

City of Grand Ledge  
**Planning Commission Meeting**  
Minutes from Meeting Held on  
Thursday, September 6, 2012

Chairman Mike Stevens called the meeting to order at 7:00 p.m.

**Attendance:** Mike Stevens, Bob Doty, Ann Lawrence, Steve Willobee, Todd Gute, Jamie Malecki, Steve Baribeau, Bill Kane and Ron Graber. Absent: City Council Representative Jon Bonofiglio. Also present: Zoning Administrator Sue Stachowiak.

**Pledge of Allegiance** – Mr. Kane led those present in the pledge of allegiance.

**Approval of the Agenda**

Mr. Kane made a motion, seconded by Mr. Kane to approve the agenda as written. Motion carried 9 - 0.

**Approval of the Minutes**

Mr. Baribeau made a motion, seconded by Mr. Graber to approve the minutes from the regular meeting held on August 2, 2012 as written. Motion carried 9 - 0.

**Notice of Agenda Items Conflicts** - None

**Business from the Floor** - None

**NEW BUSINESS**

**Boat Launch & Non Motorized Pathway Project Updates**

Mr. LaHaie stated that the walkway project started in August and the new water main has been constructed along east side of Clinton through the Quality Dairy driveway. He said that there has been a lot of work on the slope between Jefferson and River Streets. He also stated that the sidewalks will all be 10 feet wide. Mr. LaHaie said that watermains are needed between Family Fare and Edwards Street, however, the city is still waiting for Consumer's Energy and Frontier to relocate their utility poles to acquire additional right of way from McDonalds. He stated that the contractor is on schedule and should be finished by the end of October.

Mr. Graber asked if there will be lights along the sidewalk leading down the slope.

Mr. LaHaie said that there will not be lights in this area.

Mr. Bob Doty distributed copies of a preliminary plan for the boat launch.

Mr. LaHaie stated that this project likely will not begin until spring. He said that Jim Foster will meet with the Park & Recreation Committee and the Planning Commission to review plans.

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Mr. Doty stated that there is additional land that was discovered during the survey that will help out with the parking spaces.

Mr. Stevens asked if the boat launch will be wide enough to accommodate the Princess Laura.

Mr. LaHaie said that it will be large enough. Mr. LaHaie updated the Commission on the Jefferson Street road reconstruction project. He said that E. Jefferson Street is now open to traffic and the work will be shifting to the west towards Bridge Street. Some of the handicap ramps in the Bridge, Jefferson, River Street area do not meet code and will be reconstructed. Once that work is complete, MDOT will mill and resurface the Bridge Street from Jefferson to the Bridge and the rest of Jefferson will have its final course of asphalt installed at that time as well.

Mr. LaHaie stated that new traffic signals will be installed and the Jefferson/Bridge intersection. Rather than the suspended lights that are there now, there will be an arm at each of the four intersection stops that will have its own light. Mr. LaHaie said that the pedestrian signals will be reinstalled.

Ms. Lawrence stated that there are pipes sticking out of ground on Jefferson Street.

Mr. LaHaie stated that they are conduits for future street lights. He said that there will be boxes installed that are flush with the ground around each of the conduits.

**Public Hearing, 5607 E. Saginaw Highway, Rezoning from B-1, Highway Service to "I-1" Light Industrial District (conditional zoning for an auto body shop)**

Ms. Stachowiak stated the subject property is located at the northeast corner of Saginaw and Charlevoix Drive and contains approximately 1.25 acres. The property was annexed into the City from Oneida Township in 2008. According to the Zoning Ordinance, upon annexation, property is immediately classified as "Ag" Agricultural until such time as a zoning map for the area has been adopted by the City Council, after review and approval by the Planning Commission. In 2008, the property was rezoned to "B-1" Highway Service district with the intent of developing the property for commercial purposes. The property has remained vacant ever since. The City's zoning ordinance contains two classifications of automobile repair. The first is Automobile Repair, General: Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles. The second is Automobile Repair, Light: Includes repair or replacement of automotive components for maintenance purposes; such as tires, mufflers, glass, etc., not including any activity listed under the definition of "general automotive repair." "Automobile repair, light" is a use permitted by right in the "B-1" Highway Service district which is the current zoning of the property.

Ms. Stachowiak stated that the applicant is proposing to construct a new auto body facility (Vision Collision) on the subject property which fits under the category of "Automobile repair, general". Such use is only permitted in the "I-1" Light Industrial and "I-2" Heavy Industrial districts.

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Ms. Stachowiak stated that the proposed rezoning will have no negative impacts on future patterns of development in the area. The property to the north is currently proposed to be rezoned from "R-HD" Multiple Family Residential to "OS" Office Service District for future development as an office park. The proposed rezonings will represent a transitional zoning and land use pattern wherein the most intensive use (general automotive repair) is located along the major thoroughfare and is separated from the single family residential neighborhood (Candlewood Estates) to the north by offices which are considered very low impact uses. Furthermore, there is already a presence of quasi-industrial uses in the area such as the storage facility to the south and the car dealership to the east which includes an auto body/collision shop.

Ms. Stachowiak stated that this is a conditional rezoning request. She said that if this were not a conditional rezoning request, staff would not be able to recommend that it be approved since there are many uses permitted under the I-1 Light Industrial district that would not be appropriate for this location. Conditional zoning gives the city more control over the rezoning process as it allows the city to restrict the land uses and impose other conditions that ensure compatibility of the use with the surrounding area.

Ms. Stachowiak recommended approval of the request to rezone the property at 5607 E. Saginaw Highway from the "B-1" Highway Service District to the "I-1" Light Industrial district, subject to the following conditions which shall run with the land and be binding upon the successor owners of the land:

1. The land shall only be used for an "automobile repair, general" business;
2. All vehicles that are in need of body or repair services must be stored inside of an enclosed building or within a screened outdoor storage area;
3. The outdoor storage area shall be completely screened from the view of the street(s) and all adjoining properties by an opaque wood or vinyl fence or decorative masonry wall;
4. All work shall be conducted in a completely enclosed building;

Mr. Doty stated that he took photos of the Vision Collision shop in DeWitt and it looks very nice. He said that since the City has the ability to utilize conditional zoning, he is supportive of the proposal.

Mr. Graber questioned what would happen to the property if it is sold?

Ms. Stachowiak stated that zoning runs with the land rather than with the property owner. If the current owner or any future owners violate the conditions, the property automatically reverts back to the original zoning (B-1, Highway Service). Conditional zoning has been in effect for approximately 6 years although this is the first time it will have been utilized in Grand Ledge.

Mr. Baribeau and Mr. Graber expressed their concerns with regard to conditional zoning.

Mr. Kane stated that several years ago there was an Oldsmobile dealership that came to the Planning Commission wanting to locate at the corner of Saginaw and DeGroff, where the gas station is now. The Commission approved the drawing, however, the building never got constructed. He said that we have no

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control over something like that. Mr. Kane stated that if this property is rezoned, we need to make sure it is done correctly with proper fencing, landscaping, screening, buffering, etc.

Mr. Stevens opened the public hearing

**Ken Rauscher - 1106 Oneida Hills Blvd. (in the City)** asked if there is going to be an outdoor speaker system? He said that he can hear the speaker system from Sundance and it is annoying.

**Tom Dible - 904 Woodbury Drive (in the City)** stated that he owns the property in question. He said that he has had the property listed for quite some time. There has been some interest, mostly from gas stations, but he didn't think that we needed another restaurant or gas station in the city. Mr. Dible said that he thinks Vision Collision would be a nice asset to Grand Ledge. He said that when he bought the property it was solely to clean up the mess that was there and make a nice entrance for the city. That was 6 years ago and the intent was to have condos on the property to the north, but there is no longer a market for such a development.

**A.J. O'Brien - 5994 E Saginaw. (Oneida Township)** stated that he operates an auto repair facility across from Sundance. He said that there will be fumes and wrecked cars on the property which will not be compatible with the medical offices going in to the northwest. Mr. O'Brien said that in the future, new technology will eliminate car accidents and there will not be a need for body shops.

Mr. Stevens closed the public hearing.

Mr. Gute asked where the outside storage is located?

**Troy Yensen, 2010 Crofton Drive - General Manager, Vision Collision,** stated that the storage area will be on the north side of the building. He showed the Commission on the preliminary site plan where the storage area will be located.

Ms. Stachowiak stated that the condition should specifically state that the fence has to be at least 6 feet in height and not chain link.

Mr. Graber stated that he has concerns about the city would enforce a violation of the conditional zoning.

Ms. Stachowiak stated that the State Statute provides that the rezoning automatically becomes null and void and reverts back to the previous zoning if the conditions are not met.

Mr. Graber made a motion to table this request.

The motion died for lack of a second.

Mr. Kane stated that he is not opposed to further research and waiting a month to act on this issue.

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Mr. Baribeau stated that the Commission has never dealt with a conditional zoning before and he does not see a reason to rush this case through the process.

Mr. Willobee asked if the other Commissioners are looking for more information in terms of a site plan?

Mr. Graber stated "yes". He said that he wants to see what the fence would look like. He also said that he has a problem with conditional zoning and would like an opportunity for further discussion and time to review more information.

Mr. Kane asked if we heard anything from the property owners within 300 feet.

Ms. Stachowiak stated that 3 people contacted her. Mr. Rauscher expressed concerns about a road connecting the subject property to Candlewood Estates which she assured him is not part of the proposal. Mr. O'Brien expressed the same concerns as he stated here this evening and the other call was from the owner of the oil change facility across the street and he thought it would actually compliment his business.

Ms. Stachowiak stated that she tried to address all of the issues in her recommendation but if there are other concerns, she would like to know what they are so that she can make sure they are addressed prior to the next meeting.

Mr. Stevens stated that we may be mixing up site plan review and conditional zoning.

Mr. Graber said that he would like to see examples of other conditional rezonings that have worked. He would also like to see a copy of the statute.

Mr. Gute said that he would like to add the following as part of the conditions for the rezoning: 1. No loud speakers 2. Define storage area, potentially north or east of the building. 3. Minimum height of 6 feet for the fence, and 4. Possibly a limit on hours of operation?

Mr. Yensen said that their hours are 8-6 Monday-Friday. He said that they are sensitive to the neighbors and want to give the city exactly what it wants. He said that their insurance agents, which include Bye Insurance, wanted them to come to Grand Ledge. He said that if the Commissioners would like to come to see the DeWitt facility, they would be happy to show it to them.

Mr. Stevens stated that a landscape berm would make for a softer appearance from the road.

**Mr. Graber moved to table this request for rezoning. Mr. Willobee supported the motion. Motion carried unanimously.**

**Public Hearing, Vacant Property north of 5607 E. Saginaw Highway, Rezoning from R-HD, Multiple Family Residential to "OS" Office Service District**

Ms. Stachowiak stated that this property is north of the property that we just discussed. She said that this is not a conditional zoning. The subject property was annexed into the City from Oneida Township in

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2008. According to the Zoning Ordinance, upon annexation, property is immediately classified as "Ag" Agricultural until such time as a zoning map for the area has been adopted by the City Council, after review and approval by the Planning Commission. In 2008, the property that is the subject of this request was rezoned to "R-HD" Multiple Family Residential district with the intent of developing the property for residential condominiums. The property has remained vacant ever since.

Ms. Stachowiak stated that the proposed rezoning will have no negative impacts on future patterns of development in the area. Rezoning the property from "R-HD" Multiple Family Residential to "OS" Office Service District will still be consistent with the transitional zoning and land use pattern that the existing zoning pattern was intended to provide. In this case, the most intensive use (proposed general automotive repair) would be located along the major thoroughfare and the proposed offices would separate it from the single family residential neighborhood (Candlewood Estates) to the north. Offices are considered compatible with residential uses as they are quiet, do not generate much traffic and their activities are typically confined to normal working hours. Based on these findings, Ms. Stachowiak stated that she is recommending approval of the request

Mr. Graber stated that this appears to be a good idea. He asked Mr. Dible to explain in a little more detail what he plans are for the property.

Mr. Dible stated that he does not have a specific plan in place but he would envision maybe three parcels for office use. He said that he would push to have brick buildings and he would also intend to preserve the wooded areas as a buffer between the offices and Candlewood Estates.

Chairman Stevens opened the public hearing. Seeing no one wishing to speak, Chairman Stevens closed the public hearing.

Mr. Kane stated that there is a difference between multiple family housing and office buildings with regard to lot coverage. He said that it is important not to overbuild the site, particularly since it will be adjacent to a residential neighborhood.

**Mr. Willobee made a motion to recommend that the City Council approved the request to rezoning the property located north of 5607 E. Saginaw Highway from R-HD, Multiple Family Residential to OS, Office Service District. Mr. Doty supported the motion. On a roll call vote, the motion carried unanimously.**

### OLD BUSINESS

#### **Public Hearing, Zoning Ordinance Amendments, Child Care Centers in the CBD District**

Ms. Stachowiak stated that no changes have been made to the proposed amendments since the last meeting. She said that the amendments would allow child care centers in the Central Business District subject to the following conditions:

- (1) The outdoor play space shall have a total minimum area of not less than 1,200 square feet for up to six children.

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- (2) There shall be provided and maintained an additional area of 100 square feet of outdoor play space for each child licensed in the facility in excess of six.
- (3) All play areas shall be enclosed by a solid screen wall or fence, at least five feet in height. Chain-link or wire fences are not permitted.
- (4) At least one off-street pick up and drop off space shall be provided for children entering or leaving the facility between the hours of 6:00 a.m. and 8:00 p.m. Such space shall have unobstructed access to the door of the building.

Chairman Stevens opened the public hearing.

**Debbie Howland, 10686 Wacousta Road**, spoke in opposition to the proposed amendments. She stated that child care centers in the downtown will have a negative impact on the commercial area. She also stated that the proposed location on W. Scott Street will not have enough room for a play area, the door will be too close to the road and there will not be adequate parking. She said that no one benefits from day care inside the city as there are already a number of day care centers outside of the city.

Seeing no one else wishing to speak, Chairman Stevens closed the public hearing.

Mr. Willobee stated that the Commission has spent a lot of time on this matter. Several other Commissioners agreed and stated that it has the support of the DDA and all issues have been addressed.

**Mr. Doty made a motion, seconded by Mr. Willobee to recommend approval of the proposed ordinance amendments allowing child care centers in the Central Business District, subject to the four proposed conditions. On a roll call vote, 9-0, the motion carried**

**Public Hearing, Zoning Ordinance Amendments – Waste Receptacles**

Ms. Stachowiak stated that she has not made any changes to the proposed ordinance since the last meeting. She stated that the DDA has endorsed the ordinance although they questioned the need for a pedestrian door on the dumpster enclosures. Ms. Stachowiak stated that the idea for the pedestrian door came from the dumpster enclosure that was recently constructed on the new DDA parking lot behind Preston's.

Chairman Stevens opened the public hearing. Seeing no one wishing to speak, Chairman Stevens closed the public hearing.

**Mr. Doty made a motion, seconded by Ms. Lawrence to recommend approval of the proposed ordinance amendments regulating waste receptacles. On a roll call vote (9-0), the motion carried unanimously.**

**Public Hearing, Zoning Ordinance Amendments – Signs**

Ms. Stachowiak stated that no changes have been made to the proposed ordinance since the last meeting. She said that the amendments were forwarded to the DDA several months ago and we have no received any feedback.

The Commissioners agreed that this ordinance amendment has pending for a very long time and it is time to move it forward.

**Mr. Willobee made a motion, seconded by Mr. Gute to recommend approval of the proposed sign ordinance amendments. On a roll call vote (9-0), the motion carried unanimously.**

### **Zoning Ordinance Amendments – Exterior Lighting**

Ms. Stachowiak stated that she did significant research on this matter since the last meeting, particularly with regard to footcandle levels. She pointed out that there are a couple of charts in the packet that list typical footcandle levels for certain uses. She also provided a copy of the photometric plan for the new McDonald's. Ms. Stachowiak stated that one of the things lacking in the existing ordinance is a minimum foot candle level measured at a property line. To that end, she included language that would limit the light intensity at the property line, particularly where a commercial site is adjacent to a residential parcel of land.

Mr. Graber asked how the city would enforce this requirement.

Ms. Stachowiak stated that in the past, simply sending a letter has achieved compliance. She also said that there is no rush to finalize this ordinance amendment.

Mr. Stevens said that the Commission will continue its discussion on this matter at the next meeting.

### **Zoning Ordinance Amendments – Recreational Vehicles**

Ms. Stachowiak stated that there seemed to be some mixed opinions on this matter at the last meeting as to whether the ordinance was too restrictive or too permissive. She said that she did a lot of research on this matter and most cities have very restrictive regulations on recreational vehicles in residential neighborhoods.

Ms. Stachowiak stated that she has had a few complaints over the years with regard to recreational vehicles and most have involved large motor homes parked in driveways because they block the neighbor's views. Ms. Stachowiak stated that she made several changes to the ordinance since the last meeting trying to find a balance between protecting residential neighborhoods while not be too restrictive with regard to recreational vehicle owners. She said that the way the ordinance is written, a recreational vehicle that does not exceed 8 feet in height and 20 feet in length can be parked anywhere in a driveway at any time. If a recreational vehicle exceeds these dimensions, it can only be parked in a driveway if it is further back than the front wall of the house. That way it does not block the neighbor's views.

Ms. Malecki said that she thinks the ordinance is too restrictive. She said that 8' x 20' is very small. She also said that there are a lot of recreational vehicle owners that have nowhere else to park them without causing a significant hardship.

Mr. Doty asked that Ms. Stachowiak look at Delta Township, Eaton Rapids and Charlotte to see how they regulate recreational vehicles.

Ms. Stachowiak stated that she will conduct additional research and bring it back to the Commission for further review at the next meeting.

**OTHER BUSINESS**

**Joint Planning Committee Report**

Mr. Doty stated that the Committee prioritized the items on the wish list. He said that they ranked as follows:

1. Water & Power to the Scout Park
2. Expand the Scout Park, i.e., bathrooms, upgrade playground and sports area
3. Band shell
4. Open air structure for skating, farmer's market and bathrooms
5. Extend the river walk from the island to Fitzgerald Park
6. Signage for wide walks
7. Downtown lighting & trees
7. Fitzgerald property for Historical Society or Museum
8. Dam restoration

The Committee also recommends development of a comprehensive master plan for Jaycee Park.

There was discussion about whether the Commission could contribute to the cost of obtaining a study to determine the cost of the items on the list.

Mr. Willobee made a motion, seconded by Mr. Doty to make a formal request to seek proposals for a structural assessment, cost analysis and feasibility study for the dam restoration. On a voice vote (9-0), the motion carried unanimously.

Mr. Kane made a motion, seconded by Mr. Doty to contribute \$100.00 towards obtaining cost estimates for the items on the list, not including the dam restoration. On a voice vote (9-0), the motion carried unanimously.

**Review of Violation Report - None**

**Zoning Administrator's Report - None**

**Zoning Board of Appeals Representative's Report - None**

**Council Representative's Report - None**

**Mayor's Comments - None**

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**Comments from Commissioners**

Ms. Lawrence stated that she had a chance to go through the newly renovated apartments above MacDowell's and they are very nice.

Mr. Baribeau stated that the relocation of city hall and the police station will create additional traffic on Greenwood and there is no stop sign at Washington. He asked that the city look into this matter.

Mr. Doty pointed out that the City did not bring the widewalk plan back to the Commission before construction began.

Mr. Graber stated that he is opposed to conditional zoning but would like more information on the matter since this is the first time conditional zoning has been considered in Grand Ledge.

Mr. Kane stated that Ms. Stachowiak provided him with a copy of the proposed Delta Township master plan which he will be reviewing. He said that one of the things that would affect Grand Ledge is a bring at Nixon Road.

**Chairman's Report - None**

**Adjournment**

Ms. Doty made a motion, seconded by Ms. Malecki to adjourn the meeting at 9:35 p.m.

Submitted By:

Susan Stachowiak  
Zoning Administrator

Ann Lawrence, Secretary  
Planning Commissioner