

**Crockery Township**

**Regular Planning Commission Meeting**

**November 12, 2013**

**(Approved)**

Chairman Bill Sanders called the November 12, 2013, Regular Planning Commission Meeting to order at 7:32 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Mike Munch, and Roy Holmes present. Z/A Toland was also present for this session.

Commissioner Rich Suchecki was absent.

**Agenda Item 2. Approval of the Agenda**

Approved as submitted.

**Agenda Item 3. Approval of Minutes**

The Commission reviewed the minutes from the October 15, 2013, Regular Planning Commission Meeting. Commissioner Dave Meekhof made a motion to accept the minutes as written. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved.

**Agenda Item 4. Announcements**

None.

**Item 5. Communications**

Request by Supervisor Stille to review M-104 Corridor Overlay District (mapping), letter to Chairman Sanders, dated November 5, 2013. Will be discussed as a part of Agenda Item 9C.

**Agenda Item 6. Public Comment**

Chairman Bill Sanders asked for public comment. No public comments were offered.

## **Agenda Item 7. Action Items**

### **B. Howe – Special Land Use – Public Hearing.**

Documents provided to the Commission for this public hearing include; (1) a Crockery Township Zoning Application signed by Ms. Jeanne Howe, dated September 15, 2013, (2) a Description of Request by Ms. Jeanne Howe, (3) an aerial view of Ms. Howe's property, showing present structures and the cul-de-sac, and showing proposed parking, (4) an aerial view of parcel #70-04-31-300-015, located at 14610 144<sup>th</sup> Avenue, and surrounding parcels, including the Grand River, and the actual road right-of-way, (5) a drawing of parcel #70-04-31-300-15 with dimensions, and (6) a Planning and Zoning Review by Z/A Toland, dated November 12, 2013, addressed to the Commission.

Ms. Jeanne Howe, who owns parcel #70-04-31-300-015, a one acre property located at 14610 144<sup>th</sup> Avenue, has applied for a SLU for operation of a home occupation in an accessory building. The property is currently zoned R-2 Medium Density Residential.

Ms. Howe was present for this session and indicated she would like to establish a home décor business, as well as provide a venue for designers to display their talent. Ms. Howe intends to utilize an existing accessory building for this purpose. Ms. Howe further indicated she would operate the proposed business one day a week and one weekend (Friday, Saturday, Sunday) a month.

Mr. Toland provided the Commission and persons in attendance with an overview of the project, indicating Ms. Howe would be utilizing an existing 1200 square foot structure, and that parking is proposed on the outer edges of the cul-de-sac that is not within the road right-of-way. Mr. Toland advised the Home occupation considerations are found in Section 27 of the Township Zoning Ordinance, pages 19-22/23. Mr. Toland indicated a home occupation business may be authorized in an accessory building as a Special Land Use.

Chairman Bill Sanders verbally reviewed the five criteria items, and their sub-parts, found in Section 27, Home Occupations, for the public hearing attendees and Commission.

Commissioner Sanders then opened the public comment portion of the hearing.

The Commission noted there were several letters received from Township residents regarding this proposed SLU;

(1) a letter from Judith L. VanBemmelen, 14744 144<sup>th</sup> Avenue, dated November 10, 2013, expressing concern that the proposed business was not in the best interest of their rural residential area.

(2) a letter from Ann K. Rockwell, 14620 144<sup>th</sup> Avenue, dated November 11, 2013, expressing concern regarding hours of operation and the ability to maintain the privacy of her property, requesting certain conditions be met if approved.

(3) a letter from Daniel and Margaret Fett, 14630 144<sup>th</sup> Avenue, dated November 6, 2013, expressing concern regarding the impact the proposed business would have on their personal property and safety of the neighborhood. The Fetts prefer the area remain quiet and private and that the Township has provided opportunity for commercial enterprise elsewhere.

(4) a letter from Bill and Joyce Berns, 14287 Garfield Street, dated November 12, 2013, expressing concern that the proposed business is not in keeping with their residential neighborhood and have safety concerns related to traffic and parking.

