

PC Special Meeting Draft Minutes 03/20/2017

Subject: Readdressing the Zoning Map and motions made at the 03/13/2017 PC Meeting.

- 1.) Meeting Called to Order at 7pm.**
- 2.) Pledge of Allegiance Performed.**
- 3.) All current serving members of the Planning Commission Present. Mr Knapp was present as the Zoning Administrator.**
- 4.) Mr Nannestad originally was requested to serve as Interim Planning Commission Secretary.**
- 5.) ZONING ADMINISTRATOR PRESENTATION:**

Presented the history behind the Zoning Map changes that were being presented, and explained why the PC needed to move forward on approving the Zoning Map as presented 03/20/2017 to the Township Board. The original five maps went to the county, and they did not like the maps, so they sent them back to the township. The County Planning Department offered to do our map.

As of the time of this meeting, there was a moratorium on building due to the original zoning map having marked the entirety of North Republic being zoned as commercial. Without the updated map, there would have had to be applications for Conditional Use Permits (And Zoning Board of Appeals) in order to build on the property that was at the time of this meeting zoned commercial.

Mr Knapp also explained the relation of the term “Grandfathered in” to “Non-Conforming Uses, Non-Conforming Structures.” (The legal term is “Legal Non-Conforming Usage”)

Mr Knapp then brought up two words that must come up in Zoning. Arbitrary and Capricious, which can be defined as “Impulsive and Illogical”.

It was then discussed that the mis-zoning is all part of the documented CUPPAD mess up on the zoning maps.

Mr Oakley spoke of the earliest zoning map discovered in his research through the maps in storage being from 1981.

Much discussion occurred regarding the amount of zoning maps, and that only one was handed to Mr Knapp to use as the “official Zoning Map,” yet the map handed to Mr Knapp did not have the appropriate signatures nor were approved properly. All the maps presented up to this date were showing the evolution of the maps.

Any other changes made to the maps would require another public hearing, county approval etc. Mr Oakley stated that we could not, as a township, afford any more delays due to the fact of the building moratorium that was in effect until we had an official zoning map.

- 6.) Planning Commission Chairperson’s Report:**

Mr Oakley spoke of his research and discussions with Mr Knapp. The motion that was made on

03/17/2017 was illegal as worded: "To forward the existing map that Mr Knapp has produced to the township board with the modification of the 8 tax key numbers that Mr Ison has provided to commercial/light industrial zone and take it to the board for final approval."

The first item Mr Oakley spoke of were the tax key numbers, which were not read into record (as to be changed specifically, nor was there any rationale given for the changes) nor delivered to the zoning administrator nor the planning commission until the following day. To change the zoning classification of these 8 tax key ID numbers based upon a single testimony and what has appeared in future land use plans would be arbitrary and capricious. This was explained by both Mr Oakley and Mr Knapp multiple times that these terms are defined as Impulsive and Illogical based upon current land use and neighboring zones.

In the map presented at this meeting, the harmony of the zoning based upon what is currently there must be what is promoted on the official zoning map.

Less than 1 acre cannot be zoned commercial without a country variance.

As for future land use, if it were currently on the table, there would be an argument for changing from the harmonious residential to the disharmonious commercial/light industrial for the 8 tax key ID numbers.

Mr Oakley then spoke out of the Planning Commissioners Handbook to support his statements.

Mr Knapp then spoke of spot zoning and how it applied to the tax key ID numbers. Any changes should be brought by the property owner and not changed arbitrarily by the Planning Commission.

Mr Nannestad then revealed that he supplied, through working with concert with Mr Ison, the list of Tax Key ID Numbers.

7.) Action on the Zoning Map:

Motion made by Mr Oakley to rescind the motion made at the March 13, 2017 meeting due to it being illegally stated and passed. Seconded by Mr Nannestad. Withdrawn by Mr Oakley due to errors in statement.

Motion made by Mr Oakley: "To rescind the motion regarding the forwarding of the zoning map with tax key changes that was made at the March 13, 2017 planning commission meeting due to it being illegally stated and passed." Seconded by Mr Tapio. Motion passed by unanimous roll call vote.

Motion made by Mr Tapio: "To accept the map as presented and dated 03/20/2017 by the Zoning Administrator and forward to the Township Board for final approval." Seconded by Mr Sandblom. Motion passed by Roll Call vote with Mr Nannestad abstaining.

8.) Public Comment:

Mr Ison read a prepared statement about the Zoning Maps and history and presented a

question as to why his family were not notified by the Township as to the changes being made to the Zoning Maps and the Zoning of the property that they own and live on. Then it was explained by Mr Oakley and Mr Knapp that under the Zoning Enabling Act that if there are more than 11 people township wide who would have to be notified, the notification is only by posting at the township hall and within the newspaper. Mr Ison did not turn in a copy of his prepared statement to attach to the record.

The 03/20/2017 dated map was asked to be provided through e-mail to the planning commission, and Mr Oakley agreed to help facilitate this.

9.) Adjournment at appx 8pm.

Minutes prepared and submitted by:

Planning Commission Chairperson, Martin R. Oakley