



SYLVAN TOWNSHIP

18027 Old US 12
Chelsea, Michigan 48118-9673
(734) 475-8890
Fax: (734) 475-8905

MEMO

DATE: February 16, 2023

TO: Sylvan Township Planning Commission

FROM: Carol Konieczki, Zoning Administrator

SUBJECT: Conway Rd. conditional rezoning -January 10, 2023 Township Board action requesting PC to review the standards of review with consideration for a conditional rezoning.

The Township Board reviewed the Conway Rd. conditional rezoning application, public hearing minutes and most particularly the minutes of the Dec. 15, 2022 Planning Commission recommendation to deny the rezoning application.

The Board went into a closed session with legal counsel and returned in open session with a motion made by Koseck supported by Branham that reads as follows:

“Motion to direct the Planning Commission to deliberate the 5601 Conway Road rezone request and take into consideration that it is a conditional zoning request.”

To further elaborate on this, the board would like the Planning Commission to review the standards of review of the application, which is a conditional rezoning, and base any recommendation to the Township Board on the conditions provided by the applicant with the standards of review provided by Attorney Thall.

Any motion should include the fact the application is for a conditional rezoning and should be supported by the standards of review based on the information from the applicant, as well as the staff report, which is being provided to the planning commission for your convenience.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney Branham

Trustee
Kurt Koseck

Trustee
Sandie Schulze

Meeting Notice

Sylvan Township Planning Commission
18027 Old U.S 12, Chelsea, MI 48118
734-475-8890

Date of Meeting: Thursday, February 23, 2023

Time of Meeting: 7:00 p.m.

Location of Meeting: Sylvan Township Hall, 18027 Old U.S. 12, Chelsea, MI 48118

Purpose of Meeting: Regular monthly meeting

PLEASE TAKE FURTHER NOTICE the Planning Commission regular monthly meeting will be held in person. The public may also view/hear the meeting through Zoom access by computer and smart phone using the following link:

<https://us02web.zoom.us/j/82351253129>

Meeting ID: 823 5125 3129

Meeting ID:

One tap mobile

+13126266799,,82351253129# US (Chicago)

+16465588656,,82351253129# US (New York)

This notice is posted in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 41.72a(2)(3)) and the Americans With Disabilities Act.

The Planning Commission will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting or public hearing upon seven (7) days notice to the Sylvan Zoning Administrator.

Individuals with disabilities requiring auxiliary aids or services should contact the Sylvan Township Board by writing or calling the following: **Carol Konieczki**
Zoning Administrator, 18027 Old U.S 12, Chelsea, MI 48118; 734-475-8890.
ckonieczki@sylvantownshipmi.org

Carol Konieczki

Zoning Administrator



Date posted: February 15, 2023

Inlandish Development, LLC

18799 Bush Road
Chelsea, MI 48118
July 27, 2022

Carol Konieczki
Zoning Administrator
Sylvan Township
18027 Old US 12
Chelsea, MI 48118

Re: Application for rezoning of 5601 Conway Rd.

Dear Ms. Konieczki:

It remains my intention to preserve well over 50% of the subject parcel as permanent agricultural land, while developing a small community of homes, integrated with the agricultural operation, on the smaller portion of the land constituting less than 50%. As the Open Space preservation ordinance rewrite is still in progress after more than 3 years, with the end result unknown at this time, it is necessary to pursue an alternate approach in parallel which may allow us to achieve some of our goals – in the event that a suitable ordinance may not come to fruition.

The conditions attached to the rezoning are simple and are aligned to our original project goals, as well as the goals of most open space ordinances. The conditions are these:

1. The total number of residential lots/units will not exceed 12. (This number is higher than the 10 which would be eligible under the current AG zoning, but significantly less than approximately 20 which would ordinarily be eligible under LR.)
2. At least 50% of the parent parcel will be dedicated as permanently preserved contiguous open space, by means of recorded deed restriction(s), covenant(s) that run perpetually with the land, a conservation easement, and/or a land trust.

Sincerely,



Patrick Zieske
Managing Member
Inlandish Development, LLC

PC 1-005

Location of property:

Address: 5601 Conway Road (formerly identified as 5710 Conway)

Tax ID # (s) F-06-11-200-024

Legal Description (attach additional sheet if necessary):

BNDRY ADJUST PER SURVEY 11/26/02 SY 11-4A-1B-2A PCL " I & IIA " COM AT W 1/4 COR SEC 11, TH N 00-18-58 E 866.00 FT TO A POB, TH CONT N 00-18-58 E 423.33 FT, TH S 89-23-03 E 1331.06 FT, TH S 00-23-57 W 873.63 FT, TH S 89-56-23 W 894.18 FT, TH N 00-18-58 E 200.00 FT, TH N 89-56-23 E 55.70 FT, TH N 00-18-58 E 266.00 FT, TH S 89-56-23 W 491.32 FT TO THE POB. PT OF NW 1/4 SEC 11, T2S-R3E. 21.92 AC. SPLIT ON 12/22/2006 FROM F -06-11-200-023, F -06-11-200-022;

Present Zoning District

Designation: Agriculture

Present Use of Property: (Residential – single family, multi-family), (Industrial), (Commerical) (Agriculture), (Etc.)

Agriculture

List any deed restrictions and/or association restrictions: (attach additional pages as necessary) Wolverine Pipeline right-of-way, Consumers Energy right-of-way

Describe any specific uses that are or are not allowed on the property that you would like to have allowed or disallowed: Clustered residential community with more varied lot sizes, but with agriculture permanently occupying more than half of the land area.

Is the amendment applied for due to unique circumstances present on your property or to general conditions in the area? Most nearby properties are already in residential use and the general condition of the area is increased residential use. My property is a relatively large undeveloped parcel. The area is designated Low Density Residential in the Master Plan.

owner's property general conditions

Explain any peculiar or unique conditions, and how many properties in your area are similarly affected: A large surrounding area is designated as Low Density Residential future land use in the Sylvan Township Master Plan. Within this area, the parcel in question is particularly near to higher density development underway (Norfolk development) – separated by only one other parcel which is also in residential use. The back end of the property, slated for permanent agriculture, is near the Master Plan's designated greenbelt/buffer of Recreation/Conservation land which stretches between the Norfolk development and the rest of the township. As such, our preservation plan enhances the intention of this greenbelt. Farmland may be preserved long-term alongside residential development in a unique project that would not likely be replicated otherwise. The project blends both of the compatible zoning districts for the Master Plan's Future Land Use as it straddles between them: AG and LR.

How do you propose to minimize any potential negative impacts which your proposed activity may cause to surrounding land and neighbors? View-blocks around residential cluster; relatively smaller-footprint homes (to the extent which may be allowed by the Township and County); ecologically sound agricultural practices. Generally, clustering of homes reduces total impact. The small number of homes does not proportionately add much traffic to a road that already supports dozens of homes.

Attach a site plan showing property layout with all boundary dimensions and the relationship of all adjoining properties. Please see Attachment A

* 202-005

Action Requested is an Amendment to the Sylvan Township Zoning Ordinance as follows:

A. Zoning Text Amendment _____

It is requested that Section (s) _____ of the Sylvan Township Zoning Ordinance be amended as follows: _____

Reason for requesting the amendment: (attach addition pages as necessary)

See the conditional rezoning letter. _____

B. Zoning Map Amendment X _____

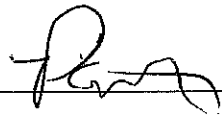
It is requested that the property described above and shown on the attached Site Plan and Survey be rezoned to Zoning District: Low Density Residential with conditions as described in letter

Reason for requesting the amendment: (attach addition pages as necessary) State exactly what is intended to be done on or with the property which necessitates a change of the zoning ordinance:

Under the current adopted ordinance structure, residential clustering paired with a working farm may be better achieved in Low Density Residential zoning district compared to the Agricultural district. LR zoning allows the residential clustering, while the Right to Farm act largely protects the agricultural component. Also see the Conditional Rezoning letter. _____

I (we), the undersigned, request a hearing before the Sylvan Township Planning Commission requesting that consideration be given to an amendment of the township zoning ordinance and any decision favorable to the undersigned rendered upon this request do not relieve the applicant from compliance with all other provisions and requirements of the Sylvan Township Zoning Ordinance. The undersigned further affirms that he/she or they is/are the owner, lessee, or other type of interested party such as authorized agent for the owner involved in the request and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his/her/their knowledge and belief.

Applicant name: Patrick Zieske, managing member of Inlandish Development, LLC
(please print)

Applicant signature:  Date: 2/27/2022

Owner name: Patrick Zieske, managing member of Inlandish Farms, LLC
(please print)

Owner signature:  Date: 2/27/2022



SYLVAN TOWNSHIP

18027 Old US 12

Chelsea, Michigan 48118-9673

(734) 475-8890

Fax: (734) 475-8905

ZONING ORDINANCE AMENDMENT REQUEST FORM

Official Use only:		
Zoning request# _____	Fee paid: _____	Date received: _____
Date published: _____	Date notices sent: _____	
Date reviewed by planning commission _____		
Date published: _____	Date notices sent: _____	
Date reviewed by township board of trustees _____		
Date approved _____	denied _____	

PLEASE PRINT

Name of applicant: Inlandish Development, LLC

Address (Street): 18799 Bush Rd.

City Chelsea State Michigan Zip Code: 48118

Contact information: Phone 734-389-8880
Email patrickzieske@yahoo.com

Property interest of applicant:

- () Owner name: _____
- () Contractor/purchaser name: _____
- () Lessee name: _____
- (X) Other: Developer

Name of owner (if other than applicant): Inlandish Farms, LLC

Address (Street): 18799 Bush Rd.

City Chelsea State Michigan Zip Code: 48118

Contact information: Phone 734-389-8880
Email patrickzieske@yahoo.com

Provide proof of ownership: Please see attached deed

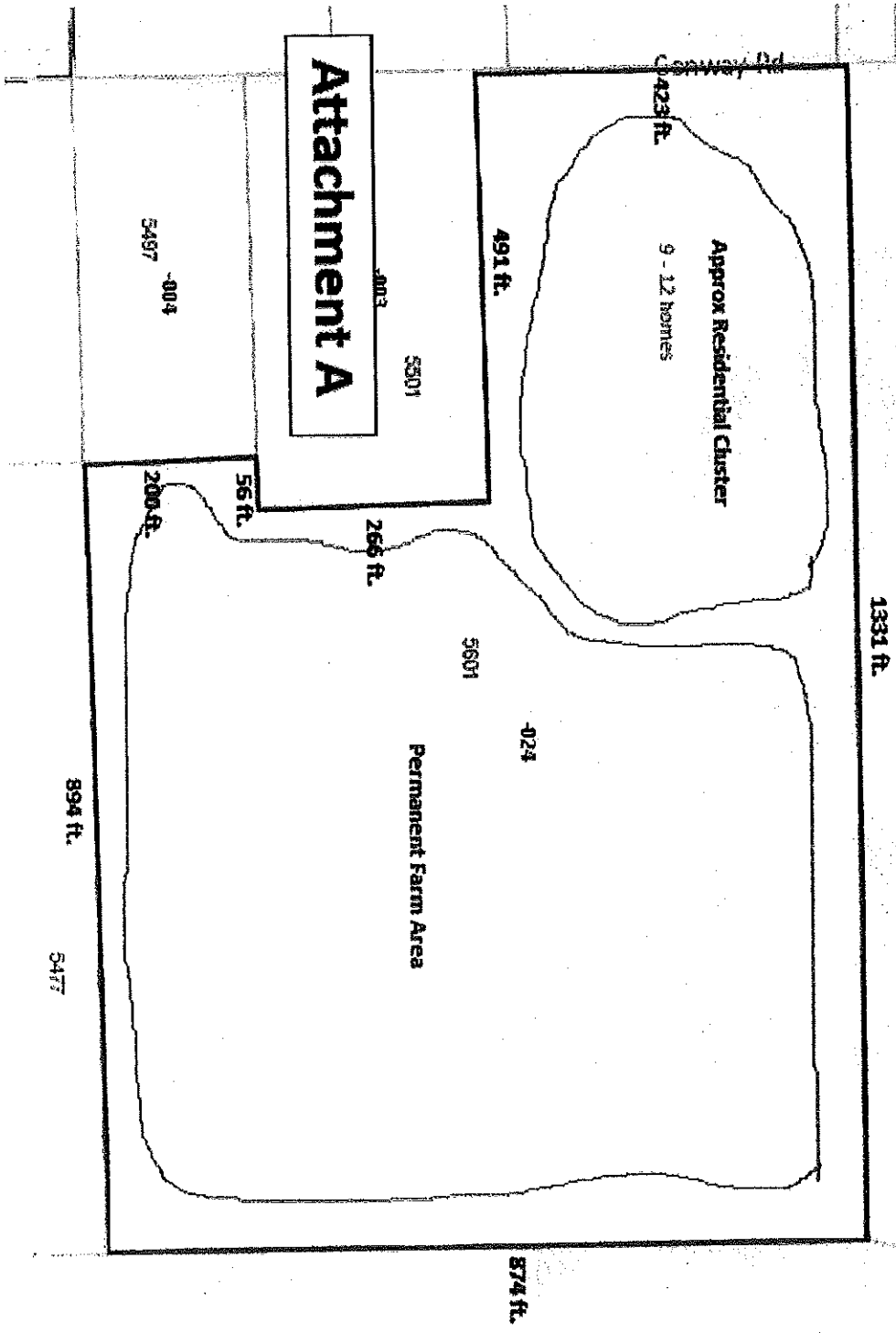
ATTACH ANY ADDITIONAL COMMENTS IN SUPPORT OF THE REQUEST.

This application is to be completed, and accompanied by payment based on the Sylvan Township fee schedule and returned to:

Sylvan Township Zoning Administrator
18027 Old US 12
Chelsea, Michigan 48118

Application for rezoning, either a text amendment or map amendment, shall be made by filing the completed application form, all required information, eight hard copies, a copy in pdf form, and the required fee with the township board. No part of the fee shall be returnable to the applicant.

The completed application must be submitted at least 45 days prior to the hearing date.





PC-22-005

WARRANTY DEED

The Grantor(s) Patrick Zieske, a single man
whose address is 18799 Bush Road, Chelsea, MI 48118
warrants and conveys to Inlandish Farms, LLC
whose address is 18799 Bush Road, Chelsea, MI 48118.
the following described premises situated in the Township of Sylvan, County of Washtenaw
and State of Michigan:

ses attached Exhibit "A"

also known as Property Address: 5710 Conway Road
Sidwell No: F-06-11-200-024

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

for the sum of \$One Dollar and 00/100 (\$1.00) mcla. 207.505 (a) mcla 207.526 (a)

Dated this 24th day of August, 2016.

Signed by:

Patrick Zieske
patrick zieske

State of Michigan:
County of Washtenaw

KIM LAURIE SNYDER
NOTARY PUBLIC, STATE OF MI
COUNTY OF JACKSON
MY COMMISSION EXPIRES Jan 9, 2018
ACTING IN THE COUNTY OF

The foregoing instrument was acknowledged before me this 24th day of
August, 2016, by Patrick Zieske

Washtenaw

Notary Public, Jackson County,
Michigan
My commission expires: Jan 9, 2018
Acting in the County of Washtenaw

Kim Laurie Snyder

Send Subsequent Tax Bills To:
Grantee:

Drafted by and Return to:
Patrick Zieske
18799 Bush Road, Chelsea, MI
48118

Tax Parcel #

Recording Fee \$ 18 pd

Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES.

pd

Kim S

Washtenaw County Treasurer
Tax Certificate NO: 106813 DD

**SCHEDULE B
EXCEPTIONS FROM COVERAGE
Issued for First American Title Insurance Company**

File No.: 106847

Policy No.: 5011400-1294015E

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of the following exceptions:

1. Any encroachments, easements, measurements, variations in area or content, party walls or other facts which a correct survey of the premises would show.
2. Taxes and assessments that become a lien against the property after date of closing. The Company assumes no liability for tax increases occasioned by retroactive revaluation, changes in the land usage or loss of any principal residence exemption status for the insured premises.
3. Recorded and unrecorded, oil, gas and mineral rights, if any.
4. Right of Way in favor of Michigan Toldeo Pipe Line Company, as recorded in Liber 318, Page 518, Washtenaw County Records.
5. Right of Way in favor of Consumers Power Company, as recorded in Liber 338, Page 83, Washtenaw County Records.
6. Sylvan Township pending Special Assessments unavailable at this time.
7. **NOTE FOR INFORMATION:** Notwithstanding any provisions of the policy or commitment to the contrary, the Company makes no representation or assurance regarding compliance or noncompliance with the provisions of PA 591 of 1996 (PA 591 of 1996 revises the Subdivision Control Act).
8. Parcel number is unallocated as to subject property. Tax Description includes additional land not included in this policy.

ESTABLISHED 1835



Planning Commission Staff Report

18027 Old US 12, Chelsea, MI 48118
734-475-8905

AGENDA ITEM:

TO: Sylvan Township Planning Commission

FROM: Zoning Administrator

HEARING DATE: September 22, 2022

SUBJECT: Conditional rezone 20 acres – 5601 Conway Rd. formerly 5710 Conway
Tax # F06-11-200-024

PROJECT SITES Request to rezone 20 acre parcel from Agriculture (AG) zoning to Low
Density Residential (LR) zoning

PROPERTY OWNER: Inlandish Development – Patrick Zieske

APPLICANT: 18799 Bush Rd. Chelsea Michigan

STAFF Carol Konieczki

REFERENCE: Planner/ Zoning Administrator

PROJECT: Rezoning parcels according to Sylvan Township 2017 Master Plan

ZONING: Currently Agriculture; Proposed zoning Low Density Residential

PROJECT DESCRIPTION

The proposed rezoning consists of the - Tax ID F06-11-200-024. The parcel is currently zoned Agriculture. The applicant is proposing a conditional rezoning of the parcel to Low Density Residential zoning district. This is not a site plan review of a proposed project. This is a request to conditionally rezone a parcel based on the 2017 Master Plan future land use map and policy recommendations.

Table 6 - *Master Plan Land Use Classifications / Zoning District Comparison*

Master Plan Land Use Designations	Zoning District Classifications
Open Space/ Agriculture/ Rural Residential	AG, Agriculture
Low Density Residential	AG, Agriculture LR, Low Density Residential SR-1, Single-Family One
Medium Density Residential	Currently no zoning district accommodates
High Density Residential	MR, Multiple-Family Residential
Manufactured Housing Community	MHP, Manufactured Housing Community

Local Commercial	LC, Local Commercial
Mixed Use	GC, General Commercial HC, Highway Commercial MR, Multiple-Family Residential BP, Business Park I, Industrial
Industrial	I, Industrial I-ART, Industrial-Automotive Research and Testing
Recreation / Conservation	RC, Recreation Conservation

SYLVAN TOWNSHIP ZONING ORDINANCE

The applicant is requesting to conditionally rezone the property from Agriculture to Low Density Residential; the current zoning district regulations are as follows:

DIVISION 4. - AG-AGRICULTURE DISTRICT

SEC. 30-276. - PURPOSE.

(a)The AG-Agriculture District is composed of those areas of the township whose principal use is and ought to be farming. The regulations of this district are designed:

- (1)To conserve, stabilize, enhance and develop farming and related resource utilization activities;
- (2)To minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities; and
- (3)To prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities.

(b)The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

(Comp. Ords. 1994, § 15.181; Ord. No. 1, § 11.01, 8-19-1974)

SEC. 30-277. - PERMITTED USES.

The following buildings and structures, and uses, of parcels, lots, buildings and structures are permitted in this district:

- (1)A single-family dwelling.
- (2)A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs, and any building or structure may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure, provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as noncropland shall be so treated as to prevent soil erosion by wind and water.
- (3)A parcel may be used, and a building or structure located thereon for the raising or keeping of fur-bearing animals, horses, ponies and other animals whether for profit or pleasure.

- (4) A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock, and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- (5) Roadside stand, provided it is incidental to a permitted use and provided the nursery stock or other agricultural products sold at the stand are raised on the premises where situated.
- (6) Off-street parking as required in article V of this chapter.
- (7) Public and private recreation acres, such as:
 - a. Forest preserve;
 - b. Game refuge;
 - c. Recreation park and reservations; and
 - d. Similar public and private use of low intensity use.
- (8) Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- (9) A parcel may be used for the growing, stripping and removal therefrom of sod, provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped so as to prevent actual or potential erosion by water or wind.
- (10) Lines and structures of essential services as set forth in section 30-220.
- (11) A sign, only in accordance with the regulations specified in article VII of this chapter.
- (12) An accessory use, building or structure.
- (13) Regardless of any other provisions herein, a dwelling unit not located on a farm may raise or keep, only as an accessory use, and only for the use of the occupant of the premises, and not for any purpose of remuneration, poultry, rabbits, and fowl and small animals, and livestock; provided that the minimum lot area for the raising and keeping of poultry, rabbits, and similar fowl and small animals shall be two acres; and provided further that the minimum lot area for the raising and keeping of livestock shall be between two acres for the first two livestock animals and 20,000 square feet of additional lot area for each additional one livestock animal. All fowl and animals shall be properly housed, fenced, and cared for so as not to become a public nuisance.

(Comp. Ords. 1994, § 15.182; Ord. No. 1, § 11.02, 8-19-1974; Ord. of 3-10-1981)

SEC. 30-278. - SPECIAL USES.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a special use permit as provided in article II, division 2, and article IX of this chapter, where applicable:

- (1) The removal of soil, sand, gravel, and other materials. See section 30-797.
- (2) Public and private park camping ground, golf course, golf driving range, clubs, hunting lodge, garden, nurseries, greenhouses, and livestock auction yards.
- (3) Community and governmental buildings.
- (4) Airport.
- (5) Sanitary landfill site.
- (6) Public and private nursery, primary and secondary schools, business school, and college and university.
- (7) Hospital, nursing home, sanitarium.
- (8) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery.
- (9) Veterinarian, animal clinic and kennels.
- (10) Essential services, as provided for in section 30-221(4) and (6).
- (11) A radio and television broadcasting and receiving antenna.

(12)A building may be used for the temporary housing of seasonal agricultural workers, provided the farm where located is at least 160 acres.

(13)Home occupations.

(14)Funeral establishments, and mortuaries.

(15)Bed and breakfast operations, subject to the regulations in section 30-806.

(16)Wireless communication facilities, subject to section 30-804, except such facilities shall not be permitted on any parcel of land that is located in an area that is designated in the township's adopted general development plan for urban residential use.

(17)Bulk sales of fertilizer, feed, and crop protection products for use in farming operations only. This special use is only permitted in those portions of the present AG-agricultural district, which are designated as "agriculture" on Map 10, of the Sylvan Township comprehensive plan adopted October 23, 2008. Equipment sales, services, and repair are not permitted. *(Map 10 is outdated and references the Land Use map of the 2008 Master Plan)*

(18)Agricultural commercial/tourism businesses, subject to the regulations in section 30-808.

(Comp. Ords. 1994, §§ 15.183, 68.001; Ord. No. 1, § 11.03, 8-19-1974; Ord. of 5-15-1980; Ord. No. 54, § 1, 6-18-1999; Ord. of 8-3-1999; Ord. of 12-2-2003; Ord. of 7-5-2011, § 2; Ord. of 8-12-2014) Sec. 30-279. - Regulations and performance standards.

The following regulations shall apply in all AG-Agriculture Districts:

(1)Lot area. No building or structure shall be established on any lot less than two acres in area.

(2)Lot width. The minimum lot width shall be 200 feet.

(3)Lot coverage. The maximum lot coverage shall not exceed ten percent.

(4)Floor area ratio. The maximum floor area shall not exceed ten percent of the lot area.

(5)Yard and setback requirements.

a.Front yard: Not less than 50 feet.

b.Side yard: Least width of either yard shall not be less than 30 feet; except in the case of a corner lot. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.

c.Rear yard: Not less than 50 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

(6)Height requirement. Except as otherwise provided in section 30-182(b)(4), the following height requirements shall apply in this district:

a.For dwelling and nonfarm buildings and structures: No dwelling or nonfarm building or structure shall exceed a height of three stories or 40 feet.

b.For general and specialized farm buildings and structures: No general and specialized farm buildings and structures shall exceed a height of 75 feet.

(7)Required off-street parking. As required in article V of this chapter.

(8)Performance standards. As required in article VIII of this chapter.

(9)Preservation of environmental quality. As specified in section 30-794.

(Comp. Ords. 1994, § 15.184; Ord. No. 1, § 11.04, 8-19-1974; Ord. of 5-15-1980; Ord. of 9-1-1990)

SEC. 30-280. - OPEN SPACE PRESERVATION DEVELOPMENT OPTION. THE OSPD ORD IS IN THE REVIEW PROCESS BY THE PLANNING COMMISSION.

A parcel of land may be developed for single-family detached dwelling units under the open space preservation development option (OSPDO) as provided in section 30-805.

(Comp. Ords. 1994, § 86.000; Ord. of 3-1-2003, § 3)

APPLICANT REQUESTS A CONDITIONAL REZONING OF THE 20 ACRES PARCEL FROM AGRICULTURE (AG) TO LOW DENSITY RESIDENTIAL WHICH WOULD PERMIT THE FOLLOWING USES AS WELL AS THE FOLLOWING SPECIAL USES:

DIVISION 6. - LR-LOW DENSITY RESIDENTIAL DISTRICT

Sec. 30-345. - Purpose.

The LR-Low Density Residential District is composed of those areas of the township whose principal use is and ought to be single-family dwellings on medium-sized lots. The regulations of this district are designed to preserve a predominantly rural character in those areas fit for concentrated residential use because of the soil's ability to absorb sewage wastes from individual septic tanks. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal use of this district.

(Comp. Ords. 1994, § 15.251; Ord. No. 1, § 20.01, 8-19-1974)

Sec. 30-346. - Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

(1) A single-family dwelling and any use, building or structure accessory thereto.

(2) A sign, only in accordance with the regulations specified in article VII of this chapter.

(Comp. Ords. 1994, §§ 15.252, 86.000; Ord. No. 1, § 20.02, 8-19-1974; Ord. of 5-15-1980; Ord. of 3-10-1981; Ord. of 3-1-2003, § 4)

Sec. 30-347. - Special uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a special use permit as provided in article IV of this chapter:

(1) Golf course, but not including golf driving range.

(2) Country club, public swimming pool, and recreation club; public and private park and playground.

(3) Church and public building.

(4) Public and private nursery; primary and secondary school.

(5) Public utility structure.

(6) Home occupations.

(Comp. Ords. 1994, § 15.253; Ord. No. 1, § 20.03, 8-19-1974)

Sec. 30-348. - Regulations and performance standards.

The following regulations shall apply in all LR-Low Density Residential Districts:

(1) Lot area. The minimum lot area in this district shall be one acre for single-family dwellings and accessory structures thereto. The minimum lot area for all other buildings and structures shall be three acres.

(2) Lot width. The minimum lot width shall be 150 feet.

(3) Lot coverage. The maximum lot coverage shall not exceed 20 percent.

(4) Floor area patio. The maximum floor area shall not exceed 20 percent of the lot area.

(5) Yard setback requirements.

a. Front yard : Not less than 50 feet. No fence shall be constructed in the front yard, except those fences to define lot lines, not to exceed three feet in height.

b. Side yards: Least width of either yard shall not be less than 20 feet, except in case of a corner lot. Corner lots fronting upon public or private streets or roads shall have two front yards and two side yards.

c. Rear yard: Not less than 35 feet.

The above requirements shall apply to every lot, building or structure within this district and all measurements shall conform to sections 30-5 and 30-182.

(6)Height. The following height requirements shall apply in this district:

a.For buildings and structures, no building and no structure shall exceed a height of two stories or 35 feet.

b.For detached accessory buildings, no detached accessory buildings shall exceed a height of 25 feet.

(7)Required off-street parking. As required in article V of this chapter.

(8)Supplemental regulations. As required in article IX of this chapter.

(Comp. Ords. 1994, § 15.254; Ord. No. 1, § 20.04, 8-19-1974; Ord. of 9-1-1990; Ord. of 6-2-1992)

DIVISION 3. - AMENDMENTS

Sec. 30-116. - Initiating amendments.

The township board may amend or supplement the district boundaries or the provisions and regulations of this article. Amendments may be initiated by the township board, the township planning commission, or by petition of one or more property owners of the township, or by one or more persons acting on behalf of a property owner of the township.

All proposed amendments shall be referred to the township planning commission for public hearing, review, and recommendations before action may be taken thereon by the township board.

(Comp. Ords. 1994, § 15.901; Ord. No. 1, § 58.01, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-117. - Fees.

The township board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

(Comp. Ords. 1994, § 15.902; Ord. No. 1, § 59.02, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-118. - Amendment procedure.

(a)This article may be amended only by the procedures in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and this article.

(b)Upon the township board's receipt of a petition requesting an amendment to this chapter, the township board must transmit the petition to the township planning commission for review and report to the township board.

(c)Planning commission procedures.

(1)The planning commission must establish a date for and hold at least one public hearing on the petition. **September 22, 2022**

(2)Notice of the time and place of the planning commission's public hearing must be given as required by state law. **Public notice published September 7, 2022**

(3)All notices under this section must include the place and time at which the proposed text and any maps of the zoning amendment may be examined.

Available for public review September 7, 2022.

(4) Following the required public hearing and within 125 days of the petition's filing date, the planning commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the township board. The 125-day time limit may be extended by agreement of the petitioner and planning commission.

(d) Township board procedures.

(1) After receiving the planning commission's summary of comments and recommendation regarding the petition, the township board may hold a public hearing if it considers it necessary or if otherwise required by law. If the township board opts to hold a public hearing, the township board must give notice of it in the same manner as the township planning commission was required to give notice of its public hearing regarding the petition.

(2) The township must grant a hearing on a proposed chapter amendment to a property owner who requests a hearing by certified mail, addressed to the township clerk.

(3) If the township board deems it advisable to make changes to the proposed amendment forwarded to it by the planning commission, the township board may refer such to the township planning commission for consideration and comment within a time specified by the township board.

(4) The township board must consider and vote upon the petition. Any amendment to this article requires a majority vote by the township board.

(Comp. Ords. 1994, §§ 15.903, 96.000, 98.000; Ord. No. 1, § 59.03, 8-19-1974; Ord. of 5-15-1980; Ord. of 4-6-2006, § 2; Ord. of 7-13-2006, § 5)

Sec. 30-119. - Information required.

(a) If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

(1) A legal description of the property, including a street address and the tax code number.

Provided through warranty deed

(2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location. **Map is not to scale. The map does not indicate the location of the existing house currently under construction and the accessory structure already on the property.**

(3) The name and address of the petitioner. **Provided**

(4) The petitioner's interest in the property. If the petitioner is not the record owner, the name and address of the record owner, and that owner's signed consent to the petition. **Provided**

(5) Signature of petitioner and owner or representatives thereof, certifying the accuracy of the information. **Provided**

(6) Identification of the zoning district requested and the existing zoning classification of property. **Provided**

(7) A vicinity map showing the location of the property, and adjacent land uses and zoning classifications. **A vicinity map designating the adjacent property uses is not provided. The parcel map does not indicate the parcel size, location of existing house under construction or existing accessory structure.**

(b) If a petition involves a change in the text of this chapter, the petitioner shall submit the following information:

(1) A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in this chapter necessary to accommodate the proposed amendment.

(2) Name and address of the petitioner.

(3) Reasons for the proposed amendment.

(Comp. Ords. 1994, § 15.904; Ord. No. 1, § 59.04, 8-19-1974; Ord. of 5-15-1980)

Sec. 30-120. - Publication.

After township board approval of an amendment to this chapter, the amendment must be filed with the township board and the township must publish a notice of the chapter amendment as required by section 401 of Public Act No. 110 of 2006 (MCL 125.3401).

(Comp. Ords. 1994, §§ 15.905, 98.000; Ord. No. 1, § 59.05, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 6)

Sec. 30-121. - Referendum.

A registered elector residing in the zoning jurisdiction of the township may file with the clerk of the township a notice of intent to file a petition under section 402 of Public Act No. 110 of 2006 (MCL 125.3402).

(Comp. Ords. 1994, §§ 15.906, 98.000; Ord. No. 1, § 59.06, 8-19-1974; Ord. of 5-15-1980; Ord. of 7-13-2006, § 7)

Sec. 30-122. - Conformance to court decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of amendment published without referring same to any other board or agency.

(Comp. Ords. 1994, § 15.907; Ord. No. 1, § 59.07, 8-19-1974; Ord. of 5-15-1980)

2017 Sylvan Township Masterplansterplan

The Sylvan Township Planning Commission adopted a new Master Plan in May 2017 with goals and objectives to support the future land uses in the township.

HOW IS THE PLAN TO BE USED? (pg 1 of 2017 Master Land Use Plan)

The Master Plan is used in a variety of ways:

1. Most important, the Plan is a general statement of the Township's goals and policies and provides a single, comprehensive view of the community's desires for the future.
2. The Plan serves as an aid in daily decision-making. The goals and policies outlined in the Plan guide the Planning Commission, Township Board and other Township bodies in their deliberations on zoning, subdivision, capital improvements and other matters related to land use and development.
3. The Plan provides the statutory basis upon which zoning decisions are made. The Michigan Planning Enabling Act (P.A. 33 of 2008, as amended) requires that the zoning ordinance be based upon a plan designed to promote the public health, safety and general welfare. It is important to note that the Master Plan and accompanying maps do not replace other Township Ordinances, specifically the Zoning Ordinance and Map.
4. The Plan attempts to coordinate public improvements and private development supported by the Capital Improvements Plan. For example, public investments such as road or sewer and water improvements should be located in areas identified in the Plan as resulting in the greatest benefit to the Township and its residents.
5. Finally, the Plan serves as an educational tool and gives citizens, property owners, developers and adjacent communities a clear indication of the Township's direction for the future.

In summation, the Sylvan Township Master Plan is the primary officially adopted document that sets forth an agenda for the achievement of goals and policies. It is a long-range statement of general goals and policies aimed at the unified and coordinated development of the Township that compliments the goals of nearby governmental units, wherever possible. It helps develop a balance of orderly change in a deliberate and controlled manner that permits controlled growth. As such, it provides the basis upon which zoning and land use decisions are made.

GOALS AND OBJECTIVES

RESIDENTIAL LAND USE – Pg 35 -36

RESIDENTIAL LAND USE GOAL: Protect the integrity of existing and future residential areas, and develop future residential areas of a character and density consistent with the Township's goal to preserve its rural character. Sylvan Township Master Plan 36

OBJECTIVE 1: Protect and enhance the integrity of the Township's current and future residential areas.

STRATEGIES:

- 1) Enforce Building and Property Maintenance Codes to maintain existing housing stock.
- 2) Separate residential areas from high density commercial and industrial areas by buffering higher intensity uses with open space, landscaping, or similar elements. This strategy is not meant to preclude thoughtfully conceived and executed mixed-use projects where residential and commercial uses are combined. However, density gradation, buffer areas, and/or natural features should be used to create a gradual transition.
- 3) Provide sidewalks / safety paths, street trees, parks and other amenities in residential areas, as appropriate.

OBJECTIVE 2: Seek the development of housing types that are of high quality in terms of design and construction, and are appropriate in terms of the Township's rural preservation and growth management objectives.

STRATEGIES:

- 1) The layout of residential developments should be organized around natural features in order to preserve the natural environment to the maximum extent feasible.
- 2) Develop additional residential areas that provide a mix of housing types to address the housing needs of all residents, with respect to size, expense, and location.
- 3) New residential development should only be constructed where it can be adequately served by streets, emergency services, storm drainage, and utilities.
- 4) New residential development will be compatible with existing residences in terms of density, lot sizes, and building types. In areas where a change in density is planned in or adjacent to an established residential area, Sylvan Township Master Plan 37 density gradation, buffer areas and natural features should be used to create a gradual transition.
- 5) Encourage coordination of adjacent residential development, in terms of road and pedestrian connections, regional detention, coordinated open space, etc

PRESERVATION OF RURAL CHARACTER GOAL:

Preserve the rural character of the Township through growth management and preservation of natural resources and active farming operations.

OBJECTIVE 1: Focus future growth and development in areas where utility infrastructure is available, and maintain the rural/agricultural character of the remainder of the Township.

STRATEGIES:

- 1) Plan for development in the eastern portion of the Township adjacent to the City of Chelsea and existing utility infrastructure (water and sewer).
- 2) Maintain well-defined boundaries between developed areas by preserving buffers of open space, natural features and/or very low density development between them. Sylvan Township Master Plan 35

OBJECTIVE 2: Protect and encourage active farming.

STRATEGIES:

- 1) Discourage the encroachment of non-agricultural uses into the agricultural areas of the Township through planning and zoning.
- 2) Limit development along roads adjacent to active farming operations to minimize potential conflicts (use, traffic, noise, odor, etc.).
- 3) Continue to regulate the division of land and development of private roads in the Township.
- 4) Existing natural features (woodlands, streams, wetlands, etc.) should be preserved, and should not be changed or converted to additional farmland/tillage.
- 5) Promote enrollment of agricultural property into P.A. 116 (Farmland Development Rights Agreement) agreements or other State organized farmland/open space protection programs.
- 6) Promote purchase of development rights and conservation easements for the Township's highest quality farmland through the Legacy Land Conservancy (Washtenaw County) or other programs.

OBJECTIVE 3: Maintain and enhance the integrity of the Township's natural resources (see section on Environmental Protection).

OPEN SPACE, AGRICULTURE, AND RURAL RESIDENTIAL LAND USE

INTENT: The intent of this category is to protect existing agricultural land uses, maintain rural character, minimize population density, and preserve open spaces. Accordingly, the Open Space, Agriculture, and Rural Residential (OAR) land use designation is intended to allow low density residential development only when it promotes open space preservation and is compatible with maintaining existing farming operations.

DESCRIPTION: Planned OAR areas are those lands characterized as primary crop and/or livestock production lands. These lands should not be considered land banks for future development. In these areas, the focus shall be on open space preservation and any future residential development shall cluster residential units on the most suitable portions of the site, with remaining areas permanently dedicated as open space. The clusters of residences are intended to be small and integrated into significant amounts (at least 50%) of the site as open space.

RELATIONSHIP TO PHYSICAL AND NATURAL FEATURES:

The OAR land use category is located in areas where public utilities are not present and soil suitability for septic systems may be poor. Thus, these factors put limitation on the potential density of development. Wetlands, woodlots, environmentally sensitive areas, and small-scale farming operations are intended to be preserved. The OAR category may also be located in areas where existing residential patterns include two (2) acre lots or larger with open spaces and natural features. Roadways within the OAR category are generally considered “local roads” and in many cases are not paved. To ensure appropriate use of these areas, it is recommended that an Environmental Impact Assessment (or similar environmental land use analysis) be completed to minimize negative development impacts.

Appropriate Uses: Desirable land uses and elements of this designation include:

- Farming operations.
 - Low density, clustered single-family residential development having an average density of one (1) dwelling unit per two (2) acres for site condominium or subdivision forms of development, where at least 50% of the site to be conserved as open space.
 - Single-family dwellings on parcels two (2) acres in size or larger.
 - Scenic road corridors that are narrow and tree-lined.
 - Landscape features and out-buildings such as orchards, silos, barns, fences, and farm structures.
 - Scenic views consisting of existing natural features.
- Most Compatible Zoning Districts: The most appropriate zoning classification for the Agriculture future land use category is the AG, Agriculture zoning district.

Low Density Residential -Pg. 44-45

Low Density Residential Land Use Intent: The intent of this designation is to accommodate relatively low density single-family residential housing in areas that are suitable for septic systems and water wells while protecting existing agricultural land uses, maintaining rural character, minimizing population density, and preserving open spaces.

Description: Land designated as Low Density Residential (LDR) includes areas where soils are generally suitable for septic field and building construction. Allowable density ranges from 1 dwelling unit per 1 to 2 acres.

Relationship to Physical and Natural Features: Significant natural features may still be present within this category. Residential development such cluster residential units on the most suitable portions of a site, with the remaining area permanently dedicated as open space. Land designated as LDR will typically have access to collector roads and internal subdivision paved roads.

Appropriate Uses: Desirable land uses and elements of this designation include:

- Single-family residences in either clustered or conventional subdivision/site condominium development.
- Parks, open spaces, and conservation areas.

Most Compatible Zoning Districts: The most appropriate zoning classifications for the Low Density Residential future land use category are the AG, Agriculture; LR, Low Density Residential; or SR-1, Single-Family Residential zoning districts.

Pg 53 Other Policies

AGRICULTURAL PRESERVATION Agriculture land use is an important component of the fabric of Sylvan Township. Not only does agricultural production contribute to the area economy, farmland contributes significantly to the open space and natural resource benefits, including rural character, scenic beauty, cultural heritage, and environmental benefits. Many factors, such as market forces related to particular farm products have an effect on the long-term vitality of agriculture in certain areas and are generally beyond the control of local government. However, there are a number of approaches that can be taken by the Township to facilitate the preservation of agriculture in the community.

AGRICULTURE ZONING

The AG, Agriculture zoning district encompasses significant portions of Sylvan Township, helping limit intensive development in rural and open space areas. There are a number of other strategies the Township currently uses or may consider to encourage preservation of agricultural land:

- Planned Unit Development provisions.
- Open Space Preservation Development Option.

- Minimum lot size standards (sliding-scale; large tract in AG, etc.)

The Township may also consider amending the zoning ordinance to permit non-contiguous planned unit developments, a technique which is a form of transfer of development rights, as well as adding conditional rezoning provisions.

URBAN AREA BOUNDARY The availability of public utilities, namely sewer and water, is a guiding force behind the distribution of land uses and residential densities depicted on the Future Land Use Map (Figure 13). To allow for the orderly, coordinated development of the Township, the Future Land Use Map provides for an "Urban Area Boundary". This area is the primary method of managing growth envisioned in this Plan, and is intended to represent areas of the Township within which the sanitary sewer and water systems are meant to be extended. Therefore the proposed Urban Area Boundary intentionally corresponds with the higher density areas proposed on the Future Land Use Map.

In cases where property outside of the Urban Area Boundary desire to connect to the Township's sewer and/or water systems, guidelines must be established to govern consideration of whether to expand the area to include a particular property.

Development activity proposed within Sylvan Township shall adhere to the following policies related the Urban Area Boundary:

- Sanitary sewer and/or water service shall generally be limited to areas located within the Urban Area Boundary, unless the extension of services would address public health or safety concerns. Such exceptions could include: the need to support an area where septic systems are failing; the need to respond to changes in use and/or traffic patterns that rationally support the extension of a particular district, the receipt of community benefits made possible by the extension of a particular district that amply counter-balance the utility and growth management impacts caused by such extension.
- In the interest of maintaining orderly, coordinated development, greater consideration will be given to expanding the Urban Area Boundary to include property that is immediately adjacent to an area served by utilities, rather than creating new isolated areas.

Lack of adherence to these policies will reduce capacities available for developable areas within the Urban Area Boundary, and may undermine the orderly manner in which the Township desires to develop into the future.

PROJECT ANALYSIS:

This is a request for a conditional rezoning of the property based on the policy recommendations of the 2017 Sylvan Township Master Plan without a site plan. The applicant has provided Attachment "A" suggesting 9-12 homes on an undefined number of acres, with the balance of the acreage as permanent farm area. The existing house and accessory structure are not identified on the parcel. If rezoned to LR, it should be noted the keeping of livestock is not a permitted use or special use in the LR district. The Right to Farm Act may be a consideration if the property is rezoned.

- The request for the rezoning is supported by the 2017 Sylvan Township Master Plan identifying the area as Low Density Residential (see Future Land Use map) which in this context, is not a zoning designation, but a land use designation permitting an application to be considered for parcels of 1 - 2 acres in size.
- This 20 acre parcel already enjoys a 2 acre lot minimum in the Agriculture District which is described in Table 6 page 1 of this report and on page 51 of the Master Plan, as an allowable use in the Low Density Residential Use described in the Master Plan.
- The requested zoning district of Low Density Residential permits parcels of a minimum of 1 acre. It should be noted the 2017 Master Plan Goals and Objectives to "Focus future growth and development in areas where utility infrastructure is available, and maintain the rural/agricultural character of the remainder of the Township."
- The parcel proposed for rezoning is not within the urban boundary which supports smaller lot development; however, this is a conditional rezoning which does not have a site plan to determine lot sizes other than density.
- The higher density rezoning on a twenty acre parcel would not be congruous with other parcels on Conway Road which are 2+ acres.
- The parcel is relatively small and is not adjacent or contiguous to any other parcel that is zoned Low Density Residential; nor are there any parcels smaller than 2+ acres within ¼ mile from the rear lot line of this twenty acre parcel.
- The number of homes that can be put on this parcel may be subject to the land division act and the shared driveway ordinance, or the OSPD ordinance once adopted.
- The Agriculture zoning district allows the applicant to exercise the option of using the Open Space Development Ordinance. The OSPD provision may not currently be considered for use in the Low Density Residential (LR) District. If a new OSPD ordinance is adopted, it will likely be a development tool for clustered development in the LR district.

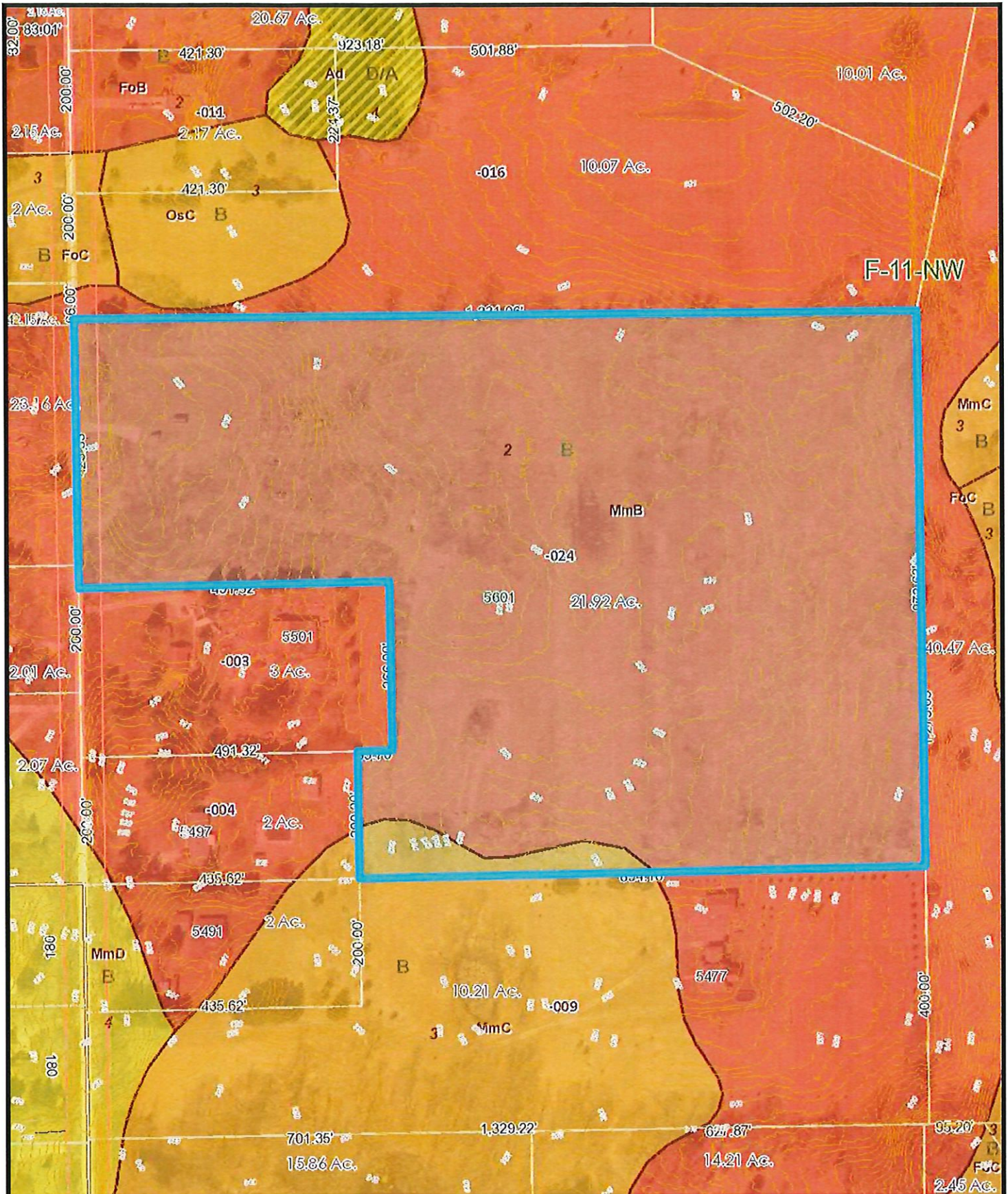
- This parcel has been farmed over the years and has been granted two zoning permits in the last three years; one for an accessory structure to house livestock and the other for a single-family dwelling.
- The Mmb- Miami loam soil is conducive to crop production. The soil map is attached which indicates the soil composition in the area, some areas may be poorly drained but will be designated on the soil map.
- The soils are compatible with agriculture; they are on the moderate to good side of production.
- The Washtenaw County Road Commission does not provide comment on a rezoning. WCRC focus is on the driveway permitting process to a public road.
- The application has not been sent to Ms. Sue Dickinson P.E., Midwestern Consulting (MCI) or Chelsea Area Fire Authority since there is no site plan to review.
- A copy of Michigan State University Public Policy Brief "Removing Spot Zoning from the Fabric of Zoning Practice" January 2004 is included in this report.

PLANNING COMMISSION RECOMMENDATION

_____ Approval of rezoning without conditions

_____ Approval of rezoning with conditions _____

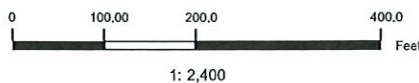
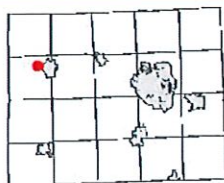
_____ Denial of rezoning: State reasons for denial _____



5601 Conway Rd

Soil map

© 2013 Washtenaw County



9/14/2022

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6562.



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

loam. The middle part is dark yellowish-brown and yellowish-brown, firm clay loam. The lower part is dark yellowish-brown, friable loam. The underlying material is yellowish-brown loam.

Miami soils have a high available water capacity. Permeability is moderate or moderately slow.

Most of the acreage is used for crops. Some small areas are under urban development or are in woodland. Steeply sloping areas are used for woodland and wildlife.

Representative profile of Miami loam, 2 to 6 percent slopes, 900 feet west and 300 feet north of the southeast corner of SW $\frac{1}{4}$ sec. 29, T. 2 S., R. 4 E., in a cultivated area:

- Ap—0 to 8 inches, dark grayish-brown (10YR 4/2) loam; moderate, medium, granular structure; friable; 5 percent cobbles and pebbles; many, fine roots; slightly acid; abrupt, smooth boundary.
- B1—8 to 11 inches, dark-brown (10YR 4/3) loam; weak, medium, subangular blocky structure; friable; 5 percent cobbles and pebbles; many fine roots; slightly acid; clear, wavy boundary.
- B21t—11 to 22 inches, dark yellowish-brown (10YR 4/4) clay loam; moderate, medium, subangular blocky structure; firm; many, thin, brown (7.5YR 4/4) clay films on faces of ped; 5 percent cobbles and pebbles; common fine roots; slightly acid; gradual, wavy boundary.
- B22t—22 to 30 inches, yellowish-brown (10YR 5/4) clay loam; moderate, medium, subangular blocky structure; firm; continuous, thick, dark-brown (7.5YR 4/4) clay films on faces of ped; 5 percent cobbles and pebbles; few, fine roots; slightly acid; gradual, wavy boundary.
- B3—30 to 38 inches, dark yellowish-brown (10YR 4/4) loam; weak, coarse, subangular blocky structure; friable; common, thick, brown (7.5YR 4/4) clay films on faces of ped; 5 percent cobbles and pebbles; neutral; clear, wavy boundary.
- C—38 to 60 inches, yellowish-brown (10YR 5/4) loam; weak, medium, subangular blocky structure; friable; 8 percent pebbles; 2 percent cobbles and stones; slight effervescence; mildly alkaline.

The solum ranges from 24 to 60 inches in thickness, which coincides with depth to effervescent material. The solum generally is slightly acid to strongly acid but ranges to neutral in the lower part. Cobbles, pebbles, and stones range from 3 percent to 15 percent throughout the profile.

The Ap horizon is dark grayish brown (10YR 4/2), dark brown (10YR 4/3), or very dark grayish brown (10YR 3/2). The A2 horizon, if present, is brown (10YR 5/3), yellowish-brown (10YR 5/4), pale-brown (10YR 6/3), or light yellowish-brown (10YR 6/4) loam. In uncultivated areas the A1 horizon is very dark grayish-brown (10YR 3/2) or dark grayish-brown (10YR 4/2) loam, and the A2 horizon is near maximum thickness.

The B1 horizon is dark-brown or brown (10YR 4/3, 5/3), yellowish-brown (10YR 5/4, 5/6), or dark yellowish-brown (10YR 4/4) loam, clay loam, silt loam, or sandy loam. The B2t horizon has hue of 10YR, 7.5YR, or 5YR, value of 4 or 5, and chroma of 3 to 6. It is clay loam or silty clay loam. The B3 horizon is brown (10YR 5/3), yellowish-brown (10YR 5/4, 5/6, 5/8), or dark yellowish brown (10YR 4/4) loam or clay loam.

The C horizon has hue of 10YR, value of 4 to 6, and chroma of 3 to 6. It is loam or light clay loam.

The Miami soils are generally near Conover, Kidder, Kendallville, and Owosso soils in most landscapes. They lack the gray color in the subsoil that is characteristic of the Conover soils. They have less sand in the surface layer and underlying material than the Kidder soils. They have less coarse sand and gravel in the subsoil than the Kendallville soils, and they have less sand and more clay in the upper part of the subsoil than the Owosso soils.

MmB—Miami loam, 2 to 6 percent slopes. This soil is in broad upland areas and on low rises and side slopes.

Areas are irregular in shape and range from 3 to over 1,500 acres in size. This soil has the profile described as representative of the series.

Included with this soil in mapping are small areas of Morley loam, Owosso sandy loam, Conover loam, and Brookston loam. Small areas of moderately well drained soils and soils that are less than 24 inches deep over the underlying material are also included. Some small areas of poorly drained and steeper soils are identified on the soil map by spot symbols. Small areas of nearly level soils are also included.

The hazard of erosion is slight. Runoff is slow.

Most of the acreage is used for crops. Some small areas are under urban development or are in woodland. Capability unit IIe-2 (2.5a); woodland group 1o1; woody plant group 4; recreation group 11.

MmC—Miami loam, 6 to 12 percent slopes. This soil is in broad areas and along streams and drainageways of till plains and moraines. Slopes in the broad areas are short and complex. Areas are irregular in shape and range from 3 to over 300 acres in size.

This soil has a profile similar to the one described as representative of the series, but depth to the underlying material is slightly less. Some dark-brown subsoil is incorporated into the surface layer in cultivated areas.

Included with this soil in mapping are small areas of Morley loam, Owosso sandy loam, and Conover loam. Small areas of moderately well drained soils and soils that are less than 24 inches deep over the underlying material are also included. Some small areas of poorly drained, very poorly drained, and steeper soils are identified on the soil map by spot symbols. Small areas of gently sloping soils are also included.

The hazard of erosion is moderate. Runoff is medium. Complex slopes make tillage somewhat difficult.

Most of the acreage is used for crops. Some small areas are under urban development or are in woodland. Capability unit IIIe-5 (2.5a); woodland group 1o1; woody plant group 4; recreation group 12.

MmD—Miami loam, 12 to 18 percent slopes. This soil is in broad areas and along streams and drainageways on till plains and moraines. Slopes in the broad areas are short and complex. Areas are irregular in shape and range from 3 to about 100 acres in size.

This soil has a profile similar to the one described as representative of the series, but depth to the underlying material is less. Some dark-brown subsoil is incorporated into the surface layer in cultivated areas.

Included with this soil in mapping are small areas of Fox sandy loam, Conover loam, and Morley loam. Many small areas of severely eroded soils that are less than 24 inches deep over the underlying material are also included. Some small areas of wet depressional soils and steeper soils are identified on the soil map by spot symbols. Small areas of sloping soils are also included.

The hazard of erosion is severe. Runoff is rapid. Complex slopes make tillage difficult.

Most of the acreage is used for crops. Some small areas are in woodland or permanent pasture. Capability unit IVe-2 (2.5a); woodland group 1o1; woody plant group 4; recreation group 13.

MmE—Miami loam, 18 to 25 percent slopes. This soil is along streams and drainageways and in broad areas on till plains and moraines. Slopes in the broad areas are short and complex. Most of these areas are long

Established 1835



SYLVAN TOWNSHIP
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**PLANNING COMMISSION Meeting
December 15, 2022 at 7:00 p.m.**

The Sylvan Township Planning Commission Meeting was called to order by Vice Chairman Van Buren at 7:00 p.m.

Members Present: Vice Chairman Mike Van Buren, Tom Bareis, Stephen Eiseman, Courtney Heller, Leah Herrick, Trustee Sandie Schulze.

Also Present:

Representing Sylvan Township: Planner/Zoning Administrator, Carol Konieczki; Treasurer, Rodney Branham; Clerk, Amanda Nimke Ballard

Members of the Public: Roger Hayman, Ann Kalmbach, Dan Russell, Lois Wightman, Patrick Zieske
via Zoom: none

Vice Chairman Van Buren commenced with a roll call.

Approval of Agenda: Motion to accept the agenda moved by Bareis, supported by Eiseman. Unanimously approved and adopted by roll call vote.

Approval of Minutes: Motion by Herrick, supported by Eiseman to approve the minutes of October 27, 2022 regular meeting. Unanimously approved and adopted by roll call vote.

Public Comment opened by Vice Chairman Van Buren at 7:02 p.m.:

Patrick Zieske: Wants to speak on behalf of his rezoning application. First of all, he would like to say that he would feel bad if we are just having this meeting just because of that application. Had he known he would just have easily agreed to table it for an extra month until January. He does appreciate having the meeting though and he didn't see it carrying out this way. He did send a letter regarding the rezoning to the Planning Commission. To recap, he would like to go to where we started in 2018 or 2019 proposing the idea of this project up until now. From the beginning, he saw this project as kind of a hybrid between agricultural and residential. It has been hard the whole time to figure out exactly which side this goes on. You have two zoning districts and right now it is in the AG zone district. The project goals were always to have a small community of residents, some of whom were active on the farm, to make it a really integrated community. To do that, you have to have an effective viable community. The number of units seem to be getting smaller and smaller from what he had hoped originally. When they started getting smaller and smaller, do we really have the ability to make this a viable enterprise? Either socially if you only have 9 or 10 units, it gets really hard, or agriculturally when you are doing diverse sustainable agriculture, it requires more for labor than a lot of conventional agriculture does. He knows a couple with two small children who are interested in this. There are a lot of part-time farmers who might be interested. They are one of them probably. There is a lot of interest though, way more interest than 9 or

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

10 units. As things went by, we worked through the open space ordinance and that has turned into a forum where we can at least get the basis of what he wants to do with it. He is happy to see that at the end of a large process. There are a lot of uncertainties with it. There are uncertainties about whether the yard sizes and the road right-of-way are going to be reduced because that is left in the hands of the Planning Commission during the site plan review process. Right now, we do not know if the Planning Commission would entertain any relaxation of those standards or not. Part of the reason why he is keeping the zoning open. He wants to pursue the rezoning because the rezoning will give him some relief right off the top due to the uncertainty. The other thing is the number of lots, going up from 9 or 10 to 12. It does not sound like a big deal, a mild deal in reality. It is actually closer to AG than it is LR. The other rezoning that you have dealt with is what he would characterize as rather extreme, this is on the other end of the spectrum, a mild thing if you consider the two conditions. He hopes that you are aware of the two conditions of the attached rezoning which was the original application. One is that the number of units are capped at 12 no matter what. The other one is 50% land preservation which mimics the open space ordinance and that is a signal that they are going to use the open space ordinance. And of course, they are going to preserve half the land regardless. He thinks it fits with the Master Plan very well. The Master Plan designates in the future land use actually three zoning districts – AG, LR, and he thinks SR1 is the other one. This project actually straddles the line between AG and LR. With the conditions of the rezoning, you can see that the project itself will, in fact, straddle the line. It just turns out that LR is a little bit more of what they need to make the project viable. He hopes you may consider redoing the Master Plan in that light. He knows the Master Plan is under consideration for changes, but that is another matter entirely. He understands that the Planning Commission has multiple choices of what you might do here. If you would like to ask him any questions or responses about approving, rejecting, tabling, or modifying the conditions, which is possible too, just let him know.

Dan Russell: The Master Plan zoning – it might support some of that, but there are a lot of parts of the Master Plan that also don't support that. Having said that, what he has noticed since he has been coming to the meetings, years ago, was that it seems that the end of the process is when we start talking about the criteria in which the Planning Commission votes on whether this thing should be approved or not approved, and not just Patrick's project. Frankly, if this would have been considered a whole lot earlier than some of the other project talks, we probably could have saved a lot of money, a lot of time and a lot of aggravation on both Boards, Commissions, the lawyers, and the applicant's part. We sort of wait until the end it seems like to go "hmmm, this really doesn't fit" and it seems like we wait until the end to sort of talk about that. He would entertain that when something like Patrick's project comes up or if it's something on Pierce Road or whatever it was, that it would be one of the first items that we talk about, the list of criteria that we use, it seems like it would save everyone a lot trouble. It would be fantastic if we could try that out tonight and go through these things with this project, and he would love to hear that open in the discussion.

Public Comment closed by Vice Chairman Van Buren at 7:10 p.m.

Unfinished Business:

- 1. Tabled from September 22, 2022, October 6, 2022, and October 27, 2022. Consideration of a request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway Rd, Tax parcel ID F-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.**

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Vice Chairman Van Buren: Based upon the discussion with the attorney, Patrick you have two choices – you can table it, actually you cannot table it. We can either vote on it, or you can withdraw it and you can resubmit it with the new site plan.

Patrick Zieske: He does not wish to withdraw it. He does believe that you could actually discuss the conditions.

Vice Chairman Van Buren: Patrick would have to repost with the new site plan and all of the legal requirements associated with it. After communication with the attorney any changes can't be considered.

Patrick Zieske: Do what you think is best.

Vice Chairman Van Buren: We need to follow the rules of the law.

Patrick Zieske: I have discussed this with my attorney and also knows what I am talking about, but do what you have to.

Vice Chairman Van Buren: So you prefer us to go through a review of the standards and make a recommendation on the conditional rezoning?

Patrick Zieske: I believe we went through the review of standards once before, and of course, you are welcome to go through them again as you wish. I am only saying that I do not wish to withdraw it, and if I have only one other choice, then go ahead.

Vice Chairman Van Buren: Those are the two choices. Let us pull up the standards of review. Does everyone have the communication from legal counsel and the staff report? The request of the rezoning supported by the 2017 standards of the Sylvan Township Master Plan identifying the area of low density residential for designated land use is one of our review criteria. So, does it fit with the designated land use?

Bareis: It is more residential than what we were talking about to begin with. It is one of the problems that he had to begin with. He is stuck at 10 more so than anything else. When we first started this we were talking major bonuses and stuff, and he wasn't fond of that at all. If he could just cluster them more to go at it that way versus more residential.

Heller: My biggest concern is starting a precedent of zoning AG land to low density residential with an exception. It does not have contiguous surrounding low density residential. As a farmer and as someone who sees more and more development and more and more subdivisions, and I work in international trade, and I see a risk of zoning ourselves out of agriculture. Not just in this township, but it is a bigger issue than just this township. I understands that people need the opportunities to farm and this may be one, but she feels that we need to maintain AG zoning for AG production. Otherwise, we are setting ourselves up for issues in the long run. That is a personal opinion, but also a law as it is protecting our farms.

Vice Chairman Van Buren: Second of the review standards as it applies to the Master Plan is considered proposed use low density zoning and as it applies to the Master Plan for future land use. The third condition is consistency with zoning in the general area, and Courtney discusses it is primarily in AG zoning and has a problem with low density residential.

Herrick: I agree with Tom's comments, and is concerned about traffic down that road as it would add to that.

Schulze: I am having a hard time hearing everyone, and could not hear Tom's comment at all.

Bareis: I will restate my comment. I am stuck on how many parcels there could be on it – how many houses and that is his biggest sticking point from day one. We were talking about bonuses or whatever. That is my biggest sticking point, getting back to where we are going. He thinks if he can put 10 houses on 20 acres, cluster it, have a private road, he thinks that is enough right there than giving more lots out. It is one person's opinion.

Vice Chairman Van Buren: The standard is it consistent with zoning in the general area?

Eiseman: It is more AG zoning in the area of Conway Road.

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Vice Chairman Van Buren: The fourth standard of review is consistency and compatibility agricultural district.

Does anyone have any other comments or questions they would like to bring up?

Schulze: If he just stays with AG, he can have 10 homes?

Heller: That is how I understand it.

Vice Chairman Van Buren: The fifth review standard is the suitability in the proposed use in the zoning district. The higher density rezoning in the area would not be consistent with the other homes in the Conway Road area which are generally two+ acres for this consideration.

The sixth review standard is adequacy of public services.

Eiseman: There are no public services. It would have to be a community well and community septic.

Vice Chairman Van Buren: Not necessarily. I think the review standard is about adequate transportation, sewage disposal, and adequate water supply. He does not think it is the case that public services are a required with this application. Well and septic would be allowed.

Traffic is another review standard. One of the notes of the staff report is how many homes they could put on the property using the shared driveway ordinance or possibly the OSPD. As he looks at the staff report, the OSPD is probably the better connector for going down this development path. Right now we are only looking at the rezoning of the land in general so we really can't determine or consider a possible site plan.

The eighth review standard is reasonable use under current zoning classification. Can the property be used for anything except for AG, there are major issues associated with that.

The ninth standard is identifiable public need, certainly a discussion on affordable housing in the area and the high cost of housing. There are issues associated with that; Courtney commented there is a need for affordable housing.

Heller: How does this qualify for affordable housing?

Vice Chairman Van Buren: If we identified a public need of bringing more housing into the area, we need to look at it in light of the ability of existing housing in the area. There is a lot of development going on and we do have other means of housing in the general vicinity.

Bareis: Sure looks like there is a lot of spaces there... (Could not make out the conversation as the voices were too quiet.)

Vice Chairman Van Buren: The tenth review standard is the diminution of value.

The eleventh standard is citizen opposition.

Those are the review standards.

He asked Courtney what her thoughts were to move this forward to rezone to low density residential.

Heller: I am not in favor of low density residential.

Bareis: I am not in favor of low density residential.

Schulze: Could you repeat what everyone is saying because I cannot hear the discussion.

Vice Chairman Van Buren: We are asking the question, should the Planning Commission consider a recommendation to the Board for rezoning this to low density residential as proposed to keeping it in AG?

Schulze: According to the information from Patrick, it would change the housing units from 10 to 12 if rezoned to LR.

Vice Chairman Van Buren: All we are looking at is rezoning the land from AG to low density residential. That is the only thing we are considering as part of this application.

Schulze: If he is doing it in order to use part of the property to preserve, I am not sure why this would not be acceptable.

Vice Chairman Van Buren: We are looking at the request that we are voting on to look at the original rezoning application with the perspective of what was submitted and that was just to rezone this land to low density residential. There is no site plan with the application.

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Patrick Zieske: That is not true, there were two conditions. You are misstating facts and that is going to get you into trouble.

Lois Wightman: Excuse me, Sandie can't hear and she is sitting there, and we cannot hear back here the discussion that is happening. I thought this was supposed to be recorded. I would like to be able to hear what is being discussed, the things that are raised, and the important issues. I would very much appreciate that. I am sorry to interrupt. Thank you.

Patrick Zieske: Is this being recorded Rod?

Branham: Yes

Schulze: I have a question for Patrick more than for the Planning Commission which is that he wants to add two more dwellings which would then make it more dense.

Vice Chairman Van Buren: Yes, as I read it as part of the original proposal, rezoning with the contingency of 9-12 homes, for Low Density zoning district, but there was no site plan submitted. There was no site plan so we can only consider the change in the zoning from agriculture to low density residential based on the application of 9-12 homes.

Heller: The second part was that they would keep 50% designated for non-building open space and that is part of the deed forever.

Schulze: I do not really have a problem with that.

Heller: If we go back to the original maps when we looked at the zoning of the surrounding areas, there are 40 acres, she thinks to the west, that are currently AG and then there is development on the other side. Looking at it from a farmer's perspective, if we zone low density residential on either side of that 40 acres, the owner may not change, but at some point it will become developed whether that is the case or not that is part of the Master Plan. That is something to look at the zoning whether it is something outside of what we actually want to do with the Master Plan. It is not just what he is planning, what he is planning, it may be fantastic, but it is the precedent that it sets.

Schulze: I went to a class on planning and they said never to use the word 'precedent' because every case that you get you have to look at fresh. You can't look back and say this happened, and this might happen.

Heller: I tend to look at things as policy and law because that is my background.

Vice Chairman Van Buren: Do we have a motion to recommend to the Township Board denial of the rezoning to low density residential and the property to remain Agriculture zoning.

Motion made by Heller to deny the rezoning request to low density residential and for the land to remain zoned Agriculture, supported by Bareis. Roll call vote: Schulze no, Herrick yes, Eiseman yes, Bareis yes, Heller yes, Van Buren yes. Motion passes 5 yeas -1 nay.

New Business:

1. Approval of 2023 PC meeting dates.

Vice Chairman Van Buren: Does anyone have any issues with the dates? There were no issues with the 2023 Planning Commission meeting dates.

Communication:

Konieczki: Sandie has some communication.

Schulze: Each Planning Commission member has been given a copy of an article about solar and wind. That is something that our attorney advises that we begin thinking about when adding to the Master Plan. We communicated with Carlisle/Wortman to see if they could help us with the Master Plan as they did last time, and they said yes. They need to send their staff person to one of our meetings to talk to us about

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what it is that we want to do as they can't give us an estimate of what the cost will be until they know what we want them to do. Maybe January?

Vice Chairman Van Buren: Have we had inquiries in the township about solar use?

Konieczki: There has been inquiries about solar farms, but more importantly, we have had several residential use requests. What the Board approved at their last meeting is they are going to get some cost estimates and ask the consultant who assisted with OSPD to assist the Planning Commission and ask the Planning Commission to work on three ordinances.

Schulze: Solar and wind, a lake zoning district, and administrative review ordinances.

Konieczki: Example of administrative review is it would cross the Planning Commission and ZBA. ZBA met last night and we had a very simple project in which she felt bad that these people had to come pay \$575 for a ZBA variance to replace their deck. They needed a variance because they didn't have one acre, and the second reason was the deck was built without a building permit. When people don't get a building permit and then they want to replace the construction especially in the LR district, it is a ZBA issue. Administrative review could assist with that. It would not just be her call, it would be three people reviewing the project and then making a determination whether it needs to go before the Planning Commission, ZBA, or can just administratively sign off on this. Same with basically simple amendments to a site plan if they are changing something on a site plan. If it is a minor amendment, it should not have to come before the Planning Commission again.

Schulze: When we had our joint meeting with the ZBA and the Board, the ZBA chair thought it was a great idea. If you've been to a ZBA meeting, it is one story problem after another, and some of it doesn't have to generate the resident or homeowner having to pay when you have a Board. There are some common problems that come up all the time and that is what the Administrative Review Board would look at.

Comments/Concerns of the Planning Commission Members:

Schulze: Did we decide to have Carlisle/Wortman come to the January meeting? Yes.

MOTION to Adjourn: by Vice Chairman Van Buren, supported by **Bareis??** at 7:33 p.m.
Unanimously approved by roll call vote.

Next Planning Commission Meeting: January 25, 2023 Note: Next meeting date is January 26, 2022

Minutes respectfully submitted by Steve Eiseman, Planning Commission Secretary.

APPROVED: _____ Date: _____

Approved as Submitted _____ Approved with Corrections _____

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PLANNING COMMISSION Meeting
October 27, 2022 at 7:00 p.m.

The Sylvan Township Planning Commission Meeting was called to order by Chairman Seitz at 7:00 p.m.

Members Present: Chairman Dave Seitz, Tom Bareis, Stephen Eiseman, Courtney Heller, Leah Herrick, Trustee Sandie Schulze. **Absent with notice:** Vice Chairman Mike Van Buren.

Also Present:

Representing Sylvan Township: Planner/Zoning Administrator, Carol Konieczki; Treasurer, Rodney Branham; Clerk, Amanda Nimke

Members of the Public: Trenda Eversole, Ellis Freatman, Ann Kalmbach, Karl Olsen, David Reinhardt, Wendy Reinhardt, Dan Russell, Kathy Squiers, Brian St. John, Patrick Zieske.

via Zoom: Attorney Robert Thall.

Chairman Seitz commenced with a roll call.

Chairman Seitz asked if there are any changes or additions to the agenda; there were none.

Approval of Agenda: Motion to accept the agenda moved by Herrick, supported by Schulze.

Unanimously approved and accepted by roll call vote.

Approval of Minutes: Motion by Seitz, supported by Bareis to approve the minutes of September 22, 2022 regular meeting. Unanimously approved and adopted by roll call vote.

Approval of Minutes: Motion by Herrick, supported by Eiseman to approve the minutes of October 6, 2022 special meeting. Unanimously approved and adopted by roll call vote.

Public Comment opened by Chairman Seitz at 7:03 p.m.

There were no public comments.

Public Comment closed by Chairman Seitz at 7:03 p.m.

Unfinished Business:

1. Public Hearing for Open Space Preservation Ordinance.

Chairman Seitz: This is a public hearing on the Open Space Preservation Ordinance. A recap of how we got here. It has been several years that we have been working on one of these, and several versions were sent back and forth between the Board and the Planning Commission. There were some difficulties deciding on how we wanted to address density, and ended up hiring our great consultant who helped us out. We talked with her at length and had many meetings with her, with versions and drafts going back and forth. We finally were able to have our attorney review it, and he is here with us tonight. We received his comments. We had

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Patrick Zieske: He would like to thank everyone on the Planning Commission for a long road and a lot of effort, and sure that everyone would like to get this behind them in one way or another. Everyone knows where he stands pretty much. He submitted what he thought would be a good set of edits for consideration. At this point he is not seeing that they are likely to be incorporated and wanted it to be on the record. He would like to ask very quickly whether the draft being considered tonight is the same thing that came out of the work session a couple weeks ago. (Chairman Seitz: yes) His main concern and motivation for preparing the alternate text was concern about how effectively this ordinance will be used in the real world. He is going to use it no matter what. He is not sure if it is exactly what he needs. He pictures another developer coming in. We have talked about this and we want to make an open space development an attractive option compared to a conventional development. If a developer comes in the door and has a piece of land that would like to do such and such on it, it would be nice to give the developer something like have you considered this other alternative if you are going to develop it anyway. It does not give him any new development rights necessarily. It just says we are giving you an attractive alternative. It would nice if we had some type of program in place where it was done as a routine when someone comes in the door. Some of his concerns would probably fade then that Sylvan Township would eventually be known as a place that encourages the open space development and really wants 50% of every development to be preserved as part of the open space. That is the real goal of this. We want 50% of our land, all of our land if possible, to be preserved and we are going to help people do that if that is what they want. That is his request to the Planning Commission. Again, he wants to thank everyone for going down this road as it has been contentious at times. If he focused on the text changes he wants, it would be contentious again. He is actually pleased to see something coming out of the other end finally.

Dan Russell: He does not suspect that if the developer that wanted to do something on Pierce Road came in with an open space plan and clustered housing that if they would have been received any differently than it was. By throwing this on the books as is, you are inviting developers to come in and look at this, I can do all these things according to your ordinances. The residents who clearly do not want this type of density in their neighborhood come out of the woodwork, and that is what has been happening since he has been here since 1990. So nothing has changed in terms of what the residents want. The late great Tom Caplis in one of these meetings said if you want to preserve land, go back to 10 acre minimums and he knows that is probably impossible, but we could go back to something, 5 acres, or 2 acres. So having something like this on the books is setting us up for another lawsuit and since we are the most sued township on the planet seems like this might be a mistake. Having open space, something on the books he knows is a legality to do something, but something like this looks like an invitation to a developer to come in and, oh by the way, we'll give you private roads, and that has not been talked about much either to sort of slide a private road into this thing. He has two family members who live on private roads. When they first built them and all the people are super happy about them, it's great. Fast forward 5, 6, 7, 9 years and the road needs maintenance. Whatever else happens, everyone is mad at each other and everyone doesn't know why they are paying for maintenance if they live on the corner. What happens to that road and he knows there is something in here about that, but that could also be abandoned or if you start a development and someone buys the last lot on the road, who is going to pay for the maintenance on that road while that subdivision or that development gets built out? What if that takes ten years and now you have one person paying the bill for plowing and maintenance and everything else in case a fire truck needs to go down the road. There are a lot of iffy things in the ordinance. It looks like a blank check. It looks like an invitation for legal matters. He is the biggest fan of open space preservation in its true sense, but this is a development tool and he has been saying this since we started this process. He wanted to be on record for that again.

Kathy Squiers: Clustered development in her understanding is good for the environment, but the private road and the maintenance of such private roads being shoved on an individual resident is really a serious matter to consider for the future and the future residents. It is a great idea, but something needs to be in place that encourages those who have the land to be environmentally sensitive about it, but does not give them a blank

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Attorney Thall: If anyone has any questions on the language that was added. Otherwise, at the conclusion of the public hearing which has now closed, you just need deliberation. What you are doing is making a recommendation to the Township Board, and the Township Board will then consider the recommendation to follow that decision. The Township Board can either accept the recommendation and adopt an ordinance, or they could amend it at that time, or they could send it back to the Planning Commission for further consideration.

Chairman Seitz: Any other questions, comments, or things you would like to discuss?

Schulze: She read through Patrick's comments several times, page 3 under c – general development requirements. It states the design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirement. He means the parallel design only need sufficient detail for this determination. She thinks that is a great clarification. Why should a developer spend all of this money on the plans, and she does not have any experience looking at developers' plans, but it is a big cost to them. We do not need it to be in the detail as to where they are going to put anything. We need to know where the housing is going to be, where the road is going to be, and where the open space is going to be, but she does not think it is anything that the developer needs to spend thousands of dollars on, especially when they are not going to use it. It is a piece of information that the Planning Commission looks at and takes into consideration.

Chairman Seitz: He understands what she is saying. So the way we structured this is that you come in with a plan that fits the zoning classification you are under. Let's say it is Ag and say with two-acre lots means you could have 20 homes, and under its existing requirements it would be laid out this way, that's the parallel design. Then the real design that you want is the open space design of what you want to cluster around. The parallel design need only provide sufficient detail to determine the number of lots or homes. His only question on that one was if it is a platted development or developments that we want more information on the original design to come in showing something they want before considering the open space design.

Konieczki: When these are reviewed, they are always reviewed by the fire department and engineering. So when they are looking at these, she is not sure if they would look at the parallel design for the cluster or density, and looking at the cluster to see where that's in. Having placement helps them somewhat with the grading, topography, and where some of the other issues are going. You are going to have open space, you are also going to have wetlands, and you are going to have run off and some of these other things. It helps them to some degree to weigh that out.

Chairman Seitz: If you had two designs, with the first one not being open space, and it showed an issue with run offs where you actually determined that's not where you want to put homes on the other design. People have made this comment. You have to assume the developer wants to get in as many as they can. If someone came in with 100 acres and 2-acre lots would give them 50 homes. With this plat and these requirements, you would be down to 30 acres. The open space design is based on those 50 acres. This protects us with no limit on the detail we need on that requirement.

Attorney Thall: He does not mind the provision that was put in. The parallel design need only provide sufficient detail. The first section is saying that it needs to be consistent with the township requirements according to the plan. Then there in the next section saying that it is reviewed to determine the number of lots. It could be easily constructed following the adopted plat requirement. It just gives a little leeway to still get what we need to determine sufficient detail. How many lots and it is still showing the plan. It may not have as much detail or every requirement that we need for platting, but it would have to be in general how many lots would be designed for that plat. He does not have a problem with this as you need to provide sufficient detail for determination. It is still up to the Planning Commission to say we need more detail as this is not enough detail. Do they have to show us the design for their water system or sewer? Do they need to show us those designs? Show us more detail that we need of the design criteria for how many lots on that property using traditional platting. He doesn't mind it as it is still within the determination of the

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Attorney Thall: If you don't get sufficient detail, you can tell them you will table it until they come back with the detail you need.

Chairman Seitz: Part of the timing issue is us taking action. We have had site plans where we have gone back and forth. There are times where Carol will intercept first if the engineer tells Carol that they need certain things prior to writing a letter to the Planning Commission. We can add the language in those two spots. Carol will make note of that. We have the ordinance with that change before us.

Motion by Seitz to adopt the ordinance as revised and to make a recommendation to the Township Board that they adopt this open space preservation development ordinance as revised before us, supported by Schulze. Unanimously approved and adopted by roll call vote.

2. Tabled from September 22, 2022 and October 6, 2022. Consideration of a request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway Road. Tax parcel ID F-06-1-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.

Chairman Seitz: Item that was tabled from September 22, 2022 and we are done with the public hearing. We were asked to table it until we saw what we did with this OSPO that is going to the Township Board. They will take it up with haste and do their job and review it. What would you like to do on this one? Would you like us to remove it or vote on it?

Zieske: He would imagine that you had four options, not all of which you would like to pursue. You could vote on it, could table it again, he could withdraw it (he has decided not to withdraw it), or negotiate on the conditions. His preference is to table it again and his second preference is to vote on it.

Chairman Seitz: Tabling doesn't get us anywhere. We did talk about that there was a technicality that we needed a better site plan as the buildings and the adjacent uses were missing. We now have a site plan that shows neighboring properties and zoning classifications.

Chairman Seitz: We can do what Patrick said – we can table this further; we can take action as he is not withdrawing and send a recommendation to the Board and they would have both of them simultaneously as they kind of go together. If you remember, this is a conditional rezoning from Ag to Low Density Residential. You had a cap on the number of homes and you have a 50% preservation requirement. Those are the two conditions.

Zieske: He would need reassurance that we are not stepping outside of what was already discussed.

Chairman Seitz: His cap was 12 and the 50% on the open space. That was before us when we talked and the other issue was the site plan drawing and the things around it. Just a reminder of what we discussed last time when Tom brought up issues of the Ag zoning around there. At the previous meeting, we went through our standards of review at length which is in the minutes. Any thoughts or questions from the members on what you want to do?

Eiseman: Did we determine is it 9, 10, 11, or 12 homes?

Chairman Seitz: It was a cap of 12.

Attorney Thall: As he understands it, there is one building already on the property, so is it 13 or 12?

Zieske: He intended it to be 12 inclusive of the building.

Chairman Seitz: It is 12 total.

Zieske: There is one under construction that is meant to be one of them.

Schulze: Adopting of the open space ordinance would be very helpful to the type of development that Patrick wants to do, but the Board hasn't adopted it yet. She is thinking tabling this until after the Board has an opportunity to look at it.

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at what the complaints are, and maybe have them forwarded to the Board for conditions to enforce or contact the zoning administrator or attorney for action, or there needs to be a citation for a violation. It is fine for the Planning Commission to be aware of these types of things because if it does come back for some special land use amendment, you are aware of the issues that might be surrounding that property, but in terms of just enforcement, it is not something in the purview of the Planning Commission.

Konieczki: When the Planning Commission did approve this, there was a special provision for an annual review, and so that was why the Planning Commission kind of gets this as we have not done an annual review of them for a very long time. There was that caveat of an annual review and perhaps rescinding that special use if they were violating.

Attorney Thall: So maybe that would be the step from administration to tell them you have had complaints and to have them come in for an annual review for the Planning Commission and ask how they are going to address them.

Chairman Seitz: We have done that in the past and come up with different solutions. Put that on the list to have them come in and we can check in with what he is doing and how he is doing. You have a gem in this township. This is property that everyone gets all fearful of development. If that wasn't there, you would have a lot of homes sitting there.

Bareis: He does not know about the noise situation as he hasn't been there.

Chairman Seitz: They should invite the neighbors.

Konieczki: They also have noise monitoring and when Nick was there, he would come in with the reports. She can get the reports and the data from them.

Chairman Seitz: Put a review on the agenda at some point and let the neighbors know.

Konieczki: The other communication is that she has been receiving a lot of applications on residential solar panels. She has been issuing those under the accessory structure ordinance. Some are roof, but some are actually in the yard. Her concern is getting to be what is residential and what is the limit on residential? Is it 15 or 50? She is only using because of setbacks and height, however, we are going down a road with this. She has talked with Attorney Thall about this that we should have an ordinance that the Board might want to address for residential as well as commercial. She has issued permits this year for about 7 as accessory structures as there have maybe been 12 panels in their yard. Denying them did not feel right and perhaps she should have addressed this sooner.

Chairman Seitz: That's how you figure out what you need when people bring it forward. Has the Board talked about this?

Schulze: No, but we should.

Konieczki: It was actually addressed at the joint meeting we had in November last year. It was discussed, but it didn't really rise to a level of priority. For the lake district, it was rezoning and other things. She is really getting a lot of requests and believes Attorney Thall has some ideas about this.

Attorney Thall: This is very timely for the municipality. Everyone is putting ordinances into place for residential solar, but there is a big issue as utilities soar. The big power companies are looking for lots of rural acreage to put solar arrays by the thousands of what the acreage could hold. He has seen townships that are leasing up all the land they could possibly get their hands on for utilities solely. There are certain standards that the State of Michigan needs to meet for certain criteria of a certain percentage of alternative energy production. It is a big thing all over the place and it is really important to figure out how we are going to or to what extent we are going to allow for it. If there is a demonstrated need, you cannot just exclude use from your township. So, you cannot just say no utility solar, if they are demonstrating a need and if they want to get aggressive, they probably could demonstrate a need state wide for this with the criteria they need to meet. You really need to have something built into your ordinance where to control it, determine where you might allow for it, and the criteria for it. He has seen some townships get caught off guard by it and would not want

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**PLANNING COMMISSION Meeting
September 22, 2022 at 7:00 p.m.**

The Sylvan Township Planning Commission Meeting was called to order by Chairman Seitz at 7:03 p.m.

Members Present: Chairman Dave Seitz, Vice Chairman Mike Van Buren, Tom Bareis, Stephen Eiseman, Courtney Heller, Trustee Sandie Schulze. **Absent with notice:** Leah Herrick.

Also Present:

Representing Sylvan Township: Planner/Zoning Administrator, Carol Konieczki; Treasurer, Rodney Branham; Clerk, Amanda Nimke

Members of the Public: Donald Adams, Michelle Adams, Trena Eversole, Ellis Freatman, Ann Kalmbach, Jack Knowles, David Reinhardt, Wendy Reinhardt, David Rish, Christian Smith, Renee Townsend, Mike Van Goor, Michael Walton, Lois Wightman, Patrick Zieske.

via Zoom: Craig Adams, Phommaueng.

Chairman Seitz commenced with a roll call.

Chairman Seitz asked if there are any changes or additions to the agenda; there were none.

Approval of Agenda: Motion to accept the agenda moved by Bareis, supported by Eiseman.

Unanimously approved and adopted by roll call vote.

Approval of Minutes: Motion by Bareis, supported by Schulze to approve the minutes of July 28, 2022 regular meeting. Unanimously approved and adopted by roll call vote.

Chairman Seitz: The July 28, 2022 closed session minutes to be distributed to the PC members for review and will move for approval at the next meeting.

Public Comment opened by Chairman Seitz at 7:07 p.m.:

Patrick Zieske: Going back to the minutes, he wishes that something could be added to it and not sure if it is too late as they have already been approved. When Viasat came in, one of the first things the gentleman said that although he does a lot of military applications that his intent was strictly for residential. He thinks that this should be in the minutes. He does not know if it is going to matter much. The second thing is the open space ordinance for which is not a public hearing today, and he would like to speak for a moment to that. He is incredibly disappointed in the length of time that this has gone on for as it has been 3½ years since he first raised the issue. It is the primary reason why he submitted a rezoning application. It is the reason why he submitted an unconditional one nearly a year ago. This has increased his frustration when he realized what it has taken him to. It has been three months since this issue has come up for discussion in the Planning Commission with no new draft. There is no indication that the letter he sent to the Planning Commission has been forwarded to either Robert Thall or Rebecca Harvey.

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He would like to go through that letter to refresh where he thought he was for the open space ordinance, but it has been too long. It was supposed to be forwarded to them.

Chairman Seitz stated that it was forwarded.

Patrick Zieske: He did not know that it had been forwarded as there has been no feedback. The problem is not necessarily that it had been forwarded, just that there has been no further feedback on the open space ordinance of any kind, not based on his letter, not based on anything. With terrible regret, that is what brings him here today for the rezoning. He regrets that as the rezoning puts even more burden of work on everyone. He does not want to do that. He really wants this to be moving along and wondering if there is any way that it can be restarted in earnest.

Renee Townsend: She would like to speak to the Master Plan. She is glad that we are here to do a review and revision of the Master Plan as the residents have been calling for this for close to two years. She truly hopes to do it in a proper way with plenty of feedback from the residents, and transparency and ethical behavior from all. As we begin the process, she would encourage perhaps looking back at the 2008 Master Plan. It was highly detailed and very explicit to some of its points. In 2017, the Master Plan is vague and inconsistent in comparison. The 2008 Master Plan stated seven times that the only reason sewer and water goes down Pierce Road was to get to the lake in order to follow public health and/or pollution problems, and that Pierce Road should not be developed because sewer and water lines are there. It was not the intent, nor is there capacity. What changed so much other than a new Board and Planning Commission, and a zoning supervisor? It does not reflect all of that. This consent judgment development has only 60 of the 400 homes being serviced built so far, and that the inappropriate development of Pierce Road could set us up for another lawsuit. Both the 2008 and 2017 Master Plans call for mixed use, and specifically in certain areas mainly south of the I-94/M-52 interchange and on the St. Louis campus, yet the master future land use in the 2017 Master Plan shows Pierce Rd as mixed use. This is a big part of why we keep getting these inappropriate requests.

Another issue came up in the August 9th Board minutes, and it is very concerning. It was recorded that a staff member was overheard stating they had a conversation with a commercial real estate agent who complained about Sylvan's stance on development. The staff member stated that he/she was going to reach out to another agent. That is absolutely inappropriate for any staff member or board member to do. The staff member also used a derogatory term mainly in reference to residents that spoke out against the inappropriate development. This is completely unprofessional. Is anyone looking into this? If not, they should be and finally should be reported at the next meeting. If this was an elected official, the name should be made public so the residents know going forward. If this is an appointed or employed person, she would question the appointment or employment. Is this person involved in the review of the Master Plan? That would seem like an ethically bad idea. We need to be able to work together to create a Master Plan that will truly serve Sylvan Township and its residents. We are the gateway to the Waterloo Recreation Area and the residents are here for the rural character that the Master Plan promises to preserve. We respectfully ask that you honor that so our township can be as it was intended.

Dave Reinhardt: He is disappointed on the rezoning of Conway tonight. Open space is his preference being a neighbor to this. He does not know why it has taken 4 years, and anybody except mild mannered Patrick would have a lawyer increasing the amount this township has spent on lawyers which in other minutes is significant compared to other townships. Is death by a thousand cuts something deliberate? Is it the fear of the unknown? Is it the excruciating slow movement of local government? He does not have a real tolerance for. The Planning Commission has been at this for 4 years and the neighbors have been contacted, elaborate drawings, experts, and still it is nowhere. He would much rather see that moving forward than the rezoning. If rezoning is the only way this can happen than he could speak to that then.

Mike Van Goor: He would like to address a couple thoughts on the Master Plan. He knows in the past that the Planning Commission has communicated that it was hard to get people to provide feedback last time.

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He thinks the intention this time that it has been drawn on for a long time that the way things were that people were not thinking of how things could change a whole lot. He knows that the current Master Plan calls for this area to be mixed use. He thinks there are issues with that. He thinks there could be some areas that we could come together and focus on. He heard something about a lake district and that is an ordinance issue, but certainly this area along Pierce Road needs to be re-evaluated. He would like to challenge all of us to have some sort of vision of what we think this area of the township to be. He thinks right now it is very nebulous, like anything goes like we have seen in the past 1½ years. There are some things that might be inappropriate. He would like to say thank you to this Planning Commission for listening, and he thinks there have been some really good decisions made in moving forward. He would like to offer encouragement and patience.

Lois Wightman: She is encouraged that the Master Plan is up for review. She would like to see a lot of different things. She does not know all areas about the township and it is reasonable to look at the Pierce Road area be reviewed for the appropriateness of the mixed use designation. She would also like to see the open space ordinance proceed. It would be nice if consideration could be given to some other things like solar arrays or different things like that as we do not have a policy or guidance for. She is encouraged that this is going forward with thoughtful consideration on these topics.

Public Comment closed by Chairman Seitz at 7:18 p.m.

Unfinished Business:

1. Presentation of draft Open Space Preservation Ordinance – Rebecca Harvey, AICP.
Set public hearing?

Discussion with Attorney Thall regarding process to review Master Plan.

Chairman Seitz: Regarding the open space preservation ordinance, Patrick, yes it has been 3½ years since we started and a version had been sent shortly thereafter to the Township Board where they wrestled with it for a while. It has been sent back several times. A consultant was hired and came up with a draft that would solve the issue that we were struggling with which was the density. There was no agreement on the density clause. It is not fair to say that it has been 3½ years when we have done several iterations, and we have not been able to come to agreement. There was diversity of opinion on the Planning Commission and the Board, and a change in members on the Board from when we started. It does change, it is hard, and policy is never fast and never easy. It always looks easier on the outside. He understands that. We are trying, and he is pushing this himself. On the open space preservation, we have all the public comments, Patrick's letter, and we have the consultant's versions to get this right. He does not want to send something more to the Board and have them send it back. Now Attorney Thall has it. Chairman Seitz cannot explain Attorney Thall's workload as he works for many townships and is very busy. He was not able to get the draft back to Chairman Seitz with his comments. Due to that, he agrees that this progress needs to be finished, and would like it finished by the end of October. He would like to have a work session meeting on October 6th to go over Attorney Thall's comments. Then at the regular meeting at the end of October we have our public hearing and can send it on to the Township Board.

Konieczki: If you have the meeting on October 6th, that will still give enough time to draft a notice to get it in for the following week and it will make the statutory deadline for the October 27th public hearing.

Seitz: The reason we need October 6th is that the attorney is making some language changes that we need to fit with our ordinances. We need to see that and discuss before the public hearing, so that it can be reviewed thoroughly. Any other members have any thoughts on the open space? It is a difficult topic that we have been discussing for years. He thought that when the consultant came on board we would be able to make some progress as we were able to get creative in terms of solving one issue which was, for some

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members the density bonus. The consultant was able to think through other ways to incentivize open space. One of the ways was to allow private roads and to think about that as an incentive. Again, the project itself is a long process along with the design process. You start with the number of homes you would have under current zoning. You could then consider clustering them in a way that preserves as much open space as possible or at least buffer from the road to preserve a rural character. Then we get to figure out if there is enough room for setbacks, sewer, water, and all those things on top of it. He is hoping to get this done to go to the Township Board and it would be in their hands for the December meeting.

Konieczki: By the time the minutes get approved, it will go to the Board in December.

Seitz: We will schedule a work session meeting on October 6th at 7 p.m. This will be the only topic that we will focus on.

During the public hearing he heard a comment and does need to respond to one thing about the Master Plan. He agrees that the process should be open and noted the word "ethical" was used. He has been chair at Sylvan Township for a while and does not think that the Planning Commission has ever done anything unethical. It bothers him and that is not how to start off a conversation to working together. You have to respect everyone at the table. There are differences of opinions and there are reasons for what the future land use map said about Pierce Road. We get to decide now whether we change it, which is great, and part of the process. That did not mean that there was some nefarious thing there. The Master Plan process was very open. The process was almost two years, many meetings, public hearings, and had to notify the residents. We tried to get people's opinions through letters in their tax bills. He agrees with the comment from the gentleman in the back that you do not really see it until you need it. This time around we will have plenty more input which is great. He does not see the Planning Commission doing a full-scale review of the Master Plan which was decided at the last meeting. It will be amending and that protocol process will be what Attorney Thall will indicate to us. He will hopefully have that to us by October 6th so that we can look at it by October 27th. An amendment process was proposed some time ago for a change in zoning for the billboards.

Konieczki: That was under the 2008 Master Plan.

Seitz: Was it proposed as an amendment?

Konieczki: The Planning Commission had to amend the Master Plan so you could then amend the zoning, and that failed for the billboards.

Seitz: It was an amendment process to the Master Plan and still required several public hearings. It is the same process. Let us look at Pierce Road as everything has been rejected that has come before the Planning Commission.

We have a better understanding of what we do not want. A lot of that was based on the infrastructure. This is not something that is being held up. All we need to do is have the attorney lay out the exact number of hearings, steps, and that is what we do. If we have that information in October, then we can begin the process in November.

There was some mention about the August 9th Township Board. He is not aware of those minutes as he does not attend those meetings. His assumption would be that is something to comment at the Board meeting.

New Business:

1. Chelsea Square 81 units request a one-year extension of final site plan approved September 23, 2021 per Ord. Sec. 30.78 (f) (2)

Chairman Seitz: There has been a delay with this project. The applicant had their view about the delay, but he did speak with Attorney Thall about it, and he had a different view. The delay is based on the

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permitting process and that is what we are focused on today. We are running up against the 180 days for them to pull the permit or to start. Carol to clarify.

Konieczki: There is language in our ordinance that if you do not start within 6 months then your site plan fails or you do not pull a building permit in that time. One of the issues is that they cannot pull the building permit because of state Environment, Great Lakes, and Energy Department (EGLE). Jack Knowles is here to address that.

Seitz: We ran into this previously with St. Louis and their site plans needed to be extended.

Konieczki: That one was different because they had already started their construction. In particular for the St. Louis Center, it is their recreation building and where they are lacking some funding. They are moving forward and making progress on the other phases. It is only the one phase that they have not been able to fulfill.

Seitz: Jack Knowles is here and he can speak to the request

Knowles: He is with Snell Investments. The letter pretty much speaks for itself. Chairman, you summarized it pretty well. We would be in the ground as we speak if we could get the permit. This is totally out of our control and it is totally out of the township's control. We are not the only ones affected by this. Everyone is just waiting for EGLE to do something. Really for Leoni Township to comply with whatever EGLE is asking of them. There is one inaccuracy in his letter and it is on the expiration date. He states the new approval would expire on January 11th. It actually would be from the date of when it did expire which was in July, so it would be July 7, 2023 which is better for the Planning Commission. He hopes to not be in front of the Planning Commission again asking for another extension. He is glad to answer any questions that anyone might have. Carol has mentioned that they have been working diligently at this. They have everything ready to go and really just waiting on that. As soon as they get it, weather permitting, they will be moving some dirt.

Seitz: When we approved the final site plan, there were conditions and those have been completed. All of the conditions have been met except for the permit. When he spoke to Attorney Thall last month about a different issue, he was hopeful with the Leoni – Eagle dispute that something would be resolved. Attorney Thall represents several townships and there are other townships in the same boat.

Knowles: He understands that there are 11 communities that contribute sewage to that plant, and despite Sylvan not being one of the problems, you are being held hostage just like every other community that goes there.

Do any of the Planning Commission members have any questions for Mr. Knowles?

Van Buren: In your letter you mentioned that the township was in violation of the consent judgment. He is curious about that statement. He also read that there were not enough taps.

Knowles: He is not an attorney, but he has a court order that says you are supposed to give me an X amount of service. We are not getting that service. He understands that Sylvan has a problem with Leoni, but that is Sylvan's problem. He does not have enough taps for the entire project, but certainly enough to build several units and be up and running. He is short 17 sewer taps. The township owes them those 17 taps. That is part of the consent judgment to provide sewer service for those 17 units. Right now we do not have them. No one is pushing that.

Seitz: The problem is the Leoni stoppage.

This motion would be based on the actual language as we have done previously to provide a one-year extension from the site plan expiration based on good cause. The case of the good cause is lack of permitting capacity with EGLE at the moment.

Motion by Seitz to provide a one-year extension to the Chelsea Square 81 unit final site plan approval which would take us to July 7, 2023, and that extension is based on good cause being the current impasse

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between Leoni and EGLE for further sewer extension, supported by Van Buren. Unanimously approved by roll call vote.

2. A Public Hearing and Planning Commission action on the request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway Rd. Tax parcel ID f-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low-density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.

Public Comment opened by Chairman Seitz at 7:36 p.m.:

Patrick Zieske: He is the owner of the company. He wanted to start out by saying he did not intend his comments on the open space ordinance to be partially directed at any one person. The rezoning application, as he said, is not the direction that we started with. We started with hoping we could keep it in AG, and he still has some hope as the open space ordinance is still in process. He is hoping to keep it in AG and utilize the open space ordinance in a way that it was intended. His plan even before he knew about that ordinance was to preserve more than 50% of the property, and he still wants to do that. He still also wants to cluster the homes basically the same way he intended with some minor adjustments as he is learning the rules a little bit better. The rules are not finalized as the ordinance is not complete, and that is the reason he was not able to submit a site plan as he does not know what it is going to look like yet. He still hopes to utilize the open space ordinance even with the redesign. Although if we had a good open space ordinance, the rezoning would not be necessary. If you look at the conditions on it, they actually closely mimic the core principles of the open space ordinance. He wanted to do that to make sure people knew that this was not some kind of open-ended thing. He is voluntarily limiting this to only two additional units over and above what he is already eligible for. He always thought that two units would be in line with the typical density focus. The other condition on the rezoning application is the 50% preservation of the open land that shows that his intent has always been the same. Details of what the residential clusters look like are still to be determined based on how the other ordinances shape up, but all he was able to provide there was kind of a vague diagram of the homes clustered up front and the agriculture land being in the back. As was noted in the staff report, the soil there is actually good for agriculture, so he is very happy with preserving, and in fact, what might not be noted is that they had farming activity for produce on different parts of the land in the past couple of years. He thinks that there are so many different directions that this could go in. When he looks down the hill from his property and sees Westchester Park, it is only about ¼ mile away from the boundary of his property. He really thinks this represents, even with two extra units, that this is minimal, a gradual transition from what is going on down the hill. He is not asking the township to provide any utilities or services to them other than an increase in fire service which might happen if there was a fire. He thinks the considerations for water and sewer capacity are really not an issue. He has not heard traffic be raised, but twelve more homes on a road that probably already has fifty. He walks back and forth from his property on Bush Road, a trip that takes him probably 10 minutes to walk, on average he sees about one car. He wanted to pre-emptively note that too. He thinks they are doing this with minimal impact and a lot of these things would come up in the site plan review which he has already started planning. He would be happy to get input on the issues like that. In fact, he has actually sought out input from neighbors and other parties with neighbor's support. He has actively sought out input and even sat down with the site plan in their homes. He is very sensitive in getting feedback and welcomes feedback. Not that it would change the plans dramatically, but it would make a real difference. This is pretty much everything he would say to lead off. His associate, Christian, is

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present and speaks more as a land preservation specialist, which he is. It could be part of their presentation and he would be happy to include that.

Christian Smith: He has been working with Patrick for a while and also with the Planning Commission. He no longer works in land preservation for full disclosure, but he did for about 5 years with county programs and land preservation. It is impossible to disentangle the rezoning from what has been happening with the open space ordinance. In his opinion, what they are asking for with the rezoning will allow the best use of the land. It is possible to use open space in LR or AG. In the current ordinance, it would allow more preservation of the land because the lots are smaller. He hopes that that continues to be the case in the next draft that they will see next month and the removal of lot widths and lot size. If you look at the Master Plan, the future land use is LR. They are the only AG space left. This is what happens when you hold out for larger lot sizes. They can shape it and cluster the homes to preserve land as they are asking. To him it seems like a hard case to deny the rezoning based on the fact that it is all residential around them and sited as low residential in the future. He thinks this is the best case. It is essentially preserving half the land. He looks forward to the open space development really being incredible with the continued conversation in October. He would be happy to go into more detail if needed.

Patrick Zieske: Rebecca Harvey has done great work.

Dave Reinhardt: He would like to support the additional rezoning that has been requested for twelve homes on this site as it would not affect traffic on Conway Road every day, and it would not be a concern. Twelve homes would not be a burden on the school system and from what has happened previously he would prefer open space as he said earlier. Patrick and Christian have been very inclusive of the neighbors and he commends that and hopes that this is considered in lieu of the open space.

Public Comment closed by Chairman Seitz at 7:48 p.m.

Chairman Seitz: He wishes that we had the open space preservation ordinance done. This project fits exactly with the open space preservation ordinance. He understands why Patrick is going for the rezoning and we will go through our standards review. We are limited in certain factors in rezoning and that is what the focus will be on tonight. If you go from AG to LDR and you want to farm, you can try some right farm stuff, but it gets more expensive for you and would have to fight for that. It is a challenging process. From what Patrick is trying to do with the property and what he wants it to look like, thinks it is AG and it should be zoned AG. He understands that, and the focus tonight is on the standards review. Would hate for Patrick to go through the process and change this to low-density residential if it does not offer him what he wants. Just to remind the Planning Commission members this is simply the standards review, and not a site plan review as one was not submitted. This is based on two conditions that we know about low-density residential, and if the land transfers tomorrow all you have is low-density residential. Would like to focus on a site plan, but Patrick was not able to submit one.

Are there any questions for Patrick?

Eiseman: What is the advantage of going from agriculture to low-density residential if you are still going to wait until the open space preservation to be passed? What is the advantage of changing the zoning as you may lose some benefits?

Zieske: The two additional houses is something we could live with if we lose either way. It is a general uncertainty of where the open space ordinance is going to end up. There is a lot uncertainty on the road right-of-ways. Every foot of the setback combination helps. The ironic thing is that the front yards for AG and LDR are the same. We are looking at how we can squeeze those dimensions in other places if you cannot get any relief in the front yard if the current draft ordinance happens.

Seitz: In an Open Space Ordinance, you would design what you want and bring it to the Planning Commission. One would show the setbacks and the standard of what you have without it. With the next one, you could throw them out the window.

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Zieske: There is immense uncertainty about how that process ends up at this point. You cannot even implement Rebecca Harvey's illustration that is on page 2 of the document without following the exception process.

Seitz: The way she wrote it, and what Attorney Thall is looking at, is that do you write this thing as in I am going to establish setback minimums and we did not do that. Design it the way you want it and then everything is under exception. The Planning Commission has to go through the design process.

Zieske: If there was relief on the front yard for the road right-of-way, that would be great. At least we got the side and rear yards to pick up some of the slack.

Seitz: Twelve houses in an LDR with no setbacks on 10 acres with a road?

Zieske: He is being creative and trying to be. He is trying to put himself in the best position that he could. Frankly, the reason why he submitted this on July 26th was because the Master Plan was going to be over and he was afraid it was going to pre-empt everything.

Van Buren: You already have two buildings on this property, a barn and a house, and now you are asking to come in and rezone it again.

Zieske: He has one structure which is half barn and half house.

Seitz: How do we fit on the assumption of LDR that you would have all 20 acres buildable. There is an existing structure and you have to have something else on a property that cannot be built on. Are there any wetland or other non-buildable property?

Zieske: He does not believe there is. There is no wetland.

Seitz: There is the existing structure and existing well. That cannot be buildable property. Or is the existing structure going away?

Zieske: Definitely not. The existing structure is intended to be one of the twelve units.

Seitz: We will get into the zoning application and will review all the standards. Any other questions that will help us discuss the standards? The last question before we get into the standards is animals, farm animals, or anything like that. That is where you will have to go and fight for your right to farm as you cannot do that on LDR.

Smith: What it does is keeps us to minimal herd sizes, noise and smell. Set back a certain amount and a lot of regulations go along with that. General farming practices.

Zieske: He has sheep on the property. The sheep have been a sore point for at least one person. He sees the scenario being talked about and how that would play out if the person would say they do not like the sheep. Can the township sue over the sheep? That would cause a big headache for him. He does not want to go in that direction. He is thinking it would be a challenge to have livestock. He would rather keep it in agriculture.

Seitz: No matter how we move forward this evening with any motion to approve we would need to deal with two issues on the application. You will need to redo the drawings to show the existing structures for the official record and need you to show the abutting or adjoining uses of the properties labeled on that same drawing.

Konieczki: Yes, it would be nice to have it to scale showing as much as possible.

Zieske: He is clarifying that he needs a to-scale site drawing showing the existing structures and all of the adjacent property uses and zoning which is all AG.

Seitz: The Planning Commission will go through the standards review. He wants to point out before we start the discussion that everyone understands the two conditions that would go with this property if we were to change it to low-density residential. These two conditions would be set on these 20 acres and you cannot change this. The total number of residential lots would not exceed 12, that is one condition, which under LDR would be 20. Would go from 20 to 12 assuming all 20 acres are buildable. Under LDR that would actually be more than 12. Under agriculture you are limited to 10. At least 50% of the parent parcel would be dedicated to preserve for open space. What does parent parcel mean? Is it not all one parcel?

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Zieske: It is considered a parent parcel as he is planning to split it off. He took that language directly out of the open space ordinance.

Seitz: Those two would go with the property. We have to consider all uses when going through the standards review for the rezoning which is what we have been doing. There are special uses in low-density residential that do not vary much from AG. He does want to point out that at that time we were considering multi-family residential which is a much bigger zoning change. LDR is mostly what the township is. If you have 10 acres, you are pretty much LDR. If you look at the uses in this township, you will not see much separation. The one thing that is different is home occupations are allowed in low-density residential.

Konieczki: Home occupations are pretty universal to be allowed, but they are special uses.

Zieske: Could someone define what a home occupation is?

Seitz: We get them a lot, like someone we had a while back who wanted to repair diesel trucks in a shop in the back, or someone who wants to cut hair in their basement. It is different than it used to be. This is old language. Setbacks – some of the differences there we have talked about. We have to consider this not just for Patrick's use, but for any use in the future. He does not see a lot going from AG to LDR in this particular standard. According to the Master Plan, the staff report points us out that the Master Plan has this labeled as land use designation of LDR which includes AG.

Consistency with zoning in the general area. Is the zoning consistent with the general area? The general area can have many different meanings depending on traffic flow and where folks are at.

The next standard is very close to that. Is it consistent with land use patterns in the area? As he mentioned, land use in the area is certainly a low-density residential fits with the one-acre lots is not what we have and has more to do with what we have allowed in the past which is essentially take your AG property and split it up into 10-acre bowling alleys.

Any thoughts or comments on these two standards of general land use in the area?

Van Buren: Spot zoning – people get two-acre bigger lots in the area compared to the surrounding property.

Seitz: You would be dropping 12 or 10.

Bareis: What are we going to do when the next guy comes in and we have no say.

Heller: Have 40 acres and wants to make 40 homes. In the instance where this acreage is zoned LDR, the adjoining properties, like the 40 acre parcel to the east will then have potential to be zoned LDR, potentially allowing 40 houses be built at a later date. She farms and has 40 acres. She is cautious about how one zones AG property, because of the precedent it sets for future endeavors and the impact it can have on agriculture production. It is unfortunate we do not have the open space ordinance finalized. She wants us to be aware of what we are setting us up for as there is already the development one section over with a higher density level of zoning. The property requesting LDR zoning is intending to produce livestock as well as other production agriculture, this sets an awkward precedent in a currently ag-zoned region. She is concerned that property that runs behind would possibly become a risk of contention due to ag odor, noise, etc.

Seitz: The 40 acres that is off of Sibley Road that overlooks the new subdivision.

The suitability of zone uses in the area. We talked about that. What do we do around it?

Infrastructure: Where do you limit development and where do you do development? There is no infrastructure there. Apparently we only want development where there is sewer and water.

The suitability in services: public services such as transportation, roads, sewer, water, public safety, fire, and police. In this case, nothing is running down that road. How do you do 12 homes? We allow 3 on a driveway.

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Zieske: Something needs to happen first. Private roads seem to be a big component of the open space ordinance. That seems likely. If nothing happens on private roads, then you get into another issue and the county takes back approving county roads.

Seitz: Traffic: Patrick brought up lack of traffic on that road.

Wendy Reinhardt: She brought up that there is lots of speeding traffic at certain times of the day. Coming from the factory.

Seitz: The traffic issue is not a negative here.

Reasonable use under current zoning: this is where it works against you as it is farmable land, but the condition is actually written to preserve the open space, not just farming.

Seitz: There is a need for low-density residential. It does not diminish the value around you.

Standards around suitability and consistency: Is this the right zoning for the proposed use?

Van Buren: Can this be withdrawn?

Seitz: It can be tabled. If it is not ultimately what Patrick wants. Any action we take, we can hold – it is a timing thing.

Zieske: Laying out options – can make a motion, table it, or withdraw. He had an unconditional rezoning on the table last year. He is not going to withdraw this one tonight. If the open space ordinance is the way it has been. If something was sent up to the Township Board, it would be adequate.

Seitz: Advised Patrick that he could table this until October 6 meeting. At that meeting, I intend to send the OSPDO to a full hearing at the end of October. If we don't take action on the OSPDO on October 6, then you know there is further delay and we can vote on this rezoning request.

Zieske: He wishes to table this one until at least October 6th.

Seitz: Table this until October 6th for unfinished business and then until the October 27th meeting.

Zieske: Yes, that is his request.

Motion by Seitz to table this until October 6th per Patrick Zieske's request, supported by Schulze.

Communication: None

Comments/Concerns of the Planning Commission Members: None; Mike Van Buren will be absent at the October 6 working session and on October 27.

MOTION to Adjourn: by Seitz, supported by Van Buren at 8:26 p.m.
Unanimously approved by roll call vote.

Next Planning Commission Meeting: October 27, 2022

Minutes respectfully submitted by Steve Eiseman, Planning Commission Secretary.

APPROVED: Steve Eiseman Date: 10-27-2022
Approved as Submitted Approved with Corrections

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