(5) a letter from Jay and Patricia Wright, 14357 Garfield Street, dated November 11, 2013, supporting the proposal. The Wrights feel the proposed business would not inconvenience the neighborhood and support Ms. Howe's entrepreneurial effort.

Daniel and Margaret Fett, 14630 144<sup>th</sup> Avenue, were present at this hearing. Mr. & Mrs. Fett plan to build their retirement home on their property. The Fetts expressed respect for their neighbor, Ms. Howe, however, they do not support Ms. Howe's attempt to start a home occupation in the neighborhood. The Fetts cited a number of concerns including safety issues related to traffic and parking, as well as privacy concerns.

Michael and Virginia Ryan, 14134 Garfield, were present at this hearing. The Ryans and did not feel the proposed home occupation would enhance the neighborhood, citing traffic safety concerns. Mr. and Mrs. Ryan prefer to maintain the residential, quiet nature of the area.

Mary Ann Barnes, 13660 138<sup>th</sup> Avenue, was present at this hearing. Ms. Barnes was concerned the additional traffic a commercial venture would bring would interfere with the safety of residents who walk and bike on the roadway.

After all members of the public were given the opportunity to be heard in this matter, Chairman Bill Sanders closed the public comment portion of the hearing.

Commissioner Sanders inquired as to how many artists would present their wares in addition to Ms. Howe, and how many patrons she would expect per day. Ms. Howe indicated initially five artists, in addition to herself, would supply the items for sale and she would expect approximately twenty persons a day to visit the business. Ms. Howe further stated her hours of operation would likely be 9 A.M. to 3 P.M.

Commissioner Jon Overway inquired into how parking would be arranged for the artists and patrons. Ms. Howe indicated the artists would not likely be present during the sales hours and would otherwise use her driveway for parking. Ms. Howe would expect the patrons to park on the outer perimeter of the cul-de-sac.

A question was brought up as to how Ms. Howe would advertise her business (citizen in gallery). Ms. Howe stated she will use Craig's List, Social Media venues, and word of mouth.

Commissioner Meekhof asked where the products for sale would be made. Ms. Howe stated they may be made on location, in her home or barn, and at the artist's homes. Commissioner Meekhof further inquired if any power tools, motors, or other loud equipment would be used in connection with the business on-sight. Ms. Howe indicates she only occasionally uses a miter saw and that no loud equipment is regularly used on-sight.

Commissioner Meekhof pointed out that a home occupation allowed in an accessory building does not have the same limitations an in-home home occupation requires. More square footage may be utilized and those other than residents may participate in a home occupation granted as a result of a SLU.

A citizen (public gallery) pointed out that snow removal may be hampered by parking in the cul-de-sac during the winter. Ms. Howe indicated her business would likely be minimal this coming winter.

Chairman Sanders again reviewed verbally the five conditions, and their sub-parts, found in Section 27, Home Occupations, of the Township Zoning Ordinance for the Commission.

The commission discussed at great length the five conditions as they apply to this proposal, to include related traffic and safety, parking, dust and noise, and the impact the business may have on the neighborhood. It was noted the gravel cul-de-sac, and a portion of the improved roadway leading to it, is completely out of the platted road right-of-way and wholly on DNR property. Commissioner Mike Munch, who resides on 138<sup>th</sup> Avenue, further pointed out traffic to the proposed business cannot circulate through, it must come back the way it entered (using 138<sup>th</sup> Avenue, Garfield Street, and 144<sup>th</sup> Avenue).

The Commission discussed conditions that might be applied to operation of the proposed home occupation. Mr. Daniel Fett objected to any conditions that were to be the object of neighbor complaints, stating he did not want to cause turmoil in the neighborhood and it is essentially the Townships job to enforce conditions, if they were to be applied to the operation of this business.

After all discussion was complete and all parties heard, Commissioner Dave Meekhof made a **motion** to conditionally approve the home occupation in an accessory building, as presented by Ms. Jeanne Howe, for a one year time period. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends.

A brief discussion by the Commission regarding the conditions, led Commissioner Meekhof to **amend his motion** to approve the home occupation in an accessory building, as presented by Ms. Jeanne Howe, for one year only with no provision for renewal, at which time the business was to cease operation at 14610 144<sup>th</sup> Avenue. Commissioner Meekhof reasoned this would provide an opportunity to start-up a successful business, then move it to a commercial location after one year's time. Commissioner Ryan Arends offered a 2<sup>nd</sup> to the amended motion.

Commissioner Jon Overway requested a roll-call vote on this matter.

Commissioners were individually polled; Commissioner Dave Meekhof = yes, Commissioner Jon Overway = no, Commissioner Roy Holmes = yes, Commissioner Mike Munch = no, Commissioner Ryan Arends = yes, Commissioner Bill Sanders = no.

Chairman Bill Sanders believes the tie vote results in the disapproval of the proposed Special Land Use, as a majority vote was not gained for approval. Mr. Toland will confirm the position taken by the Chair with the Township's legal counsel.

#### A. Ball – Rezoning – Public Hearing.

Documents provided to the Commission for this public hearing include; (1) a Crockery Township Zoning Application signed by Scott Ball, dated September 20, 2013, (2) an aerial view of Mr. Ball's parcels, #70-04-07-300-30 a 20 acre parcel, and #70-04-07-300-031 a 13.5 acre parcel, (3) an Explanation of Request letter, provided by Scott D. Ball and Kimberley A. Ball, 17682 144<sup>th</sup> Avenue, dated September 22, 2013, and (4) a Planning and Zoning Review by Z/A Toland, addressed to the Commission, dated November 12, 2013.

At the time Mr. Ball made his request for a zoning change and public hearing, the Commission acted on their own volition to include other nearby, adjacent, large parcels to Mr. Ball's request. Parcels added to the rezone request by the Commission include #70-04-07-300-41, #70-04-07-100-028, #70-04-07-200-001, and #70-04-07-200-002. Several of these larger parcels are currently being farmed and take up a large portion of the interior area of Section 7.

Mr. Scott Ball has requested two of his properties, a 20 acre parcel and a 13.5 acre parcel, be rezoned from R-1 Low Density Single-Family Residential to AG-2 Rural Agricultural Preservation. Mr. Ball's two properties are located on 144<sup>th</sup> Avenue, near State Road. Mr. Ball

does intend to split off a small parcel with their residence on it before the remaining land would be approved for Ag-2 zoning.

Mr. Ball, who was present at this meeting, indicated he farms hay and grain crops on these two parcels. Mr. Ball indicated he would like to build a structure to store his farm machinery in, keeping his equipment out of the weather. Mr. Ball is presently affected by the R-1 zoning restrictions for accessory buildings, which prevent him from further construction/expansion (of accessory buildings) on his property. Mr. Ball is requesting the (AG-2) zoning change, which expands the square footage allowance, as applied to accessory buildings.

Mr. Toland provided a lead-in to the discussion reviewing his Planning and Zoning memo to the Commission and further explaining the reasoning of adding the nearby larger parcels to the original request. Mr. Toland explained the Commission felt the larger parcels may benefit from the proposed zoning change from R-1 to Ag-2 and noted that several of these included parcels were presently being farmed. In total the six parcels presented for review represent approximately 300 acres. Mr. Toland also referenced the Michigan Right to Farm Act in response to questions concerning the existing farm operations.

Chairman Bill Sanders opened the public comment portion of the public hearing.

Ms. Carolyn Brown, 18170 144<sup>th</sup> Avenue, was present for this hearing. Ms. Brown's property (over 70 acres) is one of the parcels added to the rezone request. Ms. Brown inquired if the proposed zoning change would affect her taxes. The Commission indicated taxes are based on the use of a property, which may vary from the zoning description of the parcel. Ms. Brown further inquired on how a change to Ag-2 zoning would affect future property splits. The Commission explained the current minimum, conforming lot size allowable for Ag-2 splits (10 acres).

Mr. Bill Bray, Taft Street, asked how animals are permitted/restricted on Ag-2 properties. Mr. Toland read the Township Ordinance pertaining to the keeping of animals on Ag-2 properties to the group in attendance.

Ms. Mary Evans, 14151 State Road, asked if animals could be kept up to the property lines. The Commission advised fencing for the keeping of animal can extend to the lot lines.

