

## WALES TOWNSHIP SPECIAL MEETING

MARCH 23, 2021- VIA ZOOM

### OPENING:

- A. The meeting was called to order at 7:01 pm.
- B. Invocation and Pledge of Allegiance.
- C. Roll Call: Thomson, here; Messina, here; Kimmen, here; Bobcean, here; Masters, here. All present.

Agenda: Rezone Application. Motion by Masters, second by Thomson to approve agenda. Roll call: Masters, aye; Thomson, aye; Messina, aye; Kimmen, aye; Bobcean, aye. All ayes, motion approved.

Comments from Public regarding agenda item.

Larry and Linda Morden, (township residents) they have written several letters to the Township regarding their opinion. They feel this could be spot zoning. All other comments from Mr. Morden are included in the letters

Mark Zawadski, (applicant) would like the Board to consider rezoning 2.3 acres from light industrial to General Business.

Mark Clark, (rep for applicant) he feels the rezoning fits in with the 2011 Master Plan.

Kim Baltera, (resident) she stated wrong information regarding meeting was posted on website and handed to her at office. This has been checked out by the supervisor and it could not be found.

Whitney Pizzala, ( AR Engineering), she stated that there were no concerns from the Engineering aspect of the application. Well, septic and road commission are all good with it.

Ray Sutphen (land owner) and Janelle Mulphet (Sutphen's attorney), she stated that Mr. Sutphen's taxes are higher for this corner lot because it is viewed as ideal for business.

Mr. Morden, Planner's response shows it doesn't meet the requirements of the Master Plan.

J.J. Schmidt (Marlin Properties-representative for the applicant), he has worked with the applicant and feel this is an ideal spot for the request.

Comments completed.

### Correspondence:

Bobcean questioned Supervisor as to why there was not a response from the Attorney. She stated that he was present at this meeting and would be speaking next. Mr. Dubay explained to the Board that they have three options tonight. The application can be approved, denied or sent back to the Planning Commission for further review and another public hearing. He stated that Light Industrial use is a heavier use than commercial.

Mr. Atkins stated that this does not comply with Master Plan and it is spot zoning.

Kimmen asked if it is spot zoning even if Kenockee is zoned commercial across the road. Yes, Mr. Dubay replied.

Bobcean asked if it would still be spot zoning if the whole section was changed to commercial. Yes, that would still be considered spot zoning.

Mr. Atkins stated again that this could be considered spot zoning because it does not meet the intent of the future land use map. He recommends that it is denied or resent to the Planning Commission for further review.

**\*\*\* MINUTES FROM HERE ON ARE FROM THE CLERKS NOTES, ZOOM RECORDING WAS NOT AVAILABLE\*\*\***

Mr. Waddy (Zoning Administrator) asked if it is inconsistent to mix business and light industrial. No replied Mr. Dubay.

Mr. Rozelle (the applicant) disagrees with the planner.

Mr. Atkins stated that townships should consult with other area townships on the Master Plans.

Kimmen stated that our Master Plan is outdated. It should be updated every five to ten years. It has been ten years now for Wales Township.

Mr. Atkins suggested the township needs to update the future land use map.

**\*\*\* At this time the Board went into workshop.**

Masters doesn't understand the public's objections since the land was already zoned industrial and residents knew that when they purchased the land they live on.

Kimmen asked Thomson (Board rep on Planning Commission) why there is a dual zone on many pieces of property when she has requested in the past that the Planning Commission look into this. Thomson had no answer.

Bobcean stated that the Planning Commission should have given the applicant a reason for the denial of this application.

Thomson stated that he resists this application. He considers it spot zoning for one resident only.

Masters stated that the Planning Commission vote was 4-3. Metro Planning usually upholds the first decision. There was pausing of the voting from the Planning Commission, and she feels that this is unacceptable.

Thomson and the planner feel this is rezoning for one and ask what the future for such applications will be.

Kimmen stated this is her first time at a rezoning question. She said that she knows of other parcels that have been rezoned. Example is the Leaning Tree.

Duncan said there was also the White Oaks golf course and a horse farm on Sparling Road.

Kimmen doesn't feel there will be more traffