

REZONING REPORT

TO:	Planning Commission	DATE:	November 9, 2020
FROM:	Rodney C. Nanney, AICP Community and Economic Development Director	ZONING:	B-4, General Business
PROJECT:	PREZ 20-03 Request to rezone a parcel that is currently split zoned B-4/B-5 to the B-5 (Highway Business) District, which would accommodate the development of a restaurant with drive through service.		
PARCEL(S):	PID 14-026-20-001-06, S. Isabella Rd. (vacant)		
OWNER(S):	Grayling Investors LLC		
LOCATION:	Approximately 6.94 total acres on the southwest corner of the East Broomfield Road - S. Isabella Rd. intersection in the NE 1/4 of Section 26.		
EXISTING USE:	Vacant lot	ADJACENT ZONING:	B-4, B-5, R-3A
FUTURE LAND USE DESIGNATION: <u>Bluegrass Center Area</u> . While currently more auto centric, this area has the potential to transition into a more walkable, vibrant center. Future uses should be integrated to include multi-story, mixed-use buildings; first floor retail and office uses; public use and spaces; entertainment and restaurant venues; and additional attached housing types such as townhouses. Both vehicular and pedestrian cross connections should be promoted between sites, providing for future connections through easements, and should collectively promote a vibrant, livable center to the neighboring university population.			
ACTIONS REQUESTED: To hold a public hearing and to recommend that the Board of Trustees [APPROVE] [DENY] the proposal to rezone the northern 465 feet of PID 14-026-20-001-06 from the B-4 (General Business) to the B-5 (Highway Business) District per Section 14.5 (Amendments).			

Background Information

Timeline of Activity

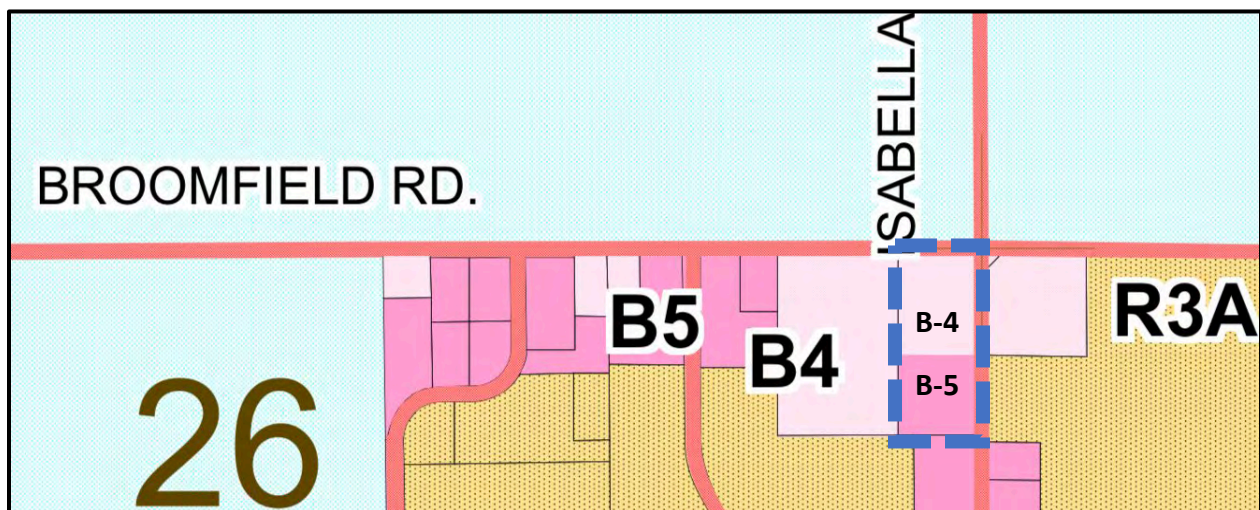
Date	Application	Action
September 2019	Special Use Permit Approval	Planning Commission public hearing and recommendation to the Board of Trustees for approval of SUP 2019-06 for a filling station special use.
October 2019		Board of Trustees approved the special use SUP 2019-06 on the condition that a site plan is approved by the Planning Commission.
November 2019	Preliminary (informal) Site Plan Review	Planning Commission review and comment on the SPR 2019-12 preliminary plan under the requirements of Zoning Ordinance No. 1991-5 for a proposed 7,200 square foot commercial building to be used as a drive through restaurant, convenience store, and filling station. No formal site plan approval action at this stage.

