

Hopkins Township Planning Commission
Minutes Regular Meeting 4/26/2011

Planning Commission Members: Chair Lori Castello; Mark Forbes; Tadd Heft; Lee Murray; Mike Timmer; Chuck Wamhoff; Fred Morley

Members Present: Lori Castello; Mark Forbes; Tadd Heft; Lee Murray; Mike Timmer; Chuck Wamhoff; Fred Morley

Meeting Called to Order at: 7:00 PM Meeting Adjourned at: 9:26 PM

Location: Hopkins Township Hall

- + Meeting called to order at 7:00 PM by Chair Castello.
- + Commission attendance noted above.
- + Mark Evans, Township Supervisor and Kirk Scharphorn Zoning Administrator in attendance.

Agenda

1. Public Hearings

A: At 7:00 p.m. to consider a petition from Cathy Lain and Louis and Carol Bartz for the conditional rezoning of parcels #030-10-006-003-00, 004-00, 001-10 commonly known as 2280 136th Avenue, Hopkins Township, from R-1, Rural Residential to R1-A, Intermediate Estates District.

B: At 7:20 p.m. or as soon as possible thereafter, to consider a petition from Dick Haven to rezone parcel #03-10-012-002-10, approximately 4.86 acres, commonly known as 3318 12th Street, from Industrial to C-2, Commercial Business.

2. Review and approve Agenda

3. Review and approve minutes

4. Old Business:

- a. Select Planning Commission officers for 2011
- b. Continue discussions regarding wind energy turbines

5. Guest Comment

6. Public Comment

7. New Business:

- a. Any other such business that should come before the Planning Commission

8. Board comment

9. Public comment

Agenda Items

- Public Hearing. Cathy Lain and Louis and Carol Bartz conditional zoning petition. This hearing was called to order at 7:00 PM. Three documents were presented. They are: 1. Memorandum of Conditional Zoning Agreement; 2. Offer of Conditional Zoning; and 3. Withdrawal of Request to Rezone. These documents were reviewed and discussed. Discussion included: parcel size and frontage; private road; impact that this change may have on future rezoning requests; land for which rezoning is requested is three parcels, #030-10-006-003-00, 004-00, 001-10; if the Planning Commission approves this request, it must be sent to the County Planning Commission for review; the County Planning Commission sends it to the Hopkins Township Board for final action.

Findings of Fact: landowners have submitted a petition to change the zoning of three parcels, #030-10-006-003-00, 004-00, 001-10 from R-1 to R-1A; landowners have offered conditions to apply to the changed zoning of the three parcels; conditions are stated in the document "Offer of Conditional Zoning" executed by the landowners dated March 28, 2011; reasons for the zoning change are stated in the "Background" of the Offer of Conditional Zoning; two lots to be created will be on a private road; conditions include that the applicants agree to forgo any further property divisions and to eliminate any remaining splits of the three parcels; the rezoning is consistent with the Hopkins Township Master Plan; no one present objected to the zoning change.

MOTION: A motion was made and supported to approve the conditional zoning petition for parcels #030-10-006-003-00, 004-00, 001-10 submitted by Cathy Lain and Louis and Carol Bartz. This zoning change will be from R-1 to R-1A. The conditions are stated in the document titled The Hopkins Township Planning Commission, Offer for Conditional Zoning executed by Louis Bartz, Carole Bartz and Cathy Lain dated March 28, 2011. This motion was approved.

- Public Hearing. Dick Haven rezoning petition. This hearing was called to order at 7:20 PM. Documents had been previously emailed to Commissioners. Discussion included: the variance that was granted on this parcel, #03-10-012-002-10 in 2005; that a variance is no longer allowed; to continue selling trucks, the parcel must be zoned C-2; the change in zoning from I-1, Industrial, to Commercial, C-2 fits the Master Plan; the proposed use is in line with this mixed use area; a site plan needs to be approved.

Findings of Fact: petitioner has submitted a request to change the zoning of parcel #03-10-012-002-10 from I-1, Industrial to C-2, Commercial; petitioner desires to sell trucks on this parcel; present zoning is I-1, Industrial; I-1, Industrial does not allow for truck sales; in 2005 a Special Land Use Variance was granted to Woodham's Equipment Inc. to allow for retail sales as defined in the State of Michigan Vehicle Dealer process, in the Industrial district; this variance was granted until the business changed ownership; a variance can no longer be granted; truck sales are allowed in the C-2, Commercial district; the proposed use is in line with this mixed use area; a site plan needs to be approved; C-2, Commercial, is consistent with the Hopkins Township Master Plan; no one present objected to the zoning change.

MOTION: A motion was made and supported to approve the petition submitted by Dick Haven to rezone parcel #03-10-012-002-10 from I-1, Industrial to C-2, Commercial. A site plan must be approved. This motion was approved.

This Planning Commission approval must be sent to the County Planning Commission for review. Their review will be sent to the Hopkins Township Board for final action.

- Review and approve Agenda. The additions of two items to the Agenda were discussed. They are: our Sign Ordinance, part of the Zoning Ordinance General Provisions and Sexually oriented business, part of Special Use Permits. A state law on sign content has recently gone into effect and our township attorney has recommended that we revisit the adult entertainment provisions of the ordinance.

MOTION: A motion was made and supported to approve the agenda with the addition of the items of Sign Ordinance review and Sexually oriented business review. This motion was approved.

- Review and approve minutes. The minutes of the March 22, 2011 meeting were emailed to Commissioners or a copy reviewed in this meeting.

MOTION: A motion was made and supported to approve the minutes of the March 22, 2011 meeting. This motion was approved.

- Site Plan Review. The site plan for parcel #03-10-012-002-10, Dick Haven's 131 Truck Sales was reviewed. Discussion included: present lighting; a security light may be added; lot is mostly gravel, not rapid runoff; concrete near building; no commercial vehicle services; and keeping site neat and orderly.

Findings of Fact: The sketch presented showed the location on the parcel of the display parking, sign, entrance, customer parking, loading dock and building in relation to 12th Street; there will be no commercial vehicle servicing; drainage appears adequate; conditions for approval are lighting directed downward and site kept neat and orderly; no one objected to the site plan.

MOTION: A motion was made and supported to approve the Dick Haven 131 Truck Sales site plan with the conditions that lighting shall be directed downward and the site shall be kept neat, clean and orderly. This motion was approved.

Approval to conduct business as allowed under C-2 zoning will not be completed until the Township Board approves the zoning change from I-1, Industrial to C-2, Commercial.

- Old Business: a. Select Planning Commission officers for 2011. After a brief discussion, the following Hopkins Township Planning Commission officers for 2011 were chosen:
 - Chair-Mark Forbes
 - Vice Chair-Lori Castello
 - Secretary-Fred Morley

- Class I Special Use Review Committee-Zoning Administrator Kirk Scharphorn, Chair Mark Forbes and Vice Chair Lori Castello. Alternates from the Commission will be needed if these members cannot attend.
- Old Business: b. Continue discussions regarding wind energy turbines. Lee Murray handed our a packet of information on wind energy. We will take this subject up at our meeting May 31, 2011.

MOTION: A motion was made and supported to table further discussion on wind energy until our meeting May 31, 2011. This motion was approved.

- Sign Ordinance. Commissioners were previously emailed the Kalamazoo Township Sign Ordinance and Michigan Act No. 342 Public Acts of 2010, regulating signs. Discussion included: the need to address changes in our Sign Ordinance; the Kalamazoo Township Ordinance appears to be good and has tight regulations; possible use of the Kalamazoo Township Ordinance as a model for us; we need to review the Kalamazoo Township Ordinance; the possibility of asking the Hopkins Township Board for a moratorium on sign installation; and the need to meet the requirements of Act No. 342 Public Acts of 2010. No further action was taken on the Sign Ordinance.
- Sexually Oriented Business Ordinance. Our Township attorney has indicated that we need to review our ordinance regarding sexually oriented businesses. Commissioners were previously emailed two documents furnished by our Township attorney. They are 1) a proposed ordinance regarding conduct in sexually oriented businesses and 2) a proposed ordinance imposing a moratorium on sexually oriented businesses. The Planning Commission may ask the Township Board to impose a moratorium to give the Commission the time needed to address issues regarding sexually oriented businesses. The conduct issues fall under the police powers of the Township and are different from zoning regulations.

MOTION: A motion was made and supported to ask the Hopkins Township Board to impose a moratorium on the establishment, construction and operation of sexually oriented businesses in Hopkins Township. The duration of the moratorium will be six months. This motion was approved.

Because a six month time frame is not long to go through the ordinance adoption process, we need to schedule time to work on this issue. Therefore, we will meet Tuesday, May 3, 2011 at 7:00 PM to take up this issue. We will review our current ordinance. We need to gather ideas on what we want in the revised ordinance. The Michigan Township Association (MTA) web site and other jurisdictions ordinances are suggested as sources of information.

- Public Comment. Jason Apol handed out a copy of Chapter X. C-2 General Business. Our existing Ordinance allows sexually oriented businesses in the C-2 District. He made the observation that there are three general areas that are presently zoned C-2. Chapter

X, 15.364 Sec 10.04 Special Controlled Uses contains regulations for a list of sexually oriented businesses and need particular attention in our review.

- Mark Evans asked for the Planning Commission to review their intent in adopting the Home Occupation provisions of the Zoning Ordinance. Chair Castello explained that the Commission recognizes that the reality is that there are already existing businesses operated out of homes in the community. We want to support and encourage local business in the context of Home Occupations. We defined what we thought proper for our community. A system is in place to document existing businesses. An application for Home Occupation has been developed and requires a \$25 fee to record Home Occupation business activity. In addition to encouraging local business, there is also the need to control Home Occupation businesses so that they are not disruptive to neighbors for a variety of reasons, noise, hours of operation, traffic and fitting into the neighborhood, for example. There is a point where a business may have a serious impact on the neighborhood and may need to be considered as a commercial business, rather than a Home Occupation. We need to balance the protection of the neighborhood and the Home Occupation business venture.

MOTION: A motion was made and supported to adjourn at 9:26 PM. This motion was approved.

Submitted by:

Fred Morley, Secretary
Hopkins Township Planning Commission

Minutes approved: