

## TEXT AMENDMENT REPORT

**TO:** Planning Commission**DATE:** March 10, 2025**FROM:** Rodney C. Nanney, AICP, Community and Economic Development Director**APPLICATION:** PTXT25-01 Zoning Text Amendment (Charter Township of Union)

**ACTION REQUESTED:** To hold a public hearing on proposed amendments to Section 3.4 (Permitted Uses by District) and Section 6.34 (Public and Institutional Uses) to revise and extend a limited allowance for additional building height above the maximum otherwise allowed in the zoning district for Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities; to review the proposed amendments and public comments from the hearing; and to deliberate and make any recommendations to the Board of Trustees for final action.

### Background Information

During the Planning Commission's regular February meeting, preliminary plans for a new Event Center facility on the Mid Michigan College campus were introduced and discussed. The initial proposed building height was noted by the project engineer to be 40-feet, with potential that the final, fully engineered design may require it to end up slightly taller than that. The maximum allowable height is 35.0 feet in the B-4 zoning district where the College is located.

Staff confirmed during the meeting that the project engineer had erroneously applied a limited height exception provision in Section 6.34 that currently applies only to Public and Institutional Uses and to Religious Institutions as defined in the Zoning Ordinance. Section 6.34.A.1 states,

*The building height shall be permitted to exceed maximum requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.*

Because the Event Center building as proposed would violate the maximum 35.0-foot B-4 District height standard, the preliminary site plan application was not ready for Planning Commission action. The 2/11/2025 staff memo noted the following ways this discrepancy could be resolved:

- *Rezone the land to the B-5 or B-7 zoning district or to a Planned Unit Development (PUD).*
- *Revise the building design to conform to the 35-foot maximum height standard.*
- *Apply to the Zoning Board of Appeals for a variance.*
- *Text amendment to increase the maximum allowable building height in the zoning district or to revise and the Section 6.34 height exception.*

Following deliberations, the Commission adopted the following motion:

***Browne moved Hayes supported to direct staff to prepare a draft amendment to allow business schools, colleges, universities, and publicly owned recreational facility buildings to exceed the maximum allowed height in the zoning district subject to a corresponding increase***

*in minimum required yard setbacks, and to schedule a public hearing for the proposed change. Roll Call Vote: Ayes: Bradshaw, Browne, Hayes, Lapp, Olver, Squattrito, and Thering. Nays: 0. Motion Carried.*

### **Summary of the proposed text amendment.**

The proposed PTXT25-01 text amendment would expand the types of buildings/land uses that would be eligible under Section 6.34 for approval of a limited exception from the maximum height standards of the zoning district in a manner consistent with the Commission's February motion. Section 6.34 would also be amended to clarify how the exception would apply, including:

- Adding a provision to ensure adequate light and air by means of an expanded minimum setback where the building is adjacent to or located within the AG District or any residential zoning district, or adjacent to a lot occupied by an existing dwelling.
- Inserting a requirement for prior written confirmation from the Fire Department that available emergency response equipment is sufficient to serve the proposed building as designed in the event of an emergency.
- Expanding requirements for conformity with the character of the adjacent neighborhood through *"any combination of architectural design and compliance with Section 7.20 (Building Form and Composition) where applicable, provision of screening in accordance with Section 10.3, providing ample setbacks, providing amenities needed by the surrounding neighborhood, providing sufficient lot size, and similar means."*

### **Public hearing notices.**

Per the requirements of the state Zoning Act, a public hearing notice was posted at the Township Hall and published in The Morning Sun newspaper. Following publication, a typo in the header of the published amendment was observed. This typo did not impact in any way the accuracy or completeness of the published date, time, place, and purpose of the hearing as required by the state Zoning Act. Upon notification, the newspaper confirmed that the typo was inadvertently included in the header by the newspaper's staff. They subsequently published the notice a second time, with the typo removed from the header, at no charge to the Township.

A copy of the notice and proposed text of the amendment was also posted on the Township's website.

### **Project Timetable**

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission.

### **Key Findings**

- The proposed text amendment would expand the scope of buildings that could be allowed to exceed the maximum height standards of the zoning district without the need for a variance.

- The corresponding increases in the minimum required setback distance from lot boundaries and road rights-of-way are intended to minimize impacts on neighbors and to ensure adequate light and air for adjacent lots consistent with Section 1.2 (Purpose and Intent) of the Zoning Ordinance.

### **Recommendations**

Under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Planning Commission has the responsibility to hold a public hearing on proposed amendments to the Zoning Ordinance or Official Zoning Map, and to make any recommendations for final action to the Board of Trustees. Following the public hearing, review, and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed amendments to Section 3.4 (Permitted Uses by District) and Section 6.34 (Public and Institutional Uses) of the Zoning Ordinance No. 20-06 be adopted as presented** or be adopted with the following additional changes:

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Please contact me at (989) 772-4600 ext. 232, or via email at [rnanney@uniontownshipmi.com](mailto:rnanney@uniontownshipmi.com), with any questions about this information.

Respectfully submitted,

***Rodney C. Nanney, AICP, Director***

Community and Economic Development Department

CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Sections 3.4 (Permitted Uses by District) and 6.34 (Public and Institutional Uses) of the Charter Township of Union Zoning Ordinance No. 20-06 to revise and extend a limited allowance for additional building height above the maximum otherwise allowed in the zoning district for Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities, subject to expanded setback area requirements and other limitations; and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

**PART ONE – Title**

This Ordinance shall be known and may be referred to as the “Charter Township of Union Ordinance Number \_\_\_\_\_, Ordinance Amending the Charter Township of Union Zoning Ordinance.”

**PART TWO – Delete and Replace the Land Use Table in Section 3.4 (Permitted Uses by District)**

The land use table in Section 3.4 (Permitted Uses by District) is hereby deleted and replaced in its entirety to update provisions for Business Schools, Colleges, and Universities and Private Schools Operated for Profit, as follows:

Section 3.4 Permitted Uses by District

Key: A=Accessory Use  
P=Principal Permitted Use  
S=Special Use  
[blank]=Use Not Permitted

Land Use	AG	R-1	R-2A	R-2B	R-3A	R-3B	R-4	B-4	B-5	B-7	I-1	I-2	OS	Use Standards
<b>Public, Quasi-Public, and Recreational Uses</b>														
Business Schools, Colleges, <u>and Universities</u> , <del>and Private Schools Operated for Profit</del>								P	P	P				<a href="#">Section 6.34</a>
Indoor Publicly Owned Recreation Facilities <u>Private Schools Operated for Profit</u>	S	S	P	P	P	P		P	P	P			S	Section 6.34
Public and Institutional Buildings and Uses	S	S	P	P	P	P							P	Section 6.34
Religious Institutions	S	S	P	P	P	P		P	P	P			P	Section 6.34
Theaters, Assembly Halls, Concert Halls, and Similar Places of Assembly								P	P	P				

### **PART THREE – Delete and Replace Section 6.34 (Public and Institutional Uses)**

Section 6.34 (Public and Institutional Uses) is hereby deleted and replaced in its entirety with a new section entitled, “Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities” to revise and expand allowances for additional building height for these land uses, as follows:

#### **Section 6.34      Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities**

Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities shall be subject to the following additional requirements and standards:

- A. **Maximum Height Exception.** The maximum height ~~of the~~ allowed for a principal building containing or intended to be occupied by ~~any public or institutional uses or religious institution~~ one or more of these uses shall be subject to the following exceptions:
1. The building height shall be permitted may be allowed by the Planning Commission to exceed maximum the zoning district requirements up to a maximum height equal to twice the permitted maximum height of allowed in the zoning district, subject to the following requirements:
    - a. ~~provided that the~~ The minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the ~~maximum~~ zoning district requirements.
    - b. Where located within or adjacent to the boundary of the AG (Agricultural) zoning district, of any residential zoning district, or of a lot in any zoning district occupied by an existing agricultural use or any existing dwelling unit(s), at no point shall the building's setback distance to the zoning district or lot boundary be less than one-hundred-fifty percent (150%) of the building height.
    - c. This additional setback area shall be improved with screening elements and landscaping in accordance with Section 10 (Landscaping and Screening). No driveway, parking, signs, structures, stormwater management basins, or similar improvements shall be located within these setback areas.
  2. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes and similar architectural elements may be allowed by the Planning Commission to exceed the zoning district requirements to be erected to a height not exceeding one-hundred-fifty percent (150%) of the building height of the building, provided that the total area of no such structure elements shall not occupy more than twenty percent (20%) of the roof area of the building.
  3. Any allowance for additional building height above the zoning district requirements shall be subject to prior written confirmation from the Fire Department that available emergency response equipment is sufficient to serve the proposed building as designed in the event of an emergency.
- B. **Conformity with Neighborhood Character.** Public and institutional uses, business schools, colleges, universities, and indoor publicly-owned recreation facilities shall conform to the character of the adjacent neighborhood. Conformity can be achieved through ~~style of architecture~~, any combination of architectural design and compliance with Section 7.20 (Building Form and Composition) where applicable, provision of screening in accordance with Section 10.3, providing ample setbacks, providing amenities needed by the surrounding neighborhood, providing sufficient lot size, and similar means.
- C. **Additional Setbacks for Buildings that Conform to Zoning District Height Standards.** An additional 20.0 feet of side and rear yard setback shall be provided ~~when abutting~~ where located within or adjacent to the boundary of the AG (Agricultural) District, of any residential zoning district, or of a lot in any zoning district occupied by an existing agricultural use or residential use one (1) or more any existing dwelling unit(s). This additional setback area shall be improved with screening elements and landscaping in accordance with Section 10 (Landscaping and Screening). No driveway, parking, signs, structures, stormwater management basins, or similar improvements shall be located within these setback areas.

**PART FOUR – Repeal**

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

**PART FIVE – Severability**

If any section, subsection, clause, phrase, or portion of this amendatory ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

**PART SIX – Publication**

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

**PART SEVEN – Effective Date**

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on \_\_\_\_\_, 2025, after initiation and a public hearing by the Planning Commission on \_\_\_\_\_, 2025 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Board of Trustees on \_\_\_\_\_, 2025 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on \_\_\_\_\_, 2025, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

**CHARTER TOWNSHIP OF UNION PLANNING COMMISSION  
PUBLIC HEARING NOTICE - ZONING ORDINANCE TEXT AMENDMENTS**

NOTICE is hereby given that a public hearing will be held by the Planning Commission on **Tuesday, March 18, 2025 at 7:00 p.m.** in the Township Hall Board Room at 2010 South Lincoln Road, Mt. Pleasant, MI 48858 for the purpose of receiving public comments on proposed amendments to Sections 3.4 (Permitted Uses by District) and 6.34 (Public and Institutional Uses) of Zoning Ordinance No. 20-06 to revise and extend a limited allowance for additional building height above the maximum otherwise allowed in the zoning district for Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities, subject to expanded setback area requirements and other specific conditions and limitations, by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

The proposed amendments, Zoning Ordinance, and Zoning Map may be inspected during business hours at the Township Hall and are available for viewing on the Township's website at:

<http://www.uniontownshipmi.com/>.

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 Planning Commission, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, sent via email to [info@uniontownshipmi.com](mailto:info@uniontownshipmi.com), or dropped off in the after-hours drop box next to the Township Hall entrance.

For more 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.

**CHARTER TOWNSHIP OF UNION**  
**Planning Commission**  
**Regular Meeting Minutes**

A regular meeting of the Charter Township of Union Planning Commission was held on March 18, 2025, at 7:00 p.m. at the Union Township Hall.

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

**Roll Call**

Present: Bradshaw, Browne, Hayes, Lapp, Olver, Squattrito, and Thering

Absent: McDonald

**Others Present**

Rodney Nanney, Community and Economic Development Director; Peter Gallinat, Zoning Administrator

**Approval of Agenda**

**Olver** moved **Bradshaw** supported to approve the agenda as presented. **Vote: Ayes: 8. Nays: 0. Motion Carried**

**Approval of Minutes**

**Olver** moved **Browne** supported to approve the February 18, 2025, regular meeting minutes as amended. **Vote: Ayes: 8. Nays: 0. Motion carried.**

**Correspondence / Reports/ Presentations**

- A. Board of Trustees updates by Thering – Gave updates on the February 26<sup>th</sup> and March 12<sup>th</sup> Board of Trustees Meetings.
- B. ZBA Update – No updates were given.
- C. Community and Economic Development Monthly Report
- D. Other Reports – Mr. Nanney answered questions about the documentation included in the packet about introduction of new state legislation related to “the freedom to raise and keep backyard chickens.”

**Public Comment**

Open: 7:21 p.m.

No comments were offered.

Closed: 7:21 p.m.

**New Business**

- A. **Annual Election of Officers**
  - a. Chair

**Shingles** moved **Hayes** supported to appoint Commissioner Squattrito as Chair per the Planning Commission bylaws. No other nominations were made for this position. **Roll Call Vote: Ayes: Bradshaw, Browne, Hayes, Lapp, Olver, and Thering. Nays: 0. Abstain: Shingles and Squattrito. Motion Carried.**

- b. Vice-Chair



**Browne** moved **Bradshaw** supported to appoint Commissioner Shingles as Vice-Chair per the Planning Commission bylaws. No other nominations were made for this position. **Roll Call Vote: Ayes: Squatrito, Bradshaw, Browne, Hayes, Lapp, Olver, and Thering. Nays: 0. Abstain: Shingles. Motion Carried.**

c. Secretary

**Olver** moved **Thering** supported to appoint Commissioner Lapp as Secretary per the Planning Commission bylaws. No other nominations were made for this position. **Roll Call Vote: Ayes: Squatrito, Bradshaw, Browne, Hayes, Olver, Shingles, and Thering. Nays: 0. Abstain: Lapp. Motion Carried.**

d. Vice-Secretary

**Lapp** moved **Hayes** supported to appoint Commissioner Olver as Vice-Secretary per the Planning Commission bylaws. No other nominations were made for this position. **Roll Call Vote: Ayes: Squatrito, Bradshaw, Browne, Hayes, Lapp, Shingles, and Thering. Nays: 0. Abstain: Olver. Motion Carried.**

**B. PTXT25-01 Planning Commission-initiated Zoning Ordinance Text Amendment to revise and extend limited allowance for additional building height for Business Schools, Colleges, Universities, and Indoor Publicly Owned, Recreation Facilities**

- a. Introduction by staff
- b. Public hearing
- c. Commission deliberation and action (recommend approval or denial to the Board of Trustees, or postpone action)

Nanney introduced the PTXT25-01 Planning Commission-initiated Zoning Ordinance Text Amendment to expand the types of buildings/land uses that would be eligible under Section 6.34 for approval of a limited exception from the maximum height standards of the zoning district for Public and Institutional Uses, Religious Institutions, Business Schools, Colleges, Universities, and Indoor Publicly-Owned Recreation Facilities.

This amendment follows a discussion at the February 18<sup>th</sup> Planning Commission meeting regarding the Mid-Michigan Event Center, which exceeds the maximum height limit. Based on direction from the Planning Commission, staff initiated a proposed text amendment.

The text amendment would include clarifying language to Section 6.34 on how the exception would apply, including adding a provision to ensure adequate light and air by means of an expanded minimum setback, inserting a requirement for prior written confirmation from the Fire Department that available emergency response equipment is sufficient, and expanding requirements for conformity with the character of the adjacent neighborhood.

Public Hearing

Open: 7:33 p.m.

Tim Bebee, 2257 E Broomfield Rd., concerned that the language in the text amendment, which includes publicly owned recreational facility buildings, may cause issues for private or parochial schools that could potentially move into the Township.

Closed: 7:44 p.m.

Following the public hearing, Mr. Nanney confirmed that “Public and Institutional Buildings,” as defined in the Zoning Ordinance, includes all types of “K-12 schools,” and that the type of parochial school described by Mr. Bebee during the hearing may also be linked with the term “religious institution” as defined in the ordinance.

Commission deliberation.

**Olvers** moved **Browne** supported to recommend to the Board of Trustees that the proposed amendments to Section 3.4 (Permitted Uses by District) and Section 6.34 (Public and Institutional Uses) of the Zoning Ordinance No 20-06 be adopted as presented. **Roll Call Vote: Ayes: Bradshaw, Browne, Hayes, Lapp, Olver, Shingles, Squattrito, and Thering. Nays: 0. Motion Carried.**

**C. PSUP25-01 Special Use Permit Application by OHB Old Hickory Buildings for an open-air business to sell accessory buildings located at 4694 E Pickard Road.**

- a. Introduction by staff and the applicant
- b. Public hearing
- c. Commission review of the application
- d. Commission deliberation and action (approval, denial, approval with conditions, or postpone action)

Nanney introduced the PSUP25-01 Special Use Permit application for OHB, Old Hickory Buildings to operate an open-air business selling accessory buildings at 4694 E. Pickard Road.

This lot was previously the site of a used car dealership. After reviewing available Township records, no documentation was found indicating any prior special use permit approvals for the former dealership. As a result, the change of use requires a public hearing and approval of a special use permit for the proposed open air business.

Staff finds the proposal to be in good order and meets requirements for a Special Use Permit. Staff identified a few minor details they would like to see addressed on the final site plan, including hours of operation, parking, and setbacks. Based on these findings, staff recommends approval contingent upon these details being incorporated into the Final Site Plan.

Tim Bebee, CMD&S, asked for clarification on setbacks, which was provided by Mr. Nanney to Mr. Bebee’s satisfaction. Mr. Bebee was available for questions.

Public Hearing

Open: 7:54 p.m.

No comments were offered.

Closed: 7:55 p.m.

Commission deliberation.

**Lapp** moved **Olver** supported to approve the PSUP25-01 Special Use Permit for OHB Old Hickory Buildings to operate an open-air business selling accessory buildings at 4694 E. Pickard Road (PID 14-014-20-030-00) in the northeast quarter of Section 14 and in the B-7 (Retail and Highway Service

Business) District, finding that their application can comply with Section 14.3.J. (Standards for Special Use Approval, subject to the following condition:

1. Add notes for hours of operation and justification of the alternative parking standard on the final site plan.

**Roll Call Vote: Ayes: Bradshaw, Browne, Hayes, Lapp, Olver, Shingles, Squattrito, and Thering. Nays: 0. Motion Carried.**

**D. PRES25-02 Preliminary Site Plan Approval Application for OHB Old Hickory Buildings for the open-air business use to sell accessory buildings located at 4694 E. Pickard Road**

- a. Introduction by staff
- b. Updates from the applicant
- c. Commission review of the application
- d. Commission deliberation and action (approval, denial, approval with conditions, or postpone action)

Nanney presented the PRES25-02 preliminary site plan for the proposed OHB, Old Hickory Buildings open-air business selling accessory buildings at 4694 E. Pickard Road. Nanney highlighted that the property is in a dilapidated condition and is considered under the Zoning Ordinance to be a “nonconforming site” subject to the provisions of Section 12.5 (Nonconforming Sites). Under Section 12.5, improvements can be proposed to a nonconforming site without the need to bring all elements of the site up to satisfying current site development standards. Section 12.5 sets standards for site improvements, including any public safety deficiencies, which the proposal meets. Additionally, the ordinance requires that the scope of site improvements meet a minimum of three of the ten listed categories, and the applicant has more than satisfied these requirements.

Several details were identified that need to be addressed, but these can be handled on the final site plan. Staff recommends approval of the preliminary site plan and is comfortable with recommending approval as presented, as the outstanding details are already required by the Zoning Ordinance to be included in the final site plan.

Tim Bebee, CMS&D, described the change to the display area due to the setbacks.

Commission deliberation.

**Olver** moved **Hayes** supported to approve the PRES25-02 preliminary site plan for the proposed OHB Old Hickory Buildings open-air business selling accessory building at 4694 E. Pickard Road (PID 14-014-20-030-00) in the northeast quarter of Section 14 and in the B-7 (Retail and Highway Service Business) District, finding that the site plan dated February 28, 2025 fully complies with applicable Zoning Ordinance requirements for preliminary site plan approval, including Sections 14.2P. (Required Site Plan information) and 14.2.S (Standards for Site Plan Approval). **Roll Call Vote: Ayes: Bradshaw, Browne, Hayes, Lapp, Olver, Shingles, Squattrito, and Thering. Nays: 0. Motion Carried.**

**Extended Public Comments**

Open: 8:19 p.m.

No comments were offered.

Closed: 8:19 p.m.

**Final Board Comment**

Chair Squattrito – commented that this is the last meeting before the official start of Spring, reminded Commissioners of training opportunities and that the Annual Boards and Commissions Joint meeting will be held at 6:00pm on April 16<sup>th</sup> at Jameson Hall.

**Adjournment** – Chair Squattrito adjourned the meeting at 8:20 p.m.

**APPROVED BY:**

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Jessica Lapp – Secretary  
Tom Olver – Vice Secretary

*(Recorded by Tera Green)*

DRAFT