning change and was advised by the Commission and Mr. Toland on the proper methods used in this process.

Mr. Ken Hill asked a number of questions related to the prior zoning designation of I-1 Light Industrial of the subject parcels. Mr. Hill questioned the past industrial movement and present industrial activities taking place. Mr. Toland advised the industrial activity taking place would be considered a legal nonconforming activity. Mr. Toland stated the movement of industrial activity on the parcels may be questionable. Mr. Murphy advised the Commission the industrial activity taking place on the properties has been on-going since the zoning change from industrial to commercial, without lapse. Mr. Murphy further stated the only movement of industrial operations has been for expansion purposes, to additional/different suits, within the same building. Mr. Murphy contends this movement is not in violation of the Township's Zoning Ordinance.

The Commission noted the memo of support submitted by Mr. Montgomery, who owns one of the subject parcels submitted for rezone to C-3.

Chairman Sanders closed public comment after all interested parties were heard.

The Commission discussed the proposed rezone at length. The Commission considered the public input and the opinion of the subject parcel owners. The Commission further considered the guidance offered by both Mr. Toland and Mr. Redick (Legal Counsel for the Township) particularly regarding the property descriptions and condominium status, as it applies to the request to rezone.

After all interested parties were heard, and all discussion complete, Commissioner Dave Meekhof made a **motion, via resolution**, to recommend to the Township Board, that Parcels #70-04-16-469-001, 70-04-16-469-002, and 70-04-16-469-003, (4.77 acres), located at 12259 Cleveland Street, 12261 Cleveland Street, and 12315 Cleveland Street, be approved for rezone from C-1 Neighborhood Commercial to C-3 Highway Commercial. A 2nd was offered by Commissioner Ryan Arends. The Commission unanimously approved the motion.

Agenda Item 8. Presentations

None.

Agenda Item 9. Discussion Items

A. Planning Commission Bylaws.

An approved copy of the Planning Commission Bylaws was made available to each of the Planning Commissioners present by Mr. Toland.

Agenda Item 10. Adjournment

A **motion** to adjourn was made by Commissioner Rich Suchecki at 8:08 P.M. A 2nd was offered by Commissioner Dave Meekhof. The motion was unanimously approved.

Respectfully Submitted,

Jon C. Overway, Secretary
Crockery Township Planning Commission

Next Regular Meeting - February 19, 2019