Date	Application	Action
September 2020	Site Plan Approval	The applicant submitted an application (PSPR20-14) for a final site plan to be reviewed and approved by the Planning Commission after the new Zoning Ordinance No. 20-06 went into effect, so it is subject to review and action under the new ordinance.
October 2020	Rezoning Approval	The applicant submitted rezoning application PREZ20-03 to rezone the northern 465 feet of PID 14-026-20-001-06 from B-4 to B-5.

Under the new Zoning Ordinance No. 20-06, a restaurant with a drive-through is not permitted in a B-4 District. During staff review of the PSPR20-14 site plan approval application it was noted that a portion of the drive-through restaurant component of the proposed development was located beyond the boundary of the B-5 (Highway Business) into the northern portion of the parcel zoned B-4 (General Business). Following a meeting with Township staff, the applicant decided to pursue a rezoning application to bring the project into conformance with the new Zoning Ordinance.

Existing Zoning

The following is an excerpt from the Township's Official Zoning Map showing the subject parcel, existing zoning district arrangement, and surrounding zoning:



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. These criteria are one of the new features of Zoning Ordinance No. 20-06. Staff comments follow under each heading:

Findings of Fact (Section 14.5.G)

1. Evaluation of existing and proposed zoning districts.

- a. The largest cluster of existing B-5 (Highway Business) zoning is in the Bluegrass Area of the Township, of which this parcel is a part.
- b. Smaller clusters of B-5 zoning exist on N. Mission Street, the northeast corner of the E. Pickard Road-S. Isabella Road intersection, and in the West DDA District on S. Remus Road at S. Lincoln Road.
- c. The following are principal permitted uses in a B-5 District but not a B-4 District: Adult Regulated Uses, **Amusement Enterprises**, Bar/Grill/Cocktail lounges, **Dealership, Vehicle, Automobile Dealership, and Farm Equipment Sales, Mortuary Establishments, Funeral Homes**, Plumbing Heating and Electrical Shops, Restaurants, With Dive-Through, Sign Painting and Servicing Shops. The uses highlighting in **BOLD** are permitted only as special uses in a B-4 District. There are no special uses in a B-5 District that are not also listed as a special use in the B-4 District.
- d. The setbacks for both districts are equal. The subject parcel meets the required lot dimension standards for both a B-4 and B-5 parcel. Parcels surrounding the subject parcel are currently zoned B-4, B-5, and R-3A.
- e. A parcel that is split zoned at times can be advantageous for a developer. An example would be a parcel with the frontage zoned for a commercial use and the remaining rear available for residential. However, a parcel in two different business districts can create obstacles for development as to where a use can go or if a use is allowed at all.

2. Apparent demand.

- a. There are no other vacant parcels along S. Isabella Road south of the E. Pickard Road corridor where a filling station could be developed on a corner lot. Two other vacant corner lot locations are zoned completely B-4 and therefore would not permit a restaurant with a drive-through.
- b. The Township did receive an enquiry earlier this year about a potential filling station/convenience store development on S. Isabella Road. There is currently no filling stations or drive-through restaurants along this road corridor, except at E. Pickard Road.
- c. There are no other vacant parcels along S. Isabella Road located on a corner with B-5 zoning (whether entirely or in part) where a filling station/convenience store/restaurant with a drive-through would be permitted.

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 current location has existing utilities to accommodate the permitted uses in a B-5 District. The rezoning of the parcel from B-4/B-5 to B-5 would not compromise the health, safety and welfare of Township residents or burden public entities.

- b. The existing location is on the corner of two roads that are both four-lanes wide. This amount of right-of-way would accommodate the uses in a B-5 District.
- c. The Township is currently serviced by the Isabella County Sheriff, Mt. Pleasant Fire Department, Isabella County Transportation Commission, Isabella County Road Commission, and Mt. Pleasant Public Schools. All of these public services would be able to serve all potential uses on a B-5 parcel.

4. Consistency with the Master Plan.

- a. *“Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.”*
 - The subject site is located on the northern edge of the Bluegrass Center Area as defined on the Future Land Use Map. This Area is centered around the E. Bluegrass Rd./Encore Blvd. intersection.
 - The Master Plan for the Bluegrass Center Area emphasizes transitioning from the currently more auto-centric development pattern into a more walkable, pedestrian-oriented environment.
 - The Township’s policies related to construction of public sidewalks in the area and the bicycle facility parking requirements included in the new Zoning Ordinance No. 20-06 are two of the ways this policy is being implemented. All of these requirements will apply to any new development on the subject site.
 - The Bluegrass Center Area Plan also encourages mixed use developments, with first floor retail/office/entertainment/restaurant venues and residential units on upper floors, as the intended predominate uses, especially in the core of this area along E. Bluegrass Rd.
 - The full range of allowable uses in the proposed B-5 District include auto-oriented activities (including filling station, drive-through lanes, automobile dealerships, and funeral homes, that are not fully consistent with the Bluegrass Center Area Plan’s policy priorities.
- b. *“A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.”*
 - As noted under the Timeline of Activity, the SUP 2019-06 special use permit for a filling station was approved and the SPR 2019-12 preliminary site plan received an initial informal review under the former Zoning Ordinance No. 1991-5.
 - Despite several alerts from Township staff, the applicant failed to submit their final site plan application while Zoning Ordinance No. 1991-5 was in effect. However, the timing of adoption of the new Zoning Ordinance No. 20-06, which disallowed drive-through restaurants in the B-4 (General Business) District, remains a relevant fact to consider with regards to this requested zoning change.

- It is also important to note that nearly all of the core of the Bluegrass Center Area is currently zoned B-5 (Highway Business).
 - c. *“The future land use recommendations of the Master Plan are based upon a ten- to twenty-year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.”*
 - 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 lot consistent with Zoning Ordinance requirements.
 - b. This amendment will not create any special privilege.
 - c. The amendment will not result in unlawful exclusionary zoning.
 - d. The amendment will not set an inappropriate precedent, resulting in the need to correct future planning mistakes.

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 take any of the following actions related to the rezoning request:

1. Recommend approval of the zoning change as proposed by the applicant to place the entire parcel to the B-5 District; or
2. Recommend approval of an alternative zoning change to place the entire parcel in the B-4 District; or
3. Recommend that the proposed rezoning be rejected (to retain the existing split B-4/B-5 zoning classifications).

Key Findings

1. This parcel is currently the only parcel in the Township split zoned between the B-4 and B-5 zoning districts.
2. Two distinct business zonings on one parcel creates development obstacles with what is permitted and where on the property a permitted use could be located.
3. This rezoning is not fully consistent with the Master Plan’s goals, objectives, and policies for the Bluegrass Center Area.
4. The subject site is located on the outer edge of the Bluegrass Center Area as defined on the Future Land Use Map.

5. The proposed rezoning will resolve a split-zoning circumstance that can create obstacles for development.
6. The applicant failed to submit their final site plan application while Zoning Ordinance No. 1991-5 was in effect, but the timing of adoption of the new Zoning Ordinance No. 20-06 after the SUP 2019-06 special use permit for a filling station was approved and the SPR 2019-12 preliminary site plan received an initial informal review remains a relevant fact to consider with regards to this requested zoning change.

Recommendations

Based on the above findings, I would ask that the Planning Commission consider taking action to recommend that the Board of Trustees approve the proposal to rezone the northern 465 feet of PID 14-026-20-001-06 from the B-4 (General Business) to the B-5 (Highway Business) District.

Please contact me at (989) 772-4600 ext. 232, or via email at 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

APPLICATION FOR REZONING APPROVAL

A completed application will contain all information required per the Zoning Ordinance, Section 14.5 (Amendments); including:

- ☒ Response to Rezoning Criteria (Section 14.5.G.)
☒ Vicinity Map and Survey/Drawing (Section 14.5.F.1.d.)

Name of Proposed Development/Project <u>PSPR 20-14 Gas Station Dunkin Donuts Conveniene Store/Restaurant</u>	
Common Description of Property & Address (if issued) <u>SW corner of Broomfield and Isabella</u>	
Applicant's Name(s) <u>Grayling Investors, LLC</u>	
Phone/Fax numbers <u>phone: 989-348-5232 fax: 989-348-7102</u>	Email <u>rjaskowski@carey-jaskowski.com</u>
Address <u>P.O. Box 665</u>	City: <u>Grayling, MI</u> Zip: <u>49738</u>

Legal Description:	<input type="checkbox"/> Attached	<input checked="" type="checkbox"/> Included on Survey	Tax Parcel ID Number(s): <u>14-026-20-001-06</u>
Existing Zoning: <u>B-4/B-5</u> Land Acreage: <u>6.92 acres</u> Existing Use(s): <u>n/a</u>			
<input checked="" type="checkbox"/> ATTACHED: Letter describing the proposed land uses and reasons for the requested zoning change.			

Firm(s) or Individuals(s) who prepared the Land Survey/Drawing	1. Name: <u>Practical Engineering</u> Phone: <u>231-275-5066</u> Email: <u>peinc@centurytel.net</u>
	2. Address: <u>9091 Helen White Dr.</u> City: <u>Lake Ann</u> State: <u>MI</u> Zip: <u>49650</u> Contact Person: <u>Sarah Ross</u> Phone: <u>231-275-5066</u>
Legal Owner(s) of Property. All persons having legal interest in the property must sign this application. Attach a separate sheet if more space is needed.	1. Name: <u>Grayling Investors, LLC</u> Phone: <u>989-348-5232</u>
	Address: <u>P.O. Box 665</u> City: <u>Grayling</u> State: <u>MI</u> Zip: <u>49738</u>
	Signature: <u>[Signature]</u> Interest in Property: <u>owner/lessee/other</u>
	2. Name: <u>Richard J. Jaskowski, Contact Person</u> Phone: <u>989-348-5232</u>
	Address: <u>P.O. Box 665</u> City: <u>Grayling</u> State: <u>MI</u> Zip: <u>49738</u>
	Signature: <u>[Signature]</u> Interest in Property: <u>owner/lessee/other</u>

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for rejection of the application. Approval of any requested zoning change shall not constitute the right to violate any provisions of the Zoning Ordinance or other applicable codes and ordinances.

Signature of Applicant

October 19, 2020

Date

Office Use Only

Application Received By: _____ Fee Paid: \$ _____

Date Received: _____ Escrow Deposit Paid: \$ _____

GRAYLING INVESTORS, LLC

P.O. Box 665
Grayling, MI 49738
(989) 348-5232

October 19, 2020

Charter Township of Union
Mr. Peter Gallinet
2010 S Lincoln Road
Mt Pleasant, MI 48858

Dear Mr. Gallinet:

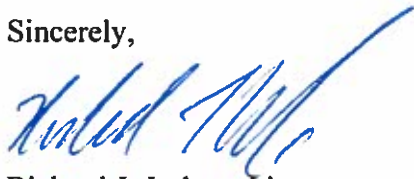
Please allow this correspondence to serve as the "letter describing the proposed land uses and reasons for the requested zoning change" in support of the Application for Rezoning Approval filed by Grayling Investors, LLC. As you are undoubtedly aware, the parcel of property owned by Grayling Investors, LLC is a single parcel of property, yet has split zoning of B-4/B-5. For a period of time, Grayling Investors, LLC, has worked with the Township to obtain approval of the construction of a gas station/convenience store/Dunkin Donuts at this location. The proposed project has been favorably received by representatives of the Township.

Unfortunately, it has come to our attention that while the prior Zoning Ordinance would have allowed a drive-thru as previously proposed and presented to the Township, the newly enacted Zoning Ordinance prohibits drive-thrus in the B-4 Zoning District. While a final site plan for review was submitted by Grayling Investors, LLC, it is my understanding it was received by the Township approximately one (1) day after enactment of the new Zoning Ordinance.

Attached to the Application, you will find Grayling Investors, LLC's response to rezoning criteria which sets forth in more detail the reasons why we believe a zoning amendment is appropriate. We respectfully believe that granting this zoning amendment will not establish any negative precedent, as we are faced with a very unusual situation where one parcel of property (that was not created through a parcel split or addition) has two separate zoning classifications.

As always, we appreciate the cooperation of your office and the Township in this matter. Should you have any further questions, concerns, or desire any other information, please feel free to contact me.

Sincerely,



Richard J. Jaskowski

RJJ/nlh

Enclosures

cc: File

1. Evaluation of existing and proposed zoning districts

The current site is one 6.92 acre parcel of property at the Southwest corner of Broomfield Road and Isabella Road. This parcel has 371.0 feet of frontage on Broomfield Road (north) and 814.2 feet of frontage on Isabella Road (east). On this parcel the north 465+/- feet is zoned B-4, the south 350+/- feet is zoned B-5. The parcel was not a split parcel that was combined. It was always one parcel.

- a. The surrounding zoning classifications and land uses compatible with the allowed uses if the entire property is zoned B-5.
 - i. The zoning on the parcel to the south of the property is B-5. The five parcels to the south of this parcel are all zoned B-5.
 - ii. The parcel adjacent to a small (approximately 20') section of the southwest corner of this parcel is zoned R-3A and currently has an apartment complex.
 - iii. The property directly across the street to the north of this parcel is in the City of Mount Pleasant and is zoned CD-4 and this parcel is vacant. The CD-4 zoning extends to the west to Churchill Street. This zoning classification allows both filling stations and drive-through restaurants as a permitted special use.
 - iv. The property to the northeast across the intersection is also in the City of Mt. Pleasant and is zoned SD-I, which is light industrial. This parcel is vacant. The uses in this district are mostly light manufacturing and there are some businesses further east/northeast of this corner. B-5 zoning would not be in conflict with this use.
 - v. The property directly across Isabella Road to the east is zoned B-4 for the north 465 foot parcel. Directly south of that is a small section zoned R-3A and there is an existing apartment complex on this parcel. The rest of the parcels along Isabella south to the next road is zoned B-5.
 - vi. The property directly west and adjacent to this property is zoned B-4 and has an existing automotive repair business. The three properties continuing to the west along Broomfield are all zoned B-5.
- b. The boundary and size of the current parcel would not change, it is proposed to make the parcel one consistent zoning classification.
- c. The circumstance that warrants a change is simply that this is one parcel with two zoning districts and the proposed use is only allowed on a portion of this one parcel. To effectively use the parcel for the proposed use, the entire site would need to be zoned B-5.

2. Apparent demand

- a. When the development group approached the Union Township with this use (filling station/drive-through restaurant combination) in 2019, the planning commission felt it was a use supported by the surrounding developments and that it would not detract from the goals of the township. A preliminary site plan was presented to the board that showed the filling station and two drive-through windows in the building. This plan was

well received and the comments made during the meeting were encouraging and helpful. Since that time the development team has changed the facility to only have one drive-through window. The proposed plan still reflects the suggestions and support of the planning commission in the preliminary site plan review.

- b. In our initial conversations and submittal, the Zoning Administrator and the Planning Commission agreed that the market demand for this type of use is appropriate at this location.
- c. There is some B-5 property available in this area and this site is currently zoned both B-4 and B-5, so this site is already available for this type of development. We would like to utilize the entire site consistently for the proposed use.
- d. See above.

3. Availability of public services and infrastructure

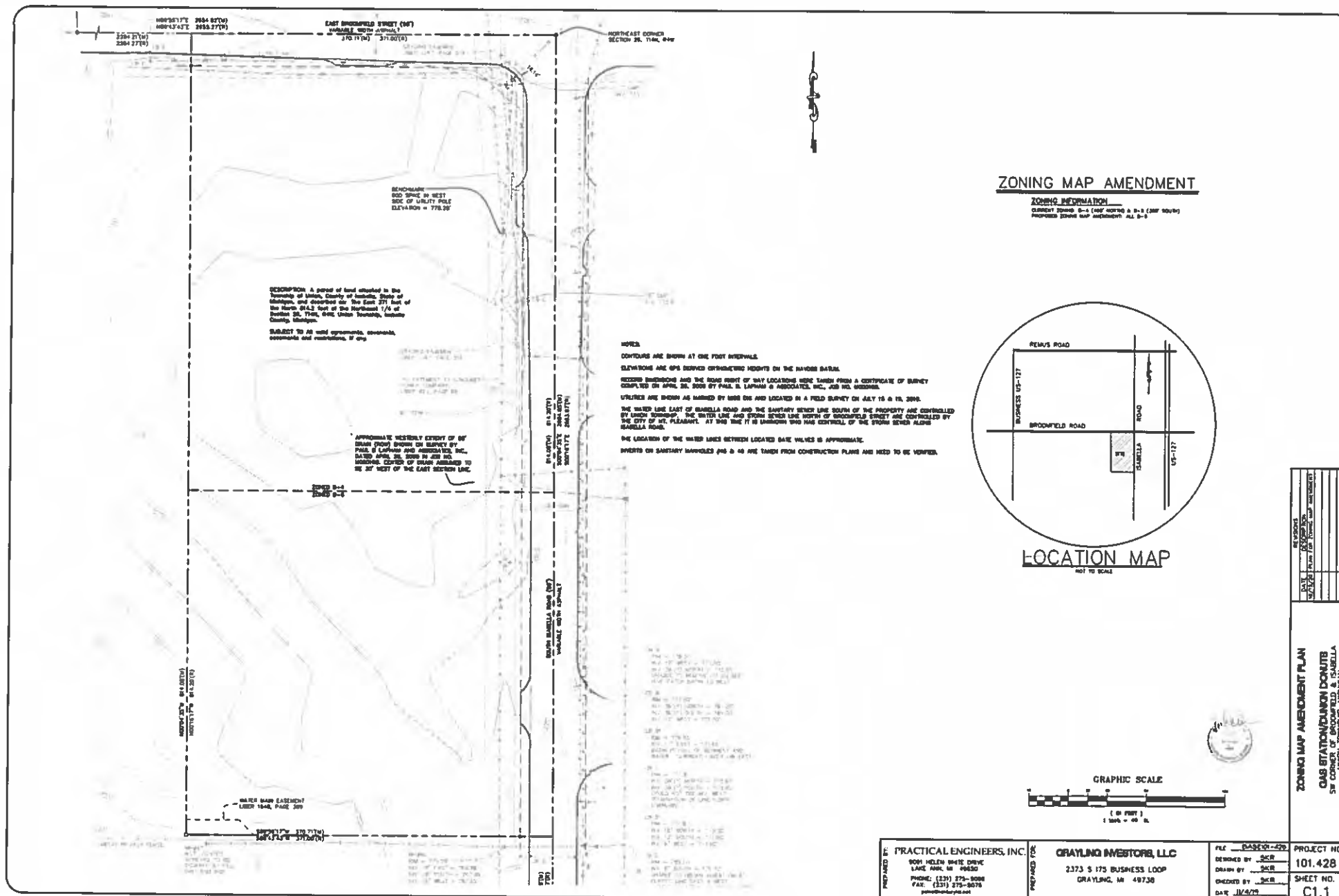
- a. When the site was researched prior to this development plan, the township verified that public sewer and water are available to the site and that there is capacity to support this use.
- b. Broomfield Road and Isabella Road are both designed as main thoroughfares. The entrance locations and curb returns are already in place and were designed for this type of corner commercial use.
- c. The capacity of public services seems sufficient to support this use.

4. Consistency with the Master Plan

- a. The intent of the B-5 zoning on this parcel is consistent with the Master Plan delineation of the "Mixed-Use Bluegrass Center Area" (Union Township Master Plan, 2018). This area is a mix of residential, commercial and light industrial uses. It is intended to promote commercial uses that are supported by the neighboring residential developments. The proposed site has sidewalks along the roadways to promote walkability to the existing residential areas and it proposes an internal drive access to the commercial property to the east.
- b. See above
- c. See above

5. Additional factors

- a. The allowable uses for this site zoned entirely B-5 are compatible with the area.
- b. The conditions of this site have not change, this site is a single parcel that was identified with two zoning districts in the previous ordinance and it still has a split zoning use. Considering the support of our preliminary site plan application for the use of a filling station/drive through restaurant at this site in 2019, this may have been an overlooked split parcel in consideration of the revised zoning map/zoning ordinance in 2020.
- c. The amendment will create a consistent zoning for this single parcel.
- d. The amendment will not result in unlawful exclusionary zoning.
- e. The amendment will not set and inappropriate precedent, as this is a single parcel with sufficient similar zoning classifications and uses surrounding the parcel.





**MOTION ADOPTED DURING THE NOVEMBER 17, 2020 REGULAR
PLANNING COMMISSION MEETING AFTER A PUBLIC HEARING**

Motion by Commissioner LaBelle supported by Commissioner Fuller to recommend to the Township Board of Trustees that the PREZ 20-03 Zoning Map Amendment to rezone the northern 465 feet of PID 14-026-20-001-06 from the B-4 (General Business) to the B-5 (Highway Business) District be adopted based on the following findings and conclusions:

1. The setbacks for both districts are equal. The subject parcel meets the required lot dimension standards for both a B-4 and B-5 parcel.
2. A parcel that is split-zoned in two different business districts can create obstacles for development as to where a use can go or if a use is allowed at all.
3. The subject site is located on the northern edge of the Bluegrass Center Area as defined on the Future Land Use Map. The Bluegrass Center Area Plan also encourages mixed use developments, with first floor retail/office/entertainment/restaurant venues and residential units on upper floors, as the intended predominate uses, especially in the core of this area along E. Bluegrass Rd.
4. Nearly all of the core of the Bluegrass Center Area is currently zoned B-5 (Highway Business).
5. The full range of allowable uses in the proposed B-5 District include auto-oriented activities that are not fully consistent with the Bluegrass Center Area Plan, but the proposed rezoning should be adopted based on the following information that supports a change without a need to amend the Master Plan:
 - a. The timing of adoption of the new Zoning Ordinance No. 20-06, which disallowed drive-through restaurants in the B-4 (General Business) District, is a relevant fact to consider with regards to this requested zoning change.
 - b. Although the applicant failed to submit their final site plan application while Zoning Ordinance No. 1991-5 was in effect, the SUP 2019-06 special use permit for a filling station was approved and the previous SPR 2019-12 preliminary site plan for a filling station and restaurant with drive-through facilities did receive an initial informal review under the former Zoning Ordinance, which allowed these land uses in both zoning districts.
6. Based on trends in the area, availability of public infrastructure, the timing of this rezoning proposal is appropriate for consideration.
7. This amendment will not create any special privilege, result in unlawful exclusionary zoning or set an inappropriate precedent. No adverse impacts are anticipated by the proposed rezoning or development of the lot consistent with Zoning Ordinance requirements.

Resolved by Commissioner LaBelle Seconded by Commissioner Fuller

Yes: LaBelle, Thering, Shingles, Darin, Fuller, Squattrito

No: none

Absent: Cody, Buckley

Motion adopted unanimously by roll call vote.

CHARTER TOWNSHIP OF UNION
Planning Commission
Regular - Electronic Meeting Minutes

A regular-electric meeting of the Charter Township of Union Planning Commission was held on November 17, 2020 as a virtual meeting through the Zoom meeting platform.

Meeting was called to order at 7:04 p.m.

Roll Call

Present: Darin, Fuller, LaBelle, Shingles, Squattrito, and Thering

Excused: Buckley and Clerk Cody

Others Present

Rodney Nanney, Community and Economic Development Director; Zoning Administrator, Peter Gallinat, and Administrative Assistant, Jennifer Loveberry

Approval of Minutes

LaBelle moved **Thering** supported the approval of the October 20, 2020 regular meeting as presented. **Vote: Ayes: 6 Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

A. Board of Trustees – Newly elected board’s term starts 11/20/20 at noon

B. Annual Report from the ZBA

Thering moved **Shingles** supported to approve the annual written report from the ZBA as presented and have Township staff forward report to the Planning Commission. **Vote: Ayes: 6 Nays: 0. Motion Carried.**

Approval of Agenda

Fuller moved **Darin** supported to approve the Agenda as presented. **Vote: Ayes: 6 Nays: 0. Motion Carried.**

Public Comment

Open 7:10 p.m.

No comments were offered.

Closed 7:11 p.m.

New Business

- A. PREZ 20-03 (Grayling Investors) Application to rezone the northern 465 feet of PID 14-026-20-001-06 on the SW corner of E. Broomfield Rd. and S. Isabella Rd. from the B-4 (General Business) to the B-5 (Highway Business) District**
 - a. Introduction**
 - b. Public Hearing**
 - c. Updates from the Applicant and Staff**
 - d. Deliberation**
 - e. Action (recommendation to the Board of Trustees)**

Community and Economic Development Director introduced PREZ 20-03 Request to rezone a parcel that is currently split zoned B-4/B-5 to the B-5 (Highway Business) District, which would accommodate the development of a restaurant with drive through service. The Director emphasized the Commission's responsibility to evaluate the application based on the criteria outlined in Section 14.5.G of the Zoning Ordinance and to include relevant findings of fact and conclusions in any recommendations to the Board of Trustees.

Public Hearing

Open: 7:16 p.m.

No correspondence received by Township Staff.

No comments were offered.

Closed: 7:18 p.m.

Applicants Richard Jaskowski and Sara Ross updated the commissioners and were available for questions.

