

**CHARTER TOWNSHIP OF CANTON
PLANNING COMMISSION PROCEEDINGS
November 14, 2022**

A Special meeting of the Planning Commission of the Charter Township of Canton was held at 1150 South Canton Center Road, Canton, MI, 48188 on Monday, November 14, 2022. Chairman Greene called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Eggenberger, Foster, Okon, Singh, Watkins, Weber, Zuber, Greene

Absent: Acharya

STAFF PRESENT: Patrick Sloan, Community Planner and Erin Schlutow, Senior Planner

TOWNSHIP CONSULTANTS PRESENT: None in attendance

APPROVAL OF THE MINUTES OF OCTOBER 3, 2022

Motion by Zuber, supported by Weber, to approve the Minutes of October 3, 2022, as presented. Ayes all present on a voice vote.

ACCEPTANCE OF AGENDA

Chairman Greene asked if any late additions were received by Staff.

Mr. Sloan stated no.

Motion by Zuber, supported by Weber, to approved agenda as presented. Ayes all present on a voice vote.

Chairman Greene asked if Staff received any additional communications from the public.

Mr. Sloan stated nothing had been received.

PUBLIC HEARINGS

1. 052-RZ-7552 **MARKHAM, LAURA** – Consider Rezoning for parcel no. 052-99-0033-000 (39609 Lotzford Road) from R-2, Single Family Residential and Corporate Park Overlay District to R-2, Single Family Residential by removing the Corporate Park Overlay District from the subject parcel and retaining the R-2 zoning. Property is located on the south side of Lotzford Road, east of Lotz Road. Proposed use is single-family residential.

Mr. Sloan summarized the staff report, dated November 14, 2022, Item #1.

Mr. Sloan stated Staff recommends approval to rezone the subject parcel from R-2, Single Family Residential and Corporate Park Overlay District to R-2, Single Family Residential without the Corporate Park Overlay District, as the proposal meets the standards of the Zoning Ordinance, as stated in the staff report.

Motion by Zuber, supported by Foster, to open the public hearing. Ayes all present on a voice vote.

Public Hearing opened at 7:10 P.M.

Mr. Dominic Hamden (Law Office of Dominic Hamden, PLLC., 827 Barn Swallow Lane, Milan, MI, 48160) is the attorney representing the applicant. Mr. Hamden thanked Mr. Sloan for his assistance with the rezoning. Mr. Hamden stated he previously served as Mayor and a Councilman for the City of Milan, knows how important support staff is, and thanked Ms. Ismet Khan for her prompt responses and pleasant demeanor. Mr. Hamden distributed a packet to each Commissioner that contained pictures of the home the applicant wishes to construct, builder information, preliminary permit applications, and credit approval for home construction.

Chairman Greene asked for public comments and there were none.

Motion by Zuber, supported by Singh, to close the public hearing. Ayes all present on a voice vote.

Public Hearing closed at 7:14 P.M.

Mr. Weber asked what the boundaries are for the Corporate Park Overlay District.

Mr. Sloan made the Zoning Map viewable to the Commission and explained the purple cross-hatched area on the map is the overlay area in question.

Mr. Weber asked if Staff has received development inquiries for the proposed rezoning area.

Chairman Greene asked if the Corporate Park Overlay District is still necessary or if trends have shifted to a higher demand for detached single-family homes.

Mr. Sloan stated he believes the demand in is particular area is higher for detached single-family homes.

Further discussion took place regarding the Corporate Park Overlay District and if there is a need for it generally and in specific areas. This will be evaluated during the review of the Master Plan, and specific areas may be reviewed concurrently for amendments.

Mr. Watkins asked if the Corporate Park Overlay District were to become a Central Business District Overlay in the future how that change would affect the area.

Mr. Sloan stated the majority of the Central Business District (CBD) Overlay is commercial. Mr. Sloan said the CBD has use provisions that are different from the Corporate Park Overlay District

(CPOD). Mr. Sloan said the Master Plan recommends the CBD be extended eastward along Ford Rd. and if that recommendation is accepted, areas to be included within the CBD will need to be identified.

Motion by Zuber, supported by Okon, to move to recommend approval of the request to rezone parcel 052-99-0033-000 (39609 Lotzford Rd.) from R-2, Single Family Residential and Corporate Park Overlay District to R-2, Single Family Residential without the Corporate Park Overlay District, as the proposal meets the standards of Section 27.06(D)(4) of the Zoning Ordinance as stated in the staff report.

Ayes: Eggenberger, Foster, Okon, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Acharya

Chairman Greene stated the proposed rezoning request will go to the Township Board of Trustees for its consideration.

NEW BUSINESS

2. **PLANNING COMMISSION MEETING SCHEDULE FOR 2023** – Consider approval of 2023 Planning Commission meeting schedule.

Chairman Greene asked the Commission for questions, comments, or concerns and there were none.

Motion by Zuber, supported by Weber, to move to recommend approval of the 2023 Planning Commission Meeting schedule at 7:00 p.m. on the following dates: January 9th, February 6th, March 6th, April 3rd, May 1st, June 5th, July 10th, August 7th, September 11th, October 2nd, November 6th, and December 4th.

Ayes: Eggenberger, Foster, Okon, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Acharya

3. **ZONING ORDINANCE TEXT AMENDMENT** – Solar Energy

Mr. Sloan summarized the staff report, dated November 14, 2022, Item #3. Mr. Sloan stated the proposed text amendment will not apply to solar energy farms at this time. Mr. Sloan said if the amendment is approved, the Public Hearing could take place as early as the January Planning Commission meeting.

Mr. Watkins stated he his interested in advancing his knowledge in the solar mechanisms used to generate solar energy.

Mr. Okon stated Staff did a very good job with the proposed text amendments.

Ms. Eggenberger asked if Staff could send pictures of the various solar energy structures to the

Commission.

Mr. Sloan stated yes. Mr. Sloan said if the Commission chooses to table this item, further discussion can take place at the December Planning Commission meeting and pictures can also be supplied at that time. Mr. Sloan stated the Public Hearing can be set for the January 2023 Planning Commission meeting to allow for further discussion at December's meeting.

Ms. Zuber asked if solar panels are prohibited on the front of homes under the current ordinance.

Mr. Sloan stated yes.

Ms. Zuber stated she likes the proposed amendment.

Chairman Greene stated he is glad to see an ordinance being proposed to address solar energy systems. Chairman Greene stated solar panels not being allowed on the front of homes are an outdated concept. Chairman Greene asked for insight regarding the proposed language for roof-mounted systems not extending more than one (1) foot above the roofline.

Mr. Sloan stated the one foot is a common restriction and it allows for room to tilt the solar panel.

Chairman Greene stated people can store solar energy and sell it to DTE. Chairman Greene would like the proposed ordinance to include language to address storing solar energy and Homeowners Association requirements.

Mr. Weber stated he thinks solar energy will grow and wants the ordinance to be adaptable to included future advancements with solar energy systems.

Ms. Foster stated she is very happy to see the proposed ordinance.

Mr. Singh said he would like to see solar energy use encouraged. Mr. Singh stated DTE makes it difficult to sell solar energy by including added fees.

Chairman Greene stated he does not want to be restrictive but wants to be careful to keep appealing aesthetics. Chairman Greene recommended to table the proposed amendment until next month to allow time for the Commissioners to gain additional knowledge regarding solar energy systems.

Mr. Sloan stated Staff can send additional material to review that will be helpful to the Commissioners. Mr. Sloan said Staff has communicated with various solar installation company's in situations where a building permit has been deferred and has explained to them that the process to amend the ordinance has begun and is a priority. Mr. Sloan stated Staff will send the Commission a model ordinance created by the MSU Extension and the U of M Graham Sustainability Institute that is used by many communities in Michigan State of Michigan. Sloan said the model ordinance addresses provisions and practices for utility scale solar panels.

Chairman Greene suggested having training on solar energy and current practices taking place.

Ms. Eggenberger stated she understands the need to be educated on the subject but agrees with Mr. Sloan's suggestion to schedule the Public Hearing for January. Ms. Eggenberger said at the December meeting additional information can be reviewed, and given the current need for the ordinance it should not be delayed.

Ms. Zuber stated she believes the solar battery storage can be stored inside.

Motion by Zuber, supported by Eggenberger, to move to set the public hearing for the proposed amendment to Section 2.03(I) of the Zoning Ordinance to include provisions for Solar Energy Systems, as provided for in the attached ordinance proposal.

Ayes: Eggenberger, Foster, Okon, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Acharya

4. **ZONING ORDINANCE TEXT AMENDMENT** – Fast Food Restaurants

Mr. Sloan summarized the staff report, dated November 14, 2022, Item #4. Mr. Sloan stated Staff recommends setting the public hearing for the proposed amendment to the Sections in Articles 17 and 18 of the Zoning Ordinance to include "drive-through restaurants" along with existing fast food restaurants text. Mr. Sloan said page 2 of the Staff Report shows areas underlined to be added.

Mr. Singh asked if this is relevant to Chick-fil-A.

Ms. Sloan said no, and that it is not specific to any particular restaurant or chain.

Ms. Foster stated the new text doesn't address parking spaces and asked if there is a plan to address parking spaces not being utilized at drive-through restaurants.

Mr. Sloan stated Staff would like to address the parking standards on a long-term basis for fast food restaurants and other uses. Mr. Sloan stated the last comprehensive Zoning Ordinance update for parking was in 1990 and there have been many changes since then. Mr. Sloan said one major amendment Staff would like is to allow for ways to minimize parking requirement in the ordinance itself. Mr. Sloan stated that the Zoning Ordinance currently allows the Planning Commission discretion to reduce parking spaces, and the Planning Commission has done so in many cases recently when the situation is justified.

Chairman Greene asked if curbside pickup needs to be addressed.

Mr. Sloan stated restaurants have included signage to designate curb side pick-up parking spaces for their existing spaces, and the ordinance does not prohibit this practice as long as the site is not severely under parked. Mr. Sloan said that in the future, language can be included in the ordinance for curbside pick-up.

There were no additional comments or concerns from the Planning Commissioners.

Motion by Zuber, supported by Singh, to move to set the public hearing for the proposed amendment to Section 17.02(B)(8) and Section 18.02(B)(2) of the Zoning Ordinance to include “drive-through restaurants” with fast food restaurants as a Special Land Use in the C-3 and C-4 zoning districts, as provided for in the attached ordinance proposal.

Ayes: Eggenberger, Foster, Okon, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Acharya

5. **ZONING ORDINANCE TEXT AMENDMENT** – Fences, Walls, and Borders

Mr. Sloan summarized the staff report, dated November 13, 2022, Item #5. Mr. Sloan stated this agenda item was discussed at the October 3, 2022 Planning Commission meeting and he anticipates several more future discussions on the topic. Mr. Sloan said several Zoning Board of Appeals applications have been submitted for fence variances.

Mr. Watkins asked if HOA bylaws and rules can supersede all ordinances amended.

Mr. Sloan stated that an owner must comply with both the Township ordinances and the HOA bylaws and other rules. Therefore, an HOA can be more restrictive than the Township ordinances.

Mr. Okon stated he would like to see the 6-foot high fence allowance for the side yard because it will assist with privacy and noise control.

Ms. Eggenberger asked for clarification regarding a 6-foot high fence in the side yard of a property where the owner extends it in front of the rear of the property owner’s home.

Mr. Sloan stated this situation occurs when two houses are next to each other and the side yard fence comes forward beyond the rear corner of the home. Mr. Sloan said several home owners have requested privacy fences to extend from the rear yard into the side yard.

Okon asked additional questions about side yard fences.

Ms. Zuber stated the text amendment is moving in the right direction.

Chairman Greene asked for clarification on the existing ordinance regarding side yard fences.

Mr. Sloan stated from the rear lot line to the back of the house (i.e., the rear yard), a 6-foot fence is allowed up to the back of the homeowner’s house or the back of the neighboring house, whichever is farthest back, and at that point the fence height requirement drops to 4-ft high.

Chairman Greene asked how far toward the front of the house the 4-foot fence could go.

Mr. Sloan stated provided there are no HOA restrictions the 4-foot fence, per the ordinance, can

extend up to the front yard setback line but is not permitted in a front yard setback.

Further discussion took place regarding the different types of fence variances that have been submitted, including fences located in front yard setbacks along major roads versus internal subdivision streets.

Chairman Greene stated he objects to enclosing the entire front yard with a fence. Chairman Greene said he generally approves of a fence along a major thoroughfare that tapers down to a lower height to allow for an unobstructed view of cross traffic for someone who lives along a main road. Chairman Greene said fences allow for privacy but also can add blight to a neighborhood because they can be used to conceal junk.

Mr. Weber stated it is difficult to come up with an ordinance to address every situation. Mr. Weber said there is a big difference between a 4-foot and 6-foot fence. Mr. Weber said the higher fence offers more privacy.

Ms. Foster said a lot of the township residents are part of a Homeowners Association (HOA) and the fence ordinance should not impact people who live in an HOA that has more restrictive fence regulations than the Township.

Mr. Weber asked if the majority of newer HOA's that are prohibiting fences are generally in the western half of the Township.

Mr. Sloan stated yes, some of the newer HOA's prohibit or heavily regulate fences, and many of the older HOA's have some regulations but generally allow them.

Chairman Greene said he has heard the Township doesn't require HOA approval prior to being issued a permit and recommends that the Township require HOA approval prior to issuing a permit.

Discussion concluded, and no motion was necessary.

REPORTS AND DISCUSSION

6. Discuss Master Plan

Ms. Schlutow summarized the staff memorandum titled, Canton Township Master Plan, dated November 14, 2022. Ms. Schlutow stated that the Master Plan Advisory Board will have its next meeting on December 8, 2022 and will be located in the Arts II room at the Summit on the Park Community Center. Ms. Schlutow said the Master Plan Advisory Board meetings for 2023 will take place in the lower level of the Canton Township Administration Building.

There were no questions or comments from the Commissioners.

PUBLIC COMMENT

There were no public comments.

Mr. Watkins asked who should be contacted when road signage is missing, specifically the Research Drive sign.

Mr. Sloan stated the Association can be contacted for the specific sign Mr. Watkins required about.

Further discussion took place regarding street signs and commercial signs.

Mr. Singh asked if the Patel Brothers development would be on the December Planning Commission meeting.

Mr. Sloan stated the Patel Brothers is proposing a grocery store at the former Canton Computer site on the east side of Canton Center Road between Ford Rd. and Hanford Rd. Mr. Sloan is unsure if the project will be ready for Planning Commission review by December.

ADJOURN

Motion by Watkins, supported by Zuber to adjourn the meeting. Ayes all present on a voice vote.

Meeting adjourned at 8:43 P.M.

Kelly Dandy
Recording Secretary