

APPROVED
Eveline Township Planning Commission Meeting Minutes
Special Meeting
Eveline Township Hall
8525 Ferry Road
East Jordan, MI 49727
Charlevoix County
June 12, 2024
7:00 P.M.

- 1) **Call to Order:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance at the Eveline Township Hall by Chairman McGinn.

Commissioners present: Eric Beishlag, Corey Wells, Lorraine Sims, Prudence Kurtz and Chairman Kelly McGinn. Also present: Recording Secretary Sandi Whiteford and Zoning Administrator Will Trute as well as several residents.

- 2) **Agenda:** Commissioner Kurtz made a motion to accept the agenda as presented. Motion supported by Commissioner Beishlag. Motion carried.

- 3) **Deliberations on Rezoning Request by SDP Holdings:** Chairman McGinn recused herself from the deliberations as she was unable to attend the public hearing. Vice-Chairman Beishlag will chair the meeting as he was chairman during the public hearing. Attorney Baron requested introduction of new information. Attorney Graham asked Attorney Baron what the new information entailed. Upon Attorney Barons response Attorney Graham stated to the Commission that the information in fact was not new, but had been presented by a Township resident, Nancy Ferguson, at the public hearing. Attorney Graham informed the Chairman he could allow the information to be presented which would then re-open the public hearing for all to speak or deny the presentation of the information. The Commission proceeded with deliberations. Attorney Graham reminded the Commission that all standards do not have to be met.

Standards and Factors:

- a) Is the proposed rezoning consistent with the Eveline Township Master Plan?

1. The Township Master Plan includes a Mission Statement that provides:

To retain and promote the rural and agricultural atmosphere of Eveline Township and to support the protection of surface water, groundwater, wetlands and the quality of ecological, natural, and recreational resources of the Township. To promote the establishment of residential, civic, recreational, cultural, and commercial uses, which will be concentrated in village centers and will develop at a pace that will not

overburden public services and/or infrastructure, and to protect the health, safety, and general welfare of the populace. Master Plan, p. 59.

2. The Master Plan states as a goal:

Goal: Direct all non-rural and non-agricultural activities to high-density areas within the Township, especially the village centers of Ironton and Advance. Master Plan, p 63.

3. Under this goal the Master Plan states the following action plan:

Allow high-density residential in the areas of Ironton and Advance; limit them elsewhere in the Township. Master Plan, p 63.

4. The subject property is located in the Agricultural – 1 area of the Master Plan’s Future Land Use Map. Master Plan, p 71.

5. The Master Plan describes the purpose of the Agricultural – 1 area on the Future Land Use Map as follows:

Agricultural - 1: This district is made up of the core agricultural and forest areas of the Township. This district is generally limited to the areas of the Township that have high concentrations of parcels currently in agricultural use, with prime agricultural or timberland soils, and where properties are currently being taxed as agricultural land or timber cutover. A maximum density of 1 unit per 10 acres is intended for the area. Master Plan, p. 70.

6. Because the requested rezoning would place the property in the Mobile Home Park Residential District, which would authorize a high-density residential development, and because the subject property is not located in the village areas of Ironton and Advance, the Planning Commission finds that the requested rezoning is not consistent with the Township Master Plan.

7. As a result, the planning commission finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

b) Is the proposed rezoning reasonably consistent with surrounding uses.

1. The uses of the properties surrounding the subject property are two (2) vacant

residential properties, two (2) improved residential properties, two (2) improved agricultural properties, one (1) vacant agricultural property, and one (1) improved commercial property.

2. Because the requested rezoning would place the property in the Mobile Home Park Residential District, which would authorize a high-density residential development, the Planning Commission finds that the requested rezoning is not consistent with surrounding land uses.
3. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

- c) Will there be an adverse physical impact on surrounding properties?

OPTION #1

1. Highway M-66 provides a good and sufficient means of public access to the property.
2. The rezoning may in fact facilitate the extension of municipal water and municipal sewer services from the City of Charlevoix, as an enhancement to surrounding properties and to the Premises

OPTION #2

1. The proposed development would create increased traffic noise and light.
2. The proposed development would create high density in an agricultural area.
3. M-66 is a scenic route and a wildlife area.
4. Curb cuts need to be limited.
5. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – voted Aye for Option 2

Commissioner Wells – voted Aye for Option 1

Commissioner Sims – voted Aye for Option 2

Commissioner Beishlag - voted Aye for Option 2

d) Will there be an adverse effect on property values in the adjacent area?

1. The proposed development will create a difficult time selling surrounding property.
2. The proposed development will create a possible adverse effect on surrounding property values.
3. As a result, the Planning Commission finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

1. Building regulations as dictated by the State and Federal Government have created the housing crises.
2. Changes are not a result of the Township regulations.
3. Affordable housing is subjective. Manufactured housing is not necessarily affordable.
4. This development in this location is not a fix to the housing crisis.
5. This development is not necessarily creating affordable housing.
6. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

- f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
1. Neighboring properties are zoned for single residential housing. This is less likely to occur with high density housing next door.
 2. Master Plan does not allow for gas stations, stores, etc. which are likely to be requested for servicing a high-density development.
 3. M- 66 is not intended to be a strip mall.
 4. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

- g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

1. The proposed rezoning will result in spot zoning, since there will be an isolated area of land within the Mobile Home Park Residential District that is inconsistent with the Township Master Plan.
2. Because the area of the subject property is not appropriate for the requested rezoning to the Mobile Home Park Residential District, there is no legal exclusionary zoning.
3. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

- h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

1. The subject property is currently zoned Farm-Forest under the township zoning ordinance.
2. Section 2.2 of the zoning ordinance specifies numerous uses authorized on the subject property, both by right and by special use permit.
3. In fact, on December 8, 2021 planning commission granted a special use permit for an agricultural/forestry nursery on the property, as authorized by Section 2.2 of the zoning ordinance.
4. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

i) Is the rezoning in conflict with the planned use for the property as reflected in the Master Plan?

1. The Planning Commission hereby adopts by reference its findings for standard and factor a) above.
2. As a result, the planning commission finds that this standard and factor weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

j) Is the site served by adequate public facilities or is the petitioner able to provide them?

1. There are multiple soil types on the subject property, specifically Alpena gravelly sandy loam (AgB), Charlevoix - Mackinac loams (CmB), Epoufette sandy loam (Ep), Leelanau - Rubicon loamy sands (LrB), Mancelona loamy sand (McB), Roscommon sand (Rc), and Saugatuck sand (SaB).
2. The Mancelona loamy sand (McB) has no limitations for septic tank disposal fields where slopes are less than 12%. However, this type of sand comprises a very small portion of the subject property.

3. The Alpena gravelly sandy loam (AgB) and the Leelanau - Rubicon loamy sands (LrB) soil types have slight limitations for septic tank disposal fields. These soil types comprise about half of the subject property.
4. The remaining soil types, which comprise about half of the remaining subject property, exhibit severe limitations for septic tank disposal fields.
5. In addition, the applicant has not had any conversations with the Charlevoix city manager concerning the possible extension of city water, or with Charlevoix Township regarding extension of sewer services for the property.
6. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

k) Are there sites nearby already properly zoned that can be used for the intended purposes?

1. Because the area of the subject property is not appropriate for the requested rezoning to the Mobile Home Park Residential District, there is no legal exclusionary zoning.
2. As a result, the Planning Commission finds that this standard and factor Weighs against rezoning the property as requested.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye

Commissioner Sims – Aye

Commissioner Beishlag – Aye

Motion By Commissioner Wells, seconded by Commissioner Kurtz, that the Planning Commission hereby adopts the findings concerning the standards and factors reviewed and the application of those standards and factors to SDP Holdings, LLC's rezoning request as specified earlier in these minutes.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye

Commissioner Wells – Aye
Commissioner Sims – Aye
Commissioner Beishlag – Aye

Motion Carried.

Motion by Commissioner Wells, seconded by Commissioner Sims, that based on the Planning Commission's findings concerning the standards and factors reviewed and the application of those standards and factors to SDP Holdings, LLC's rezoning request, when considered as a whole, the Planning Commission hereby recommends to the Eveline Township Board that SDP Holdings, LLC's rezoning request be denied and that a zoning ordinance amendment rezoning the parcel from the Farm Forest District to the Mobile Home Park Residential District not be enacted.

By Roll Call Vote the following voted:

Commissioner Kurtz – Aye
Commissioner Wells – Aye
Commissioner Sims – Aye
Commissioner Beishlag – Aye

Motion Carried.

- 4) **Public Comment:** Nancy Ferguson thanked the Commissioners for their time and efforts. John Fratrack stated that Commissioner Wells made a good point regarding affordable housing. Lot rent at \$1450.00 per month is not affordable. Attorney Dan Baron thanked the Commissioners for their efforts stating this is a difficult decision.
- 5) **Commissioner Comments:** Commissioner Beishlag stated that the Commission appreciated all the comments. Commissioner Kurtz thanked Attorney Graham, Attorney Baron and the Township Planner for their assistance.
- 6) **Adjournment:** At 7:58 p.m. Vice-Chairman Beishlag adjourned the meeting.

Respectfully submitted,

Sandi Whiteford
Recording Secretary