

# **Leighton Township Planning Commission Minutes**

Date: June 8, 2011

Members Present: Al Zuidema, Dave Wright, Harry DeHaan, Scott Chestnut  
Louis Murray, Ron Schrotenboer

Members Absent: Brian Martin

Others Present: Mark Sisson, Ron VanSingel, Steve Oetman, Tom Burgess

**Art. 1 Chairman Zuidema** called a regular meeting of the Leighton Township Planning Commission to order at 7:30 pm in the Leighton Township Hall.

**Art. 2 Minutes –**  
Minutes of the April 13, 2011 meeting were approved.

**Art. 3 Public Comments – None**

**Art. 4 Inquiry of Conflict – None**

**Art. 5 Public Hearing – Oetman Excavating Re-Zone**

Chairman Zuidema opened the Public Hearing at 7:33pm., and the Public Notice was read. Sisson handed out material pertaining to the Oetman Excavating Rezoning. There are two large parcels consisting of a total of 101 acres. Oetman Excavating is requesting that the land be rezoned from C-2 General Commercial to I-1 Industrial, to build a truck wash facility for livestock carriers. It is to be situated North of the current Oetman Excavating site and will consume about 6 acres. There are no firm plans for the use of the remaining 95 plus acres but the applicant prefers Industrial over C-2 as long as he retains the flexibility to use it for a number of reasonable uses.

Ron VanSingel, of The Merestone Group, gave the presentation to the Planning Commission explaining what Oetman was requesting and how it would fit into the Master Plan.

Public Comments was opened at 7:57pm. There were no comments.

Public Hearing was closed at 7:58pm.

Discussion ensued with Sisson and the Planning Commission focusing on the points made in Sisson's memo. The changes are generally consistent with the Master Plan, compatible with surrounding uses and also conforms with the area.

Motion by Schrotenboer, supported by DeHaan to make a recommendation to the Township Board for approval of the Re-Zone.

Roll Call Vote: Aye: Wright, DeHaan, Chestnut, Murray, Schrotenboer, Zuidema  
Nay: None  
Absent: Martin

**All Ayes – Motion Carried**

**Findings**

Motion by Chestnut, supported by Schrottenboer to make the following findings, in support the recommendation to approve the rezoning request.

**All Ayes – Motion Carried**

**The Planning Commission made the following findings in support of the recommendation to approve the rezoning request based upon a review of the REZONING CRITERIA contained SECTION 28.04,**

- (a) **Whether the rezoning is consistent with the policies and uses proposed for that area in the Township’s Master Land Use Plan;**

Findings:

The Future Land Use Map contained in the Comprehensive Plan identifies the north 51 acres as Industrial and the south 50 acres as Agricultural. While on its face rezoning of the south parcel appears to be inconsistent with the intent of the Comprehensive plan, the following factors indicate otherwise:

1. The south parcel is already zoned C-2 but supports a land use (heavy equipment contractors yard) that can be classified as industrial but is a use that is allowed in agricultural areas with a special use permit.. The balance of the site is low and ill-suited for cultivation.
2. The Township is not inclined to downzone the property to Agricultural given its current use and relatively poor farmland quality.
3. The proposed use, while not guarantee, will serve the local agricultural community and the range of industrial use allowed by the I-1 District are generally more consistent with Agricultural uses than the range of C-2 commercial uses.
4. Consistent with the goals and implementation strategy stated in the Comprehensive Plan the Township is in the process of amending its zoning ordinance to allow “agricultural support businesses” of the very type being proposed, in agricultural areas and along agriculturally zone rural corridors. The proposed rezoning is in essence consistent with that Comprehensive plan policy .

- (b) **Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;**

Findings:

1. Residentially zoned property to the west is buffered from the subject properties by the railroad;
2. Adjacent property to the south is not likely to be further impacted by potential industrial development. The AG property to the south is already adjacent to Oetman Excavating and much of it has limited development potential due to wetlands.

3. As anticipated by the Future land Use Plan ,the range of potential industrial uses would have minimal conflicts with agricultural activities since Division Ave will provide some separation and buffering between potential residential uses and future industrial uses.
4. The proposed industrial zoning and the range of allowable uses will by virtue of their similarities be generally compatible with the areas to the north northwest and northeast that zone C-2 and I-1.

**(c) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and**

Findings:

1. The north parcel is within the Dorr/Leighton Sanitary sewer district and is capable of being served by the public sewer system and the design of the system anticipates industrial and commercial growth in the area. The rezoning will therefore not have negative consequences on the system if the area is developed. This parcel is also capable of being served by the privately operated Dorr/Leighton water system.
2. The south parcel is not within the sanitary sewer district but is adjacent to it. The district may be expanded if needed in the future. The applicant intends to build a private specialized wastewater treatment system to handle the animal waste. A private well will be used as a water source. Expanding public facilities into the south parcel does not appear justified or feasible at this time given the current and proposed future use.
3. Division Street and 142nd. Ave. are both primary all weather roads and are experiencing only moderate volumes of traffic. While in the long range roadway improvements and widening may be needed improvements to the 142nd<sup>nd</sup> Street overpass and interchange are presently being made and the local streets are capable of supporting the expected short and medium term increases in truck and passenger vehicle traffic volumes.

**(d) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.**

Findings:

1. Current Zoning and the Comprehensive Plan recognize that the north parcel's topography and proximity to the U.S.-131 interchange, utilities and other nearby industrial district make it well suited for industrial use and less suited for the parcel's current C-2 General Commercial designation.
2. The current C-2 zoning of the south parcel is a remnant of earlier zoning decisions and a prior land use plan that called for both the north and south parcels to be reserved for future "industrial or regional commercial" use such as a big box retailer. The existing excavation business, its distance from the interchange and other available "better located" regional commercial land in nearby Dorr Township are factors that now detract from the parcel's use for general commercial. Given the above factors, the south parcel appears to be equally or better suited for low intensity industrial use than general commercial.

**Art. 6 New Business-**

a. Tom Burgess, from the Merestone Group, gave a short presentation on the truck wash facility for livestock.

b. The next step for Oetman Excavating will be to set up a meeting with the Site Plan Review Committee.

**Art. 7 Unfinished Business –**

**a. Zoning Amendment Review –**

Sisson and the PC members discussed the previously amended ordinances. Final drafts are now ready for a public hearing.

Discussion ensued with making adjustments to the PUD/PLD/PD Zoning Districts. Sisson will get with the Township Supervisor and discuss the Zoning Map.

Motion by Chestnut, supported by Wright to have a Public Hearing set for August 10, 2011 to approve the changes to the ordinances and the Zoning Map.

**Art. 8 Other Business - None**

**Art. 9 Public Comment – (Comments are welcome from the public & limited to 5 minutes)-None**

**Art. 10 Commissioners Comments –**

a. Planning Commission Meeting scheduled for July 13, 2011 is cancelled.

Meeting adjourned at 9:11 pm. Motion by Chestnut, supported by Wright.

Respectfully submitted,

Shari Harmon, Recording Secretary  
Leighton Township Planning Commission