

CHARTER TOWNSHIP OF UNION
PUBLIC HEARING NOTICE – ZONING MAP AMENDMENT REQUEST

NOTICE is hereby given that a public hearing will be held at 2010 S. Lincoln Road by the Planning Commission on Tuesday, October 15, 2024, at 7:00 p.m. for the purpose of receiving public comments on the PREZ24-01 request to rezone land located at 943 S. Isabella Road PID 14-001-30-004-01 from I-1 (Light Industrial District) to R-1 (Rural Residential District) as allowed per Section 14.5 Amendments in the Zoning Ordinance. The owner of the record of the land is KANDARIS KENNETH A & JEAN M. However, this rezoning request has been initiated by the Township Planning Commission.

Legal Description: T14N R4W, SEC 1, COM AT SW COR OF S 10 A OF N 1/2 OF SW 1/4 OF SW 1/4 TH N 84 FT, TH E 272.2 FT, TH S 84 FT, TH W 272.2 FT TO POB

The application may be inspected during business hours at the Township Hall. The Zoning Ordinance and Map are also available for viewing on the Township's website at: <http://www.uniontownshipmi.com/Departments/ZoningandPlanningServices.aspx/>.

Any interested person may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing. Written comments may be sent to the Charter Township of Union Zoning Board of Appeals, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, sent via email to info@uniontownshipmi.com, or dropped off in the drop box next to the Township Hall entrance.

For additional information, and for individuals who require special accommodations per the Americans with Disabilities Act, please contact Peter Gallinat, Zoning Administrator, by phone at (989) 772-4600 extension 241.

TOWNSHIP-INITIATED REZONING REPORT

TO:	Planning Commission	DATE:	October 3, 2024
FROM:	Peter Gallinat, Zoning Administrator	ZONING:	I-1, Light Industrial
PROJECT:	PREZ24-01 Request to rezone 943 S. Isabella Road from I-1 (Light Industrial District) to the R-1 (Rural Residential District) per Section 14.5 (Amendments).		
PARCEL(S):	PID 14-001-30-004-01		
OWNER(S):	Kandaris Kenneth A & Jean M		
LOCATION:	943 S. Isabella Road in the SW 1/4 of Section 1.		
EXISTING USE:	Single-family dwelling	ADJACENT ZONING:	I-1, R-1
FUTURE LAND USE DESIGNATION: <i>Rural Buffer areas generally do not have sewer and water, but are appropriate for agricultural, low density residential, and other uses allowed by zoning. Typically, this buffer is located on the fringe between rural and more urbanized areas. Rezoning requests for more intensive uses should be limited, especially those requiring extended utility service.</i>			
ACTIONS REQUESTED: To hold a public hearing and to recommend that the Board of Trustees [APPROVE] [DENY] a rezoning of the 0.53-acre lot at 943 S. Isabella Road (PID 14-001-30-004-01) from I-1 (Light Industrial District) to R-1 (Rural Residential District).			

Background Information

Initiating a Rezoning (Section 14.5 – Amendments).

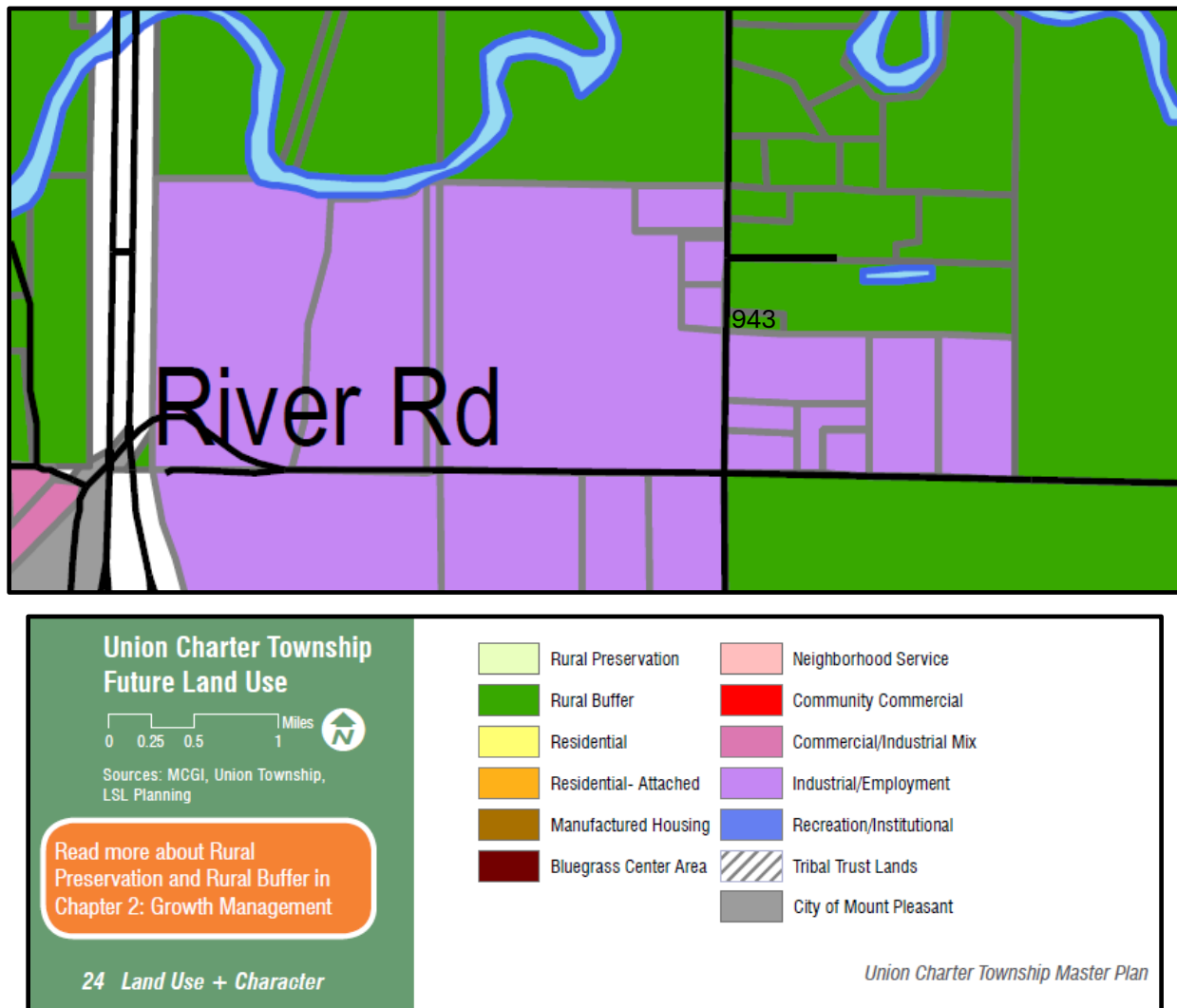
During the regular August Planning Commission meeting, the family living at 943 S. Isabella Rd. spoke during public comment about their interest in being able to continue to raise chickens and other fowl on their lot, which is located in the I-1 (Light Industrial) zoning district and is occupied by a legal nonconforming single-family dwelling. This property is currently part of an active ordinance enforcement action because the non-farm raising of chickens, ducks, etc., is not an allowable land use in the I-1 District. The use of the existing dwelling as a residence is protected as a legal nonconforming use per Section 12.6 (Nonconforming Single-Family Dwellings), but this protection does not extend to the keeping of farm animals.

The family asked the Planning Commission to consider initiating a rezoning action for their lot from the I-1 District to the R-1 ((Rural Residential) District where “customary agricultural operations” (including the keeping of chickens, ducks, and other farm animals) are allowed as a principal permitted use. Per Section 14.5.A. (Initiating Amendments) of the Zoning Ordinance, “Amendments to the Official Zoning Map may be initiated by the Township Board, Planning Commission, Township Planner or by application of one (1) or more Township property owners or persons acting on behalf of and with authorization from the property owner(s).”

Before this proposed rezoning, the most recent rezoning amendments initiated by the Planning Commission were the changes to the various business districts adopted in 2021 in response to corresponding updates included in the new Zoning Ordinance No. 20-06, which eliminated the former B-6 District entirely. In addition, The Planning Commission discussed a potential Township initiated rezoning of land south of E. Broomfield Road and east of S. Lincoln Road in November of 2022, but chose not to take any action.

Existing Zoning and the 2018 Master Plan – Future Land Use Map.

Below is an excerpt from the future land use map included in the adopted 2018 Township Master Plan, which shows the subject lot at 943 S. Isabella Rd. as being just north of the planned boundary of the area designated for “Industrial/Employment” land uses. The subject lot itself is within the area designated as “Rural Buffer” but is currently zoned I-1, Light Industrial. The proposed R-1 (Rural Residential) zoning district classification would be more consistent with this “Rural Buffer” future land use designation and would better align the I-1 and R-1 zoning districts boundary in this area with the intended designations on the future land use map:



Review Comments

In reviewing any proposed amendment to the Official Zoning Map, the Planning Commission is required by Section 14.5.G. of the Zoning Ordinance to “identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and recommendation to the Township Board.” This Section includes a set of factors to consider, which are summarized below in the bold headings. Staff comments follow under each heading:

Findings of Fact (Section 14.5.G)

1. Evaluation of existing and proposed zoning districts.

- a. The size and width of the subject lot is legally nonconforming with both the current zoning of I-1 and the proposed zoning of R-1.
- b. The size of the subject lot and its proximity to surrounding residential zoned land to the north would impede potential future industrial development as currently zoned.
- c. The proposed R-1 District is compatible with existing rural residential uses on the site.

2. Apparent demand.

- a. There is a demand in the market for more industrial property, provided that the lot area is large enough to accommodate move-in ready warehouse/industrial buildings. Because of the small size of the subject parcel, the proposed rezoning would have no impact on this market condition.
- b. There is readily available land zoned R-1 in the Township and surrounding communities. Both the AG and R-1 districts allow single family dwellings and customary agricultural operations. The current demand for such uses is being met.

3. Availability of public services and infrastructure. *Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public service and infrastructure to serve all of the allowable land uses in the proposed district.*

- a. The rezoning of the of the parcel from I-1 to R-1 would not compromise the health, safety and welfare of Township residents or burden public entities.
- b. The available capacity of public services serving the subject lot would be able to serve all potential uses allowed in the proposed R-1 District.

4. Consistency with the Master Plan. The proposed rezoning to the R-1 District is cully consistent with the future land use designation for this parcel as Rural Buffer. Based on trends in the area, availability of public infrastructure, the timing of this rezoning proposal is appropriate for consideration.

5. Additional factors.

- a. No adverse impacts on physical, geological, hydrological, historical, or archeological features are anticipated by the proposed rezoning or development of the parcels consistent with Zoning Ordinance requirements.

- b. In 1991, the Township Zoning Map showed the subject lot and the two lots north of it zoned I-1. Since that time, neither of the three parcels were ever developed for an industrial use and the two to the north have been rezoned to R-1. The Township Master Plan Future Land Use Map shows all three parcels as being in the Rural Buffer. This amendment would fix this zoning inconsistency for the subject lot.
- c. The amendment will not result in unlawful exclusionary zoning and will not create an inappropriate precedent.

Objective

Following the public hearing the Planning Commission shall review the rezoning application and then make a recommendation to the Board of Trustees. The Planning Commission may recommend approval of the zoning change as proposed from I-1 (Light industrial District) to R-1 (Rural Residential District) or may recommend that the proposed rezoning be rejected (to retain the existing I-1 zoning of 943 S. Isabella Road).

Key Findings

- 1. This rezoning is fully consistent with the Master Plan's goals, objectives, and policies for the Rural Buffer area as designated on the Future Land Use map.
- 2. The size of the subject lot and its proximity to surrounding residential zoned property to the north would impede potential future industrial development as currently zoned.
- 3. The amendment will fix an inconsistency between the current zoning and the future land use designation for the subject lot.

Recommendations

Based on the above findings, I would ask that the Planning Commission consider taking action by **motion to recommend that the Board of Trustees approve a rezoning of the 0.53-acre lot at 943 S. Isabella Road (PID 14-001-30-004-01) from I-1 (Light Industrial District) to R-1 (Rural Residential District).**

Please contact me at (989) 772-4600 ext. 241, or via email at pgallinat@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Peter Gallinat, Zoning Administrator

Community and Economic Development Department

CHARTER TOWNSHIP OF UNION
Planning Commission
Regular Meeting Minutes

A regular meeting of the Charter Township of Union Planning Commission was held on October 15, 2024, at 7:00 p.m. at the Union Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Present: Browne, Gross, Lapp, Olver, Squattrito, and Thering

Excused: Shingles

Absent: McDonald

Others Present

Rodney Nanney, Community and Economic Development Director; Peter Gallinat, Zoning Administrator; Tera Green, Administrative Assistant

Approval of Agenda

Olver moved **Gross** supported to approve the agenda as presented. **Vote: Ayes: 6. Nays: 0. Motion Carried**

Approval of Minutes

Olver moved **Gross** supported to approve the September 17, 2024 regular meeting as presented. **Vote: Ayes: 6. Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- A. Board of Trustees updates by Thering – Gave updates on the Board of Trustees meetings.
- B. McDonald updates from ZB – No updates were given.
- C. Community and Economic Development Monthly Report
- D. Other Reports

Public Comment

Open 7:09 p.m.

No comments were offered.

Closed 7:09 p.m.

New Business

- A. PREZ24-01 Township initiated rezoning request for the 0.53-acre lot at 943 S. Isabella Road (PID 14-001-30-004-01) from I-1 Light Industrial District to R-1 Rural Residential District**
 - a. Introduction by staff
 - b. Public Hearing
 - c. Commission deliberation and action (recommendation to the Board of Trustees for approval, or rejection; or postpone action for further discussion)

Nanney introduced the PREZ24-01 Request to rezone 943 S. Isabella Road from I-1 (Light Industrial District) to the R-1 (Rural Residential District) per Section 14.5 (Amendments). This is a township-initiated rezoning action. This matter was first discussed at the regular August Planning Commission meeting when the family living at 943 S. Isabella Rd spoke during public commented on raising chickens.

Nanney highlighted the Master Plan Future Land Use Map noting that the location of the half acre lot is at

the edge of what the Master Plan designates as Industrial land in this area. The property at 943 S. Isabella is outside of that designated industrial area and falls within the area designated as "Rural Buffer." Although it is a township-initiated action, the Planning Commission is required by Section 14.5. G of the Zoning Ordinance to evaluate all relevant factors before recommending it to the Township Board. Nanney encouraged the commission to consider the factors outlined in the memo as they proceed with the request.

Mr. Nanney also acknowledged a 10/15/2024 letter received from Mr. Kurt Feight, copies of which were provided to the commissioners and added to the agenda packet for the meeting posted on the Township website.

Public hearing

Open: 7:26 p.m.

Jared Gallinger, 943 S. Isabella Rd. addressed inaccuracies provided in a letter from Kurt Feight.

Allison Bjerke, 975 S. Isabella Rd., read a statement she provided requesting the Planning Commission consider a rezoning designation of her property and outlined how the change would benefit not only her family but align with the well-being of the community.

Rick Maylee, 931 S. Isabella Rd., addressed concerns with the number of animals, waste and odor the animals will cause if rezoned to rural residential.

Sandy Halasz, 580 S. Shepherd Rd., expressed her surprise with the exaggerated letter from Kurt Feight. She noted that the comments are getting away from the issue to request a rezone from Industrial to Residential.

Jessica Kandariss-Gallinger, 943 S. Isabella Rd., apologized to Mr. Maylee and noted she was not aware of the smell. Addressed the letter provided by Kurt Feight.

Allison Bjerke, 975 S. Isabella Rd., followed up with a comment on how many animals are typically allowed in a particular space.

Closed: 7:27 p.m.

During deliberation it was noted that a rezone is distinct from a special use permit; any limitation imposed would be based on the zoning ordinance. In the R-1 District, farming activities are allowable land uses to which provisions of Michigan's Right to Farm Act would be applicable. If the rezoning is granted, the township can only encourage the property owners to follow Michigan's adopted Generally Accepted Agricultural Management Practices (GAAMPs).

Chair Squattrito pointed out that this matter was brought before the commission due to a zoning violation. However, since it is a rezone request, the future land use should take precedence.

Commissioner Gross expressed concern about the number of animals and potential odor issues, noting that these problems will remain whether the parcel is rezoned or not.

Commissioner Browne emphasized that the discussion of the proposed rezoning should focus on whether the change aligns with the Future Land Use Map rather than framed as a nuisance issue.

Commissioner Lapp agreed with Commissioner Browne but remarked that it appears that we are giving the nuisance people what they want rather than considering the concerns of the affected neighbors. She acknowledged that while this is a zoning issue, the original reason for bringing it to the commission was due to unresolved nuisance problems.

Commissioner Thering highlighted the need of being responsible neighbors.

Commissioner Olver stated that the role of the Commission is to fix inconsistency of the zoning.

Olver moved **Browne** supported to recommend that the Board of Trustees approve a rezoning of the 0.53-acre lot at 943 S. Isabella Road (PID 14-001-30-004-01) from I-1 (Light Industrial District) to R-1 (Rural Residential District). **Roll Call Vote: Ayes: Browne, Gross, Lapp, Olver, Squattrito, and Thering. Nays: 0. Motion Carried.**

B. Adoption of the 2025 Schedule of Planning Commission meetings

Olver moved **Thering** supported to approve the schedule of regular meetings of the Planning Commission for the 2025 calendar year in accordance with the requirements of the Open Meetings Act. **Roll Call Vote: Ayes: Browne, Gross, Lapp, Olver, Squattrito, and Thering. Nays: 0. Motion Carried.**

C. Master Plan updated – review of draft plan materials

- a. Introduction by staff
- b. Commission discussion

Nanney reviewed materials provided for the Township Master Plan updates. The Township's Engineering Consultants will complete a more detailed evaluation of the US-127 corridor from the perspective of infrastructure needs and to identify areas along the corridor that are appropriate for future industrial and warehouse development.

The Commissioners reviewed the areas listed in the draft document dated October 9th. During deliberations, Commissioner Olver questioned why a site near the intersection of S. Isabella Rd. and E. Bluegrass Rd. was not referenced as a potential site for evaluation on the map provided in the packet. Nanney pointed out that the particular property belongs to the Saginaw Chippewa Indian Tribe, which is a Sovereign Nation and is not governed by our Zoning Ordinance. Commissioner Gross referred to the previous owner of this property as the old Coons Family Farm. Chair Squattrito observed that there was a general consensus of the Commission for staff to proceed with evaluating the areas listed.

Extended Public Comments

Open: 8:42 p.m.

Allison Bjerke, 975 S. Isabella Rd. clarified that her letter that was presented at the public comment was not an application and asked that the commission consider initiating a rezone of her property that is also zoned I-1.

Closed: 8:49 p.m.

Final Board Comment

Squattrito – asked for the commissioners thoughts on considering initiating a rezoning to property 975 S. Isabella.

Browne – need to be consistent with considering the Future Land Use and the specific zone concerns.

Gross – echoed Commissioner Browne's comment.

Squattrito – suggested that it makes sense not to proceed with rezoning the property at this time, but rather address it through the Future Land Use discussion.

Adjournment – Chair Squattrito adjourned the meeting at 8:55 p.m.

APPROVED BY:

Jessica Lapp – Secretary
Tom Olver – Vice Secretary

(Recorded by Tera Green)