Mr. Dave Krause, 17755 Downyberry Lane, stated he believes the watering operations used by the current (blueberry) farms draw down his well and he can smell the spray when the blueberry

fields are treated. Mr. Krause was advised these were likely complaints for the Michigan DEQ and the Michigan Department of Agriculture.

Mr. Ed Smith, 17971 Downyberry Lane, advised his pond is dry and believes it is due to the amount of water used to keep the blueberry fields in condition.

Bill and Barb Eskew, who own 20 acres, asked if they had to be a part of the zoning change. The Commission explained they were not one of the parcels selected to be included in the proposed rezone. Mrs. Eskew asked if they could be given some time to think about being included.

Mr. Krause and Mr. Smith, who both own properties of over 10 acres, asked if they could be included in the rezone change to Ag-2. The Commission indicated they may be included, however, it may require further notification of area residents and a continuance of this hearing.

Mr. Brian Brown, 18120 144<sup>th</sup> Avenue, asked if he would still be able to acquire land from his mother, Carolyn Brown, if the zoning changes to Ag-2. Mr. Brown was advised that land transfers could be done, however, they must be conforming.

After all interested person were heard Chairman Sanders closed public comment.

It was clear to the Commission, after the public comment discussion had taken place, that there was further interest by nearby and adjacent property owners to have their land also rezoned from R-1 Residential to Ag-2 Rural/Agricultural Preservation. The Commission felt more time and notice may be appropriate to fully explore the proposed zoning change and give opportunity for additional residents to contact the Township for inclusion in this matter.

As a result of information gained from the public in this hearing, Commissioner Ryan Arends made a **motion** to table this matter until the December regular meeting. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

**Agenda Item 8. Presentations.**

None.

**Agenda Item 9. Discussion Items**

A. Change in December meeting date.

**The Regular Planning Commission Meeting for the month of December will be held on Tuesday, December 10, 2013, at 7:30 P.M., at the Township Hall.**

B. Future Zoning Ordinance Amendments.

Review of Supervisor Stille's letter to the Chair, dated November 5, 2013. Discussion to take place at the November Special Meeting listed below.

C. Township Board Master Plan – Work Session.

The Commission will schedule a **Special Meeting on Tuesday, November 26, 2013, at 7:30 P.M.**, and invite the Township Board members to participate and discuss issues related to the Master Plan.

**Agenda Item 10. Adjournment**

A **motion** to adjourn was made by Commissioner Ryan Arends at 10:57 P.M. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved.

Respectfully Submitted,  
Jon C. Overway, Secretary  
Crockery Township Planning Commission

Next Meetings:       Regular Session - December 10, 2013  
                              Special Session - November 26, 2013

**Crockery Township**

**Special Planning Commission Meeting**

**November 26, 2013**

**(Approved)**

Chairman Bill Sanders called the November 26, 2013, Special Planning Commission Meeting to order at 7:30 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, Mike Munch, and Roy Holmes present. Z/A Robert Toland was also present for this session.

**Agenda Item 2. Approval of the Agenda**

Approved as submitted.

**Agenda Item 3. Approval of Minutes**

No minutes were approved at this session.

**Agenda Item 4. Announcements**

None.

**Item 5. Communications**

None.

**Agenda Item 6. Public Comment**

None. (No members of the public present during meeting)

**Agenda Item 7. Action Items**

None.

**Agenda Item 8. Presentations.**

None.

**Agenda Item 9. Discussion Items**

A. Master Plan.

Commission members, Mr. Toland, and Board members Leon Stille, Kathy Buchanan, and Judy VanBemmelen, met to discuss the proposed Master Plan (draft). Discussion centered on the future land use map. Several agreed upon recommendations in mapping will be applied to the draft by Mr. Toland.

**Agenda Item 10. Adjournment**

A **motion** to adjourn was made by Commissioner Ryan Arends at 9:03 P.M. A 2<sup>nd</sup> was offered by Commissioner Dave Meekhof. The motion was unanimously approved.

Respectfully Submitted,  
Jon C. Overway, Secretary  
Crockery Township Planning Commission

Next Meetings:       Regular Session – December 10, 2013  
                              Special Session - TBD