

**LINCOLN CHARTER TOWNSHIP
PLANNING COMMISSION**
Regular Meeting & Public Hearings
November 14, 2022

Chairman Mike Freehling called the regular meeting and public hearing of the Planning Commission to order at 6:00 p.m. on Monday, November 14, 2022 in the meeting room of the Municipal Building, 2055 West John Beers Road, Stevensville, Michigan 49127.

CALL TO ORDER

ROLL CALL

Present: Mike Freehling, Charlie Olszewski, Andy Barbott, Chris Miller, Tony Korican, and Glenn Youngstedt.
Absent: Marc Florian.
Also present: Building Official James Pheifer, and Recorder, Jacqueline Ross.

ADJOURNMENT TO PUBLIC HEARING

**LINCOLN CHARTER TOWNSHIP
PLANNING COMMISSION**
Public Hearing
November 14, 2022
6:00 p.m.

PURPOSE OF PUBLIC HEARING

To consider an application by **Neyasa Summers** and **Jake Payovich** of First Friends Daycare for a special land use permit to operate a Day Care, Group. Located at 4047 Glenorchard Drive, St. Joseph, Michigan 49085 on parcel number 11-12-5700-0001-00-7 on approximately 0.26 acres. This site is located in the LD – Low Density Residential Use District which allows a Daycare, Group by special land use permit pursuant to Article 9, Section 230.921 of the Township Zoning Ordinance.

AFFIDAVITS OF POSTING, MAILING, AND PUBLISHING on file.

PRESENTATION

Neyasa Summers, the applicant for the special use permit, noted that she is requesting a special use permit for a Daycare Group to go from a maximum of six children to twelve children. She made mention of the need to provide additional childcare as there was recently a closure of another daycare. She also said that the state will approve her license pending the zoning approval from Lincoln Charter Township Planning Commission.

PUBLIC COMMENTS

Chad Hoffman, 4054 Glenorchard Dr. gave his support of the Daycare group located in his neighborhood and mentioned that this was a good thing for the area.

CLOSE PUBLIC COMMENT SESSION

CORRESPONDENCE

None.

SESSION FOR COMMISSION TO ASK QUESTIONS AND ADDRESS THE CHAIRMAN ON THE PETITION

Miller asked if **Neysa Summers** had already been approved for six children and asked for clarification that she was now asking to move to 12 children total. **Summers** replied that she was so doing.

Youngstedt asked **Summers** if any of her neighbors had objected to the increase in the Daycare Group.

Summers noted that she spoke to her neighbors and all were supportive.

ADJOURNMENT TO THE REGULAR MEETING

**LINCOLN CHARTER TOWNSHIP
PLANNING COMMISSION
Regular Meeting
November 14, 2022
Immediately following Public Hearing**

ADDITIONS TO AND APPROVAL OF THE AGENDA

None.

APPROVAL OF MINUTES

Olszewski, seconded by **Korican** motioned to approve the minutes of the regular meeting on October 3, 2022 as e-mailed. No discussion. All Ayes. Motion carried.

DEPARTMENT OF BUILDING SAFETY

The Department of Building Safety, year to date, has issued 25 permits for single family dwellings, last year there were 42. For the month of October 2022 there was 1 permit issued for single family dwellings. For the month of October 2021 there were 5 permits issued for single family dwellings.

This year, house construction values alone totaled \$9,480,396. At this time last year, they were at \$13,117,375.

In 2022, total construction (building, electrical, mechanical, plumbing) permits for Commercial, Industrial, Agricultural and Residential districts estimated total values are at \$19,892,729. In 2021, total construction values were at \$22,158,719.

In the month of October, there were 274 inspections made on: building, electrical, mechanical, plumbing, and rentals.

NEW BUSINESS

To consider an application by **Neyasa Summers** and **Jake Payovich** of First Friends Daycare for a special land use permit to operate a Day Care, Group. Located at 4047 Glenorchard Drive, St. Joseph, Michigan 49085 on parcel number 11-12-5700-0001-00-7 on approximately 0.26 acres. This site is located in the LD – Low Density Residential Use District which allows a Daycare, Group by special land use permit pursuant to Article 9, Section 230.921 of the Township Zoning Ordinance.

