



Milton Township

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Planning Commission Members

Jeremy Clanton, Ken Filipek, Roger Kempton, Scott Kretchman, Paul Romanetz, Karen Shirk, Kelly Sweeney

Minutes for Special Meeting

Public Hearing: Rezoning for PARCEL ID NUMBER: 14-070-010-023-20 (Beebe Rd)
Milton Township Hall – 32097 Bertrand St., Niles, MI
July 19, 2018 6:30 P.M.

Call to Order/Pledge of Allegiance:

1. Meeting was call to order at 6:35 PM
2. Pledge of Allegiance was recited
3. All were present with the exception of Ken Filipek (excused)

Approval of Agenda:

Public Comments: --- limited to 3 minutes/person

Scheduled Public Hearing: Rezoning for PARCEL ID NUMBER: 14-070-010-023-20 (Beebe Rd)

1. Meeting was properly noticed (Leader Publication, all residents within 300 feet notified)
2. Zoning Administrator report received
3. Planner of Record report received

Chairperson Comments:

We will be following the Township of Milton Planning Commission Bylaws Adopted June 1, 2009 and Amended on July 2013 as outlined below:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Township planner/engineer/other consultants present their report and recommendation
4. Applicant presents the main points of the application.
5. Persons speaking in support of the application are recognized.
6. Persons speaking in opposition to the application are recognized.
7. Chairperson closes the public hearing and returns to the regular/special meeting.
8. Planning Commission begins deliberation and arrives at a decision with specified reasons for the decision. A decision can be postponed by a vote of the commission for reasons identified in the motion for postponement.

Note: All comments by the public, staff and Planning Commission members shall be directed to the chairperson and shall relate to the subject of the public hearing: unrelated comments shall be ruled out-of-order by the chairman.

Anyone Wishing to Speak to the Planning Commission: (3 min/person)

1. Township planner/engineer/other consultants present their report and recommendation
 - a. Written report from William and Works received
 - b. Written report from Zoning Administrator received
2. Applicant presents the main points of the application.
 - a. Name: Ronald and Dawn Simpson
 - b. Address: 69580 Beebe Road, Niles, MI 49120
 - c. Statement: Would like to rezone the parcel into 3 smaller parcels
3. Persons speaking in support of the application are recognized.
 - a. There was no one speaking in support.
4. Persons speaking in opposition to the application are recognized.
 - a. Person 1
 - i. Name: Bob Franz
 - ii. Address: Pineview Farms LLC
 - iii. Statement: Email message
 1. Please be advised that we have an ongoing farming operation and plan to continue operating this framing operation into the future.

Board Member Comments:

None

Adjournment:

- Kelly made a motion to adjourn at 6:45 PM
- Jeremy seconded the motion
- Motion Carries

MEMORANDUM

To: Milton Township Planning Commission
Date: July 12, 2018
From: Andy Moore, AICP
Whitney Newberry
RE: **Simpson Rezoning Request**

Mr. Ronald F. Simpson has submitted an application for a rezoning, requesting that his property located at 69580 Beebe Road be rezoned from the Agricultural Production zoning district to the Rural Residential zoning district. The purpose of this memorandum is to review the application pursuant to Section 18.06 of the Township Zoning Ordinance.

Background The subject property is approximately 6.84 acres in area and is landlocked. It is accessed via an easement/shared drive connecting to Beebe Road along the southern border of the property. According to the information submitted, the applicant plans to divide the property into three lots for future residential construction.

Review Standards. When reviewing an application for rezoning, the following criteria must be considered by the Planning Commission pursuant to Section 18.06(b) of the Zoning Ordinance. Those standards are below, along with our remarks on each.

- 1) Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Milton Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.

Remarks: The current Township Master Plan was approved in 2012. This plan establishes general land use patterns to guide future development of the township. The goal for future land use and zoning is to “foster efficient and sustainable forms of development that preserve the community’s rural personality and natural features while accommodating modest levels of sustainable growth.” The Plan recognizes that the proximity of the Michigan/Indiana border and location of US-12 in the township are causing increased residential development. Because of this increasing development, the Plan notes that maintaining productive agricultural lands is a high priority among Township residents. This is done most effectively through the preservation of large and contiguous tracts of farmland.

Although the 2012 Plan is the current standard for guiding township development, an updated plan is nearing completion. While not yet adopted, it is reasonable to consider the future land use plans for both plans.

The future land use map in the 2012 Plan indicates that the property is within the Rural Residential designation. The Plan prefers Rural Residential development to be constructed

in clusters to preserve natural resource areas, with an average of one unit per two acres. The applicant's intent to split 6.84 acres into three lots generally agrees with the Plan's intent for Rural Residential land development. It is located near other rural residential properties, adding to an existing cluster of rural residential development. The proposed 2018 Plan also indicates that the property is within the Rural Residential designation. Therefore, the Planning Commission may find that the rezoning request is consistent with the Master Plan.

- 2) Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

Remarks: We do not expect significant environmental impacts from the proposed use. The subject parcel is wooded, but the surrounding area is predominately open space and farmland. The rural residential areas have open yards on the east, west, and south. There is also open farmland to the north. Because of the different land uses around the subject parcel and its relatively small size, it is unlikely that this parcel will have high ecological productivity. Therefore, its use for residential purposes should not have a significant adverse impact on the environment.

Because the applicant desires to split the land into three lots for development, it is expected that there will not be a significant increase in traffic. Also, by dividing the 6.84 acres into three lots, the applicant would likely fulfill the requirements of Section 6.04 for a minimum lot area of 2 acres. The land is adjacent to property with some residential development on the south, west, and east. Therefore, the Planning Commission may find that the proposed use is compatible with the site's environmental features and the surrounding community.

- 3) Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

Remarks: The site would likely be easily able to accommodate the proposed uses of three single-family homes. The Commission should be aware that this parcel is landlocked in that it does not directly access a public or private road. It is assumed that the future lots would utilize the existing easement/shared driveway along the southern border of the property. This easement is currently being used by one other resident to the west. The maintenance of the easement and driveway should be considered, and the Zoning Administrator should confirm that the land divisions could be approved and utilize the driveway if the property were developed as proposed. The applicant should enter into some kind of maintenance agreement with the other property owner(s) to ensure a fair and equitable plan for maintaining the driveway and easement is developed and maintained.

- 4) Other factors deemed appropriate by the Planning Commission.

Remarks: This application and proposed use of land represents a relatively minor increase in intensity. If the applicant builds the homes as proposed, it would be consistent with the surrounding areas and likely meet the intent of the zoning ordinance, which intends for these areas be developed “to buffer the uses from agricultural or extraction activities from other residential districts.”

Recommendation

At the July 19 public hearing, the Planning Commission should listen carefully to comments from the applicant and public regarding the request. Subject to those comments, it is our recommendation that the Planning Commission recommend approval of the proposed rezoning to the Township Board. The Commission may rely on the findings in this memorandum as justification in making this recommendation.

As always, please contact us if there are any questions.