

Columbia Township
Planning Commission Meeting Minutes
Tuesday March 5, 2013

1) Meeting called to order by Chairman Gaede at 6:20 pm

Present: Pam Jarvis, Mike McKay, Roger Gaede and Philip Reynolds.
Bob Willerer.

2) Public Comments

John Kudner spoke in opposition to the Conditional Use Request by Shayne Mickels and resubmitted a letter in opposition.

Charles Dempz spoke in opposition to the Mickels request and submitted a letter of opposition

3) Approval of Minutes

Reynolds made motion to approve February 5, 2013 minutes, seconded by McKay
Vote taken Ayes All, Motion Passed.

4) Approval of Agenda

Reynolds motioned to approve agenda, seconded by Willerer.
Gaede requested that Landplan meeting dates and start times be added to agenda as item 9A.
Vote taken Ayes All, Motion Passed.

5) Tabled Rezoning Request by Forgonia.

Reynolds made motion to take Tabled Request by Forgonia off table, seconded by McKay.
Vote taken Ayes All, Motion Passed.

Jarvis questioned Forgonia refund and that she felt it was an office mistake to allow the Forgonia's to come before the Planning Commission with their request and deserve a refund of monies paid.

McKay stated commission is not a refunding body and that applicant didn't check regulations nor read zoning book.

Board discussion followed.

Willerer suggested that Reynolds speak with Supervisor or Board about refunding applicants money.

It was also suggested that the employees at the window suggest to all applicants to get a zoning book or go on line and read prior to submitting for any zoning application or speak to and ask questions of the Zoning Officer.

More board discussion.

Reynolds made motion to recommend denial of Forgonie Rezoning Request, Seconded by McKay.

Vote taken Ayes All, Motion Passed.

6) Tabled Conditional Use Request by Mickels

Motion by McKay to take Tabled Request by Mickels off table. Seconded by Reynolds.

Vote taken Ayes All, Motion Passed.

Willerer questioned what has taken place since request tabled at first meeting and weather or not new

information or plans have been submitted.

McKay stated he knew of nothing being done by Mickels as requested by the Commission at the last meeting.

Reynolds stated that Mickels was in the office and spoke to an employee, but has not seen any plans or information resubmitted.

Discussion by the commission followed.

Motion by Reynolds to Recommend Denial of Mickels Request for Conditional Use be Denied due to having a commercial operation in a residential zoned area causing spot zoning. Opening up the Twp to other Commercial developments in residential areas and not allowed according to the present zoning ordinances. Motion seconded by McKay. Vote taken Ayes All Motion Passed.

7) 4.1.1 (AG-1) Agricultural District Ordinance.

Gaede explained All the Options presented in a letter dated February 4, 2013 from Landplan concerning Options for Accessory Sales In the AG-1 District.

Jarvis questioned the ordinance and its language. Board discussion followed. Reynolds had some questions regarding options and part two.

McKay made motion to Recommend **Option A 7. An accessory use, building, or structure as defined in Article II, Section 2.3.1 "An accessory use may include retail sales clearly incidental, customary and secondary to the principle use" be added to Article II, Section 2. 3. And Part Two Sec. 4. 1. 1.C "The following uses of parcels, lots, buildings, and structures, including accessory uses, buildings and structures there to, are permitted in this district subject to obtaining a conditional use permit as provided in Article V:"**

Motion seconded by Reynolds

Jarvis questioned wording. More Commission discussion.

Willerer questioned wording being vague or miss understood. More Commission discussion.

Vote taken Ayes All, Motion Passed.

8) Landplan Letter dated February 12, 2013

Gaede reviewed letter with commission and dates of study sessions and starting times.

9) Michigan Citizen Planner Classes

Gaede reviewed letter with commission. Discussion followed and Gaede will get back with more information per dates and times.

10) Public Comments None

11) Commissioner Comments

Gaede reviewed study session dates and times will be on the following dates, **March 20, 2013 starting at 6:00pm, April 9, 2013 starting at 6:00pm and May 7, 2013 starting at 6:00pm**

Motion by McKay that the above dates and times be approved. Seconded by Willerer.

Vote taken Ayes All Motion Passed.

Motion to adjourn by McKay seconded by Willerer. Vote taken Ayes All. Motion Passed adjourned 7:15pm

Respectfully Submitted

Philip Reynolds
Secretary

February 4, 2013

Columbia Township Planning Commission
Columbia Township
8500 Jefferson Road
Brooklyn, MI 49230

Re: Accessory Retail Sales in AG-1 District

Dear Columbia Township Planning Commission:

Chairperson Gaede contacted me last week to request my assistance with the Planning Commission's efforts to amend the AG-1 District provisions regarding retail sales. More specifically, it is my understanding that the Planning Commission is interested in amending the Zoning Ordinance to provide that retail sales are a permitted use in the AG-1 District as an accessory use in association with the principal use of the property. It is further my understanding that the February 5 meeting of the Planning Commission is to serve as an opportunity to develop specific draft amendment language to address this matter and enable interested persons to offer comments.

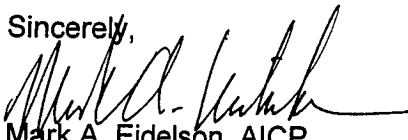
To assist with this effort, the attached page presents some initial draft amendment text to address this matter. This material is presented with the goal of assisting the Planning Commission identify amendment language with which it is comfortable. The Planning Commission may find that having some specific amendment text as a starting point for discussions may be particularly helpful and expedite the deliberations.

The example amendment text on the attached page addresses accessory sales for both "*permitted uses*" (Sec. 4.1.1.B) and "*conditional uses*" (Sec. 4.1.1.C) in the AG-1 District.

I want to clarify an important issue. Sec. 4.1.1.B.7 expressly authorizes accessory uses in the AG-1 District and, according to the Sec. 2.3 definition of "accessory use," such use must be "customarily incidental and subordinate" to the principal use. Thus, the Sec. 4.1.1.B.7 provision already authorizes minor retail sales as part of a kennel (for example) but it does not authorize retail sales as part of a single family dwelling (for example). *With this in mind, the accompanying example Sec. 4.1.1.B.7 amendments serve to provide greater clarity regarding such retail sales.*

As this amendment effort moves forward, please do not hesitate to contact me if you have any questions or if I can provide further assistance.

Sincerely,



Mark A. Eidelson, AICP
President

Certified Zoning Administrator

cc: Barry Marsh, Township Clerk

Columbia Township Zoning Ordinance
Example Amendment Options for Accessory Sales in the AG-1 District

Prepared by Landplan Inc. / February 4, 2013
(see accompanying cover letter)

Part One: The following amendment options provide for amending **Sec. 4.1.1.B.7**, which authorizes accessory uses in association with "permitted uses" in the AG-1 District. Each of the options provide for an increasing level of oversight.

Option A

①

(suggested additions in *italics*, suggested deletions with ~~strikethrough~~)

7. An accessory use, building, or structure as defined in Article II, Section 2.3.1.
An accessory use may include retail sales clearly incidental, customary and secondary to the principal use.

Option B

(suggested additions in *italics*, suggested deletions with ~~strikethrough~~)

7. An accessory use, building, or structure as defined in Article II, Section 2.3.1.
An accessory use may include retail sales clearly incidental, customary and secondary to the principal use, and provided the total cumulative area devoted to such sales and storage of items intended for sale shall not occupy a total of twenty percent (20%) of the indoor floor area devoted to the principal use or one thousand (1,000) square feet, whichever is less.

Option C

(suggested additions in *italics*, suggested deletions with ~~strikethrough~~)

7. An accessory use, building, or structure as defined in Article II, Section 2.3.1.
An accessory use may include retail sales clearly incidental, customary and secondary to the principal use, and provided the total cumulative area devoted to such sales and storage of items intended for sale shall not exceed a total of twenty percent (20%) of the indoor floor area devoted to the principal use or one thousand (1,000) square feet, whichever is less, and such accessory sales and storage areas shall be subject to site plan review.

Part Two: The example amendment below provides for revising the first sentence of **Sec. 4.1.1.C**, which authorizes conditional uses in the AG-1 District. Unlike the amendments above, the amendment text below does not include any special oversight measures because, as a conditional use, any proposal for accessory uses will be subject to special review including site plan approval.

②

(suggested additions in *italics*, suggested deletions with ~~strikethrough~~)

The following uses of parcels, lots, buildings, and structures, *including accessory uses, buildings and structures there to*, are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE V:

End