Frehling read through the Special Use Standards and Daycare Group Standards. He reviewed that the times of operation were within the designated times pick-up and drop-off of the children which **Summers** acknowledged as correct.

Youngstedt, seconded by **Barbott**, motioned to approve the special land use permit to operate a Day Care, Group as submitted. A short discussion followed. All Ayes. Motion carried.

Set public hearing for Maiden Lane Cottages PUD Amendment application submitted by **Fenner Homes, Inc.**

Youngstedt asked if the building would be similar to those that were erected prior on the Maiden Lane Cottage PUD.

Greg Fenner replied that they would be identical.

Planning Commission reviewed proposed PUD map.

Miller, seconded by **Korican**, motioned to set a public hearing for the Maiden Lane Cottage PUD amendment for December 5, 2022 at 6pm. No discussion followed. All Ayes. Motion carried.

Set a public hearing to consider a District Rezoning from CMU – Commercial Mixed Use to a HC – Highway Commercial District submitted by James T. Schneider.

Frehling reads the description of the application and asks if the property is northeast of the Tractor Supply Company property.

Pheifer replied that it was.

Barbott asked what are the properties on either side of 5120 Red Arrow Highway zoned.

Pheifer stated that half of the properties were Highway Commercial and half Commercial Mixed-use. He noted it would have been better to zone all at the same time. Because a hotel would be over forty-one feet, the property would need to be rezoned as Highway Commercial. Pheifer stated that he would suggest when the master plan was reviewed in 2023, he would propose that the entire area in question would be rezoned as Highway Commercial.

Frehling explains the process for each zone specifications and that the height requirement would be the reason for the rezone.

Olszewski, seconded by **Barbott**, motioned to set a public hearing for the District Rezone for 5120 Red Arrow Highway for December 5, 2022 at 6:05pm. No discussion followed. All Ayes. Motion carried.

UNFINISHED BUSINESS

A. Follow up on Air BNB houseboats.

Freehling noted a change was possible for the dwelling definition after contacting the Township Attorney, Dienes, but that the state has to review because it is regarding water.

B. Research Sub-Committee Report.

Freehling mentioned the workshop that has been set-up for December 7 at 6pm.

Olszewski stated that he was putting together the agenda and the meeting will be held at the township as a public meeting. He also mentioned that they would have a meeting on Monday with the subcommittee to wrap issues.

C. Rental Research Committee

Miller and Olszewski had no new updates.

PUBLIC COMMENTS

Allison Sheffield, 1892 N Valleyview Dr., recalled a car incident that she was involved that happened in the **Subway** drive-thru recently. She said that she had been waiting in the drive thru and another car attempted to go around her to exit the parking lot, but did not have enough room and hit her car. She felt it was due to a poor construction of the drive-thru and exit area in the **Subway** parking lot. **Sheffield** mentioned that she had tried to contact the **LCT Building Department, Berrien County Road Commission, MDOT, Kevin Gillette**, and the **Planning commission** after the **Subway** owner did not offer assistance with a resolution for the incident.

Barbott asked which way both cars were moving.

Freehling asked if we can ask Subway to mark the drive-thru as a drive thru only and if we had jurisdiction to do that.

Pheifer mentioned that he can take a look and see if he would be able to do anything.

Youngstedt asked if the drive way was able to be widened.

Pheifer asked Sheffield when the incident took place.

Sheffield said on October 24.

Chris Metcalf, 2563 W. Glenlord Rd, talked about previous issue regarding noise ordinances and how we can use electronic applications to make reports for citizens to utilize when an incident occurs. Asked if the problem was more of a zoning issue compared to a noise ordinance given where the noise is occurring and whether the police would have jurisdiction. Mentioned that if we know that we have issues and discussed senses being assaulted regarding noise and vibrations and then gave examples of a vibration ordinance in Walker, Michigan.

General discussion ensued and Mr. Metcalf's information will be provided to and reviewed by the rental ordinance committee.

CORRESPONDENCE

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:46p.m.

The next regularly scheduled planning commission meeting will be held on December 5, 2022 at 6:00 p.m.