Motion by **LaBelle**, supported by **Fuller**, to recommend to the Township Board of Trustees that the PREZ 20-03 Zoning Map Amendment to rezone the northern 465 feet of PID 14-026-20-001-06 from the B-4 (General Business) to the B-5 (Highway Business) District be adopted based on the following findings and conclusions:

1. The setbacks for both districts are equal. The subject parcel meets the required lot dimension standards for both a B-4 and B-5 parcel.
2. A parcel that is split-zoned in two different business districts can create obstacles for development as to where a use can go or if a use is allowed at all.
3. The subject site is located on the northern edge of the Bluegrass Center Area as defined on the Future Land Use Map. The Bluegrass Center Area Plan also encourages mixed use developments, with first floor retail/office/entertainment/restaurant venues and residential units on upper floors, as the intended predominate uses, especially in the core of this area along E. Bluegrass Rd.
4. Nearly all of the core of the Bluegrass Center Area is currently zoned B-5 (Highway Business).
5. The full range of allowable uses in the proposed B-5 District include auto-oriented activities that are not fully consistent with the Bluegrass Center Area Plan, but the proposed rezoning should be adopted based on the following information that supports a change without a need to amend the Master Plan:
 - a. The timing of adoption of the new Zoning Ordinance No. 20-06, which disallowed drive-through restaurants in the B-4 (General Business) District, is a relevant fact to consider with regards to this requested zoning change.
 - b. Although the applicant failed to submit their final site plan application while Zoning Ordinance No. 1991-5 was in effect, the SUP 2019-06 special use permit for a filling station was approved and the previous SPR 2019-12 preliminary site plan for a filling station and restaurant

with drive-through facilities did receive an initial informal review under the former Zoning Ordinance, which allowed these land uses in both zoning districts.

6. Based on trends in the area, availability of public infrastructure, the timing of this rezoning proposal is appropriate for consideration.

7. This amendment will not create any special privilege, result in unlawful exclusionary zoning or set an inappropriate precedent. No adverse impacts are anticipated by the proposed rezoning or development of the lot consistent with Zoning Ordinance requirements.

Roll Call Vote: Ayes: Darin, LaBelle, Fuller, Shingles, Squattrito, and Thering Nays: 0. Motion Carried.

B. Approve the 2021 Meeting Schedule

a. The Sidewalks and Pathways Prioritization Committee – schedule joint meeting during the regular January Planning Commission meeting?

Shingles moved **Thering** supported to approve the schedule of regular meetings of the Planning Commission for the 2021 calendar year to take place at 7:00 p.m. on the third Tuesday of each month in accordance with the requirements of the Open Meetings Act and approved scheduling a joint meeting with the Sidewalks and Pathways Prioritization Committee by inviting them to the January 19, 2021 Planning Commission meeting. **Roll Call Vote: Ayes: Darin, LaBelle, Fuller, Shingles, Squattrito, and Thering Nays: 0. Motion Carried.**

C. Approve the 2020 Annual Report to the Board of Trustees

Shingles moved **Thering** supported to approve the Planning Commission Annual Report for 2020 and authorize staff to forward the report to the Board of Trustees. **Roll Call Vote: Ayes: Darin, LaBelle, Fuller, Shingles, Squattrito, and Thering Nays: 0. Motion Carried.**

Other Business

A. Master Plan implementation

a. Continue discussion of action items: Water Quality, Industrial Districts, Code Enforcement, and Capital Improvements Program

b. Understanding the Problem – Housing Handout

The commission continued their discussion and evaluation of Master Plan implementation priorities. Tonight's continued discussion focused on the Union Township Master Plan Housing section and the Understanding the Problem – Housing Handout.

Extended Public Comment

Open – 8:36 p.m.

No comments were offered.

Closed – 8:36 p.m.

Final Board Comment

Squattrito – Thank you to James Thering for his service to the Planning Commission and congratulations on his newly elected position to the Board of Trustees.

Thering – Shared to the commission that the planning commission has been a positive and eye-opening opportunity. Thanked the commissioners for the time he spent being part of the Planning Commission.

Adjournment – Chairman Squattrito adjourned the meeting at 8:39 p.m.

APPROVED BY:

Alex Fuller - Secretary
Mike Darin – Vice Secretary

(Recorded by Jennifer Loveberry)