



DEERFIELD TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

January 10, 2017 at Deerfield Township Hall

Call to Order: Meeting was called to order by Chairman Jim Wynes at 7:00 p.m.

Present: Virginia Wood, Chairman Jim Wynes, Dan McGuire, Jonas Cook, Roger Lintemuth and Zoning Administrator Melissa Nelson.

Absent: Connie Lynch, Tom Kromer

Additions/Approval of Agenda:

Chairman Wynes pointed out that four votes would be required for action on any motion according to rules for the seven-member board. Proposed by Nelson to add discussion on expiring terms of two Planning Commission members on March 31, 2017. Motion to approve amended agenda made by Cook, seconded by McGuire. Approved 5-0

Zoning Administrator's Report:

Nelson reviewed materials provided to Planning Commission members including information on the agenda, past minutes, current Planning Commission members list, Deerfield Master Plan, Deerfield Special Land Use Application Instructions, copies of original Special Land Use Permit Application by Robert A. McQuestion, proposal by Schenk Boncher and Rypma concerning the McQuestion Special Use Permit request and a Project Impact and Compliant Statement by a civil engineering and land surveying firm on the property. Nelson also reported that no township zoning permits had been issued to date in January, 2017, usually a slow period for permit issuance.

Public comment on agenda: It was noted that this public comment was on agenda items only. Gary Schenk asked if this would be the time for a presentation. Wynes answered that it wouldn't be and that it was not on the agenda.

Old Business:

- 1) Both updated Deerfield Township Zoning Ordinance and revised Zoning Map were adopted by the Deerfield Township Board on November 28, 2016.

New Business:

- 1) Clarification of the decision regarding Special Use Permit application of Robert McQuestion as requested by the Deerfield Township Zoning Board of Appeals (ZBA).

Chairman Wynes explained, "We are here to clarify the motion made to deny the Special Use Permit application on May 13, 2014. The decision cited the fact that the proposed use was not in line with the Deerfield Township Master Plan (Master Plan)". Wynes added that the Circuit Court ruled that the motion was incomplete in regard to what the court felt was required in additional detail for the basis of the decision. The court directed that the decision should be sent back to the ZBA. The ZBA voted to send the issue back to the Planning Commission for their review and examination of all the requirements and reasoning behind the denial.

The Planning Commission reviewed the Master Plan and the areas relating directly to the decision.

Chapter Two, page 3 of the Master Plan addresses "**Existing Land Use/Land Cover**" and states, "**Commercial uses are confined to three (3) areas along M-20 (Littlefield/M-20, Winn/M-20 and Meridian/M-20).**"

Chapter Three under **Planning Issues** states: "**Agricultural Preservation...Overall, the agricultural character should be preserved for the area north of M-20.**" Additional points include:

- *Keep land in agricultural production and keep residential uses out of these areas (Buildable vs Tillable)*
- *Farmers should be able to sell smaller portions of their land if needed (e.g. selling a (sic) acre or two from a 40 acre parcel)*
- *An acre or two split for each 40 acres would be acceptable, however, it would have to be on the road and not deep into tillable land*
- *Residences should be protected against Intensive Livestock Operations, however, existing operations should be permitted to continue*
- *Don't restrict people from making money at farming. Don't zone farmers out of business. Agricultural land pays more taxes for services it receives than residential or commercial.*

Chapter Three ends with "**Commercial Development**" noting, "**Goal for the Commercial District:**

- *Limit future development to the three existing commercial areas*
- *Keep future growth in existing clusters. (Littlefield/M-20, Winn/M-20, and Meridian/M-20)*

Chapter Four on **Deerfield Township Goals and Policies**, on Page 5, explains the Township's "**Land Use and Township Character**," stating, "**Rationale: Residents strongly desire to keep the Township as a rural, agricultural community, with limited commercial development.**" Listed among others were the following policies:

- *The Township has adopted policies that reflect agricultural preservation techniques that maintain the most productive farmland in agricultural use, primarily north of M-20.*
- *Non-agricultural based commercial development will generally be limited to the existing commercial areas along M-20.*

In "**Chapter 5 Commercial**" it reinforces, "**There is a desire to limit future commercial development within Deerfield Township to three (3) concentrations of the development along M-20. The Commercial classification would limit future development to the existing commercial area located along M-20 (Littlefield Rd./M-20, Winn Rd./M-20 and Meridian Rd./M-20).**"

The next step saw Wynes and the Planning Commission address some of the guidelines discussed during the original public hearing.

