



12803 S. Wacousta Rd., Grand Ledge, MI 48837
517-626-6593
517-626-6405 (Fax)
www.watertownmi.gov

PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, July 6, 2022 | 7:00 pm

CALL TO ORDER: The meeting was called to order at 7:00 pm by Chair Joe Davis with the Pledge of Allegiance.

PLANNING COMMISSIONERS PRESENT: Chair Joe Davis, Vice-Chair Rick Adams, Secretary John Wiesner, Zoning Board of Appeals Representative Charles Openlander, Ron Overton, and Andrew Powers. Absent were Beth Ball, Richard Turcotte, and Ulrika Zay.

STAFF PRESENT: Planning Director Andrea Polverento. Also present, Jill Bahm and Sri Ravali Komaragiri of Giffels Webster.

COMMUNICATIONS RECEIVED: Polverento outlined the communications received.

AGENDA APPROVAL:

Motion by Openlander, seconded by Powers, to approve the July 6, 2022, regular meeting agenda as presented. Motion carried.

PUBLIC COMMENT, NON-AGENDA ITEMS: None.

APPROVAL OF MINUTES:

1. June 1, 2022 Regular Meeting

Motion by Powers, seconded by Adams, to approve the regular meeting minutes of June 1, 2022, as presented. Motion carried.

2. June 13, 2022 Executive Committee Meeting

Motion by Openlander, seconded by Adams, to approve the Executive Committee meeting minutes of June 13, 2022, as presented. Motion carried.

PUBLIC HEARINGS:

1. Case No. 22-06 REZ – Gary Fairfax

Chair Davis opened the public hearing at 7:05pm, and the public hearing procedure was summarized.

Polverento described the facts of the case, a request for the rezoning of the western 150' of the property at 4400 Millwood Road on the southeastern border of the township. The approximate 2.09 acre area (150' x 608.5') is located centrally along the southern border of Section 36, south of Grand River Avenue and the CSX rail line, and north of the township/Eaton County line. The request is to rezone the property from the LI-Light Industrial zoning district to the AG-Agricultural zoning district.

Polverento described the master plan's future land use map and zoning ordinance implications and referenced several handouts she had provided showing various maps and letters regarding the wetland, floodplain, and intercounty drain which are present in the vicinity of the rezoning request. The applicant, Mr. Fairfax, intends to combine the land to be rezoned, if approved, with parcels directly to the west. These adjacent residential parcels to the west are affected by the wetland, floodplain, and drain, and additional upland area is necessary for future residential development and well, septic, and drainfield areas.

Polverento noted that the underlying parcel is approximately 33 acres, and the industrial uses on that parcel take up approximately 6.5 acres on the eastern side. There would be plenty of area to expand the industrial use in the future if that was desired. She noted that the area proposed for rezoning is not served by public water or sanitary sewer.

Davis asked about the intent to add property to existing lots. He asked how many new lots would be created if this property was rezoned. Polverento responded that no additional new parcels would be created. The two adjacent lots that exist currently would each have approximately one acre combined with them.

Powers questioned if new parcels could be created in the future. Polverento responded that the land would have to be combined with the adjacent land as there is no other access to it. Davis referenced Polverento's report regarding the access via Delta Township, and Polverento briefly described the previous actions to develop a road name and addresses for the parcels.

Openlander questioned the existing address on Millwood Road, and asked about access via that road. Polverento explained that the address on Millwood had been provided because it serves the storage facility on the eastern side of the parcel, but it dead ends far short of the area in question, and there is no additional right-of-way.

Polverento stated that no written public comments had been received resulting from the mailing to property owners within 300' of the subject property. One phone call had been received with a few questions regarding the application, but no request had been made to provide or record any official comments for the record, and the individual had been invited to attend the meeting in person.

There being no further public comment, Chair Davis closed the public hearing at 7:15pm.

NEW BUSINESS:

1. Case No. 22-06 REZ – Gary Fairfax

The following standards are taken from Article 7 of the Zoning Ordinance, and are the basis for review by Township staff, and the Planning Commission and Township Board. Staff and the Planning Commission have reviewed each standard, and suggest the following conclusions.

Section 28-7.4 (6)

A. After a public hearing is held by the planning commission, the planning commission shall make a recommendation to the Watertown Charter Township Board regarding the proposed rezoning.

B. The matters to be considered by the planning commission shall include, but are not limited to, the following:

i. What, if any, identifiable conditions related to the application have changed that justify the proposed amendment?

Staff & Planning Commission comments: When reviewing this area, staff concluded that due to the predominant soil conditions, wetland areas, and county drain in the vicinity of the proposed rezoning, it is unlikely to support large-scale industrial uses. Further, the area in question is not served by public water and sanitary sewer, and the ability for future extension of these utilities and connections to them is further complicated by the location of the CSX rail line.

Sec. 28-3.10.D: All development proposed in these districts [B-1, B-2 and LI] shall be required to be serviced by a public water supply and sanitary sewer system.

ii. What, if any, error was made in the original ordinance that justifies the proposed amendment?

Staff & Planning Commission comments: As there is minimal development in the Millwood/Franette area south of the railroad tracks and north of the township/county line, it's staff's expectation that there was minimal consideration made to this general area, due further to its lack of public road access from within Watertown Township. Staff suspects that the likely consideration was that the land would be more likely to be purchased by an adjacent landowner rather than developed via access from Delta Township/Eaton County. The township rezoned other land to the east of this area to LI-Light Industrial in 2015, given its predominant ownership by, and proximity to, the Capital Region International Airport, but did not make any considerations to the land to the west at that time.

iii. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the amendment?

Staff & Planning Commission comments: This area is relatively unique in that the following characteristics are present:

1. A lack of public road access from within Watertown Township; access to this land is via a private road originating in Delta Township/Eaton County; and
2. Public water supply and sanitary sewer service are not available and the railroad tracks present an expansion challenge; and
3. The soil conditions, wetland areas, and location of an Intercounty Drain make large-scale industrial uses unlikely; and
4. Large lot residential uses preserving the wetlands and swampy areas are likely the highest and best use of the land, given the above referenced issues.

There are no other areas in the township with all these circumstances present. The effects of a precedent are minimal at most.

iv. What is the impact of the amendment on the ability of the township and other governmental agencies to provide adequate services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

Staff & Planning Commission comments: Public water and sanitary sewer service are not present in the vicinity, but the applicant is working with the Mid-Michigan District Health Department. Access is via a private road in Delta Township, where private roads are permitted. Staff has coordinated many meetings with emergency services from both Clinton and Eaton County to sort out and address any issues related to access to police, fire, and ambulance services. All future property owners will receive a letter outlining the access and strongly suggesting the “Smart 911” system be used to swiftly notify Central Dispatch of the situation. As the access is via a private road in Delta Township, there would be no cost to the township for any road maintenance or repair. This will also be further described in the letter sent to future property owners.

v. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?

Staff & Planning Commission comments: The petitioned district change from LI – Light Industrial to AG – Agricultural is likely to present fewer adverse effects to the environmental conditions in the area. Again, refer to the floodplain and wetland maps attached to this report. A large lot residential lot is less likely to create adverse effects to the environmental conditions than a future industrial facility, but there remains a minimal risk to environmental conditions with development of any type.

In terms of affecting the value of surrounding property, the effects would be negligible. Zoning in and of itself has no direct impact on the value of the land. Given the proximity of other residential/subdivision development in Delta Township to the south, future industrial development is more likely to negatively affect the property values in that area, however, industrial uses currently exist directly north of the railroad tracks and in the form of the mini-storage facility on the property in question.

vi. Does the petitioned district change generally comply with the adopted Watertown Charter Township Master Plan?

Staff & Planning Commission comments: Comments noted in the staff report were referenced. While it is inconsistent with the Future Land Use Map, it is in keeping with existing development to the south, and is the same zoning district as the property immediately to the west.

vii. Is the property in question able to be put to a reasonable economic use in the district as it is presently zoned?

Staff & Planning Commission comments: Large-scale expansion of industrial uses is unlikely to be feasible in any short-range time frame due to the lack of public utilities or public road access to this area. Given the proximity to the wetlands and county drain, there would likely need to be reasonably substantive setbacks for any future development to maintain water quality and find suitable soils for building areas.

The Planning Commission discussed, considered, and determined the following findings of fact that pertain to this request for a rezoning:

- The rezoning request is to change the zoning district for the western 150’ of Parcel No. 19-150-036-400-032-00 from LI – Light Industrial to AG – Agricultural.
- The intent of the applicant is to combine this land with two existing parcels to increase their size to offer more building area for future residential home sites.

- The additional land is necessary due to natural features and factors on the adjacent property to the west, including wetlands, floodplain and an intercounty drain.
- The proposed rezoning is inconsistent with the township's adopted Future Land Use Map.
- The proposed rezoning district is directly adjacent to property in the AG-Agricultural Zone and thus would not be considered "spot zoning."
- Public utilities including sanitary sewer service and public water supply are not available to this area, which is required for new development in the LI – Light Industrial zoning district.
- The proposed rezoning area is not accessible via public road in Watertown Township. Access is via a private road originating in Delta Township/Eaton County, which permits private roads.
- Large-scale industrial development is unlikely in the near- or medium-term due to the adjacent natural features and lack of public utilities.

Motion by Overton, seconded by Openlander, that the Watertown Charter Township Planning Commission recommend to the Board of Trustees to approve the request from Mr. Gary Fairfax to rezone the western 150 feet of Parcel No. 19-150-036-400-032-00, as described in Case No. 22-06 REZ, from LI - Light Industrial to AG - Agricultural, for the following reasons and findings of fact:

1. The rezoning request is to change the zoning district for the western 150' of Parcel No. 19-150-036-400-032-00 from LI – Light Industrial to AG – Agricultural.
2. The intent of the applicant is to combine this land with two existing parcels to increase their size to offer more building area for future residential home sites.
3. The additional land is necessary due to natural features and factors on the adjacent property to the west, including wetlands, floodplain and an intercounty drain.
4. The proposed rezoning is inconsistent with the township's adopted Future Land Use Map.
5. The proposed rezoning district is directly adjacent to property in the AG-Agricultural Zone and thus would not be considered "spot zoning."
6. Public utilities including sanitary sewer service and public water supply are not available to this area, which is required for new development in the LI – Light Industrial zoning district.
7. The proposed rezoning area is not accessible via public road in Watertown Township. Access is via a private road originating in Delta Township/Eaton County, which permits private roads.
8. Large-scale industrial development is unlikely in the near- or medium-term due to the adjacent natural features and lack of public utilities.

Motion carried.

UNFINISHED BUSINESS:

1. Master Plan Update

Jill Bahm and Sri Ravali Komaragiri of Giffels Webster were present and facilitated a discussion with the Planning Commission regarding revisions and updates to the goals, objectives, and action strategies in the draft master plan update. The Commissioners discussed the adopted goals, objectives, and implementation strategies and suggested items which had been completed and could be omitted from the master plan update, and made suggestions about items which would be priorities in the short- and long-term, including housing, connectivity, sustainability, and resilience. Giffels Webster will provide a draft of the updated goals and objectives for review at the next Planning Commission meeting.

NEW BUSINESS:

2. Annual Performance Appraisal for Planning Director

Motion by Overton, seconded by Wiesner, to concur with the recommendations of the Executive Committee regarding the Planning Director's annual performance appraisal, and to forward the appraisal to the Township Manager and Board of Trustees for further action. Motion carried.

COMMITTEE AND STAFF REPORTS:

1. Executive Committee Report – None.
2. Ordinance Review Committee Report – None.
3. Site Plan Review Committee Report – None.
4. Board of Trustees Report – Overton provided the Board of Trustees report.
5. Zoning Board of Appeals Report – None.
6. Capital Improvements Committee Report – None.
7. Staff Reports: Assistant & Director's Reports – Polverento provided the staff reports.

COMMENTS AND QUESTIONS FROM AUDIENCE, STAFF, AND COMMISSIONERS:

None.

ADJOURNMENT:

Motion by Davis, seconded by Adams, to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:56pm.

Date approved: 8/3/22

Joe Davis, Chair

John Wiesner, Secretary