Wynes began with the **Special Land Use Application Instructions**, which state, "**The following questions need to be answered in order to establish compliance with the general requirements for all special land uses:**"

No. 1. Is the special use allowed within the site's zoning district and does the use agree with the township's Master Plan?

Since this site was not zoned for commercial activity, this requirement was cited as the basis for the original denial. When the application did not meet that portion of the instructions, the Planning Commission felt it was not necessary to address the remaining requirements in the instructions. Now they discussed each, starting with reaffirming support for No. 1 that the building was never permitted for commercial operation.

No. 2. Will the proposed use be detrimental to adjacent properties or land uses?

Wood noted that during the public comment portion of the original public hearing on the application that several neighbors present did feel that it was a detriment. Cook stated that he remembered concerns about noise and that most of the crowd had concerns, also mentioning a negative impact on property values.

No. 3. How will the proposed use be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?

Much of the surrounding area has single family homes and the Hospice House is located across the road from the property. Neighbors had voiced complaints about noise, dust, traffic and other topics. Lintemuth noted that the driveway used for access to the building passed very close to a residence and that the special use application still had the driveway right next to adjacent properties, which does not follow ordinance requirements.

No. 4. Will any hazard to adjacent property be generated by the special use or will it involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes or glare?

No. 5. Does the special use require and share an appropriate and adequate waste handling system? If so, can person responsible for the proposed special use demonstrate that the Central Michigan District Health Department has approved such a system or facility for continual use?

It was noted that this requirement is under the jurisdiction of the Health Department.

No. 6. Will the special use need to be conducted before 8 a.m. or after 9 p.m.? If yes, why?

There was public concern expressed about heavy equipment and other traffic before and after those guideline hours.

The Planning Commission members discussed that the next step should be to construct a letter to the ZBA clarifying the reasons for the original denial. It was noted that the letter and minutes of the meeting should reflect each of the six points in the Special Land Use Application Instructions and the specific points made in the Master Plan be cited for the denial of the application. Motion made by Lintemuth to construct a letter to be forwarded to the ZBA members, clarifying the reasons for the original denial and expanding on additional reasons that the application did not meet township requirements. The motion was seconded by Wood and the following roll call vote was taken:

Wood, Yes

Cook Yes

McGuire Yes

Lintemuth Yes

Wynes Yes

Motion passed 5-0.

Public Comment: Bruce Faber, who owns adjoining land, stated that neighbors sometimes complain about farming operations in that area also. John Slack, who lives across from the road used by the operation before a guilty plea to violating zoning

ordinances led to ceasing commercial operations there, noted that he lived across from said driveway. "I don't complain about the farming, it's a pretty short window of activity, once in a while at the most." He stated. "This (Crawford Construction/McQuestion) operation was developed with the wrong intent from the start. You don't see me doing that. I go by the laws. The driveway was never adequate for their equipment. Those big lowboys drive down the ditch on my front yard in an attempt to make the corner into that site. I'm against it."

Expiring terms: The three-year terms of Lintemuth and Wood are scheduled to expire March 31, 2017. When asked if they would consider reappointment, both responded that they would. Commissioners supported that move. The Planning Commission representative to the Township Board will take that recommendation to the Township Board at its February meeting.

Adjournment: Motion to adjourn was made at 7:47 pm. Motion was made by Wood, seconded by McGuire.

NEXT MEETING: March 14, 2017 at 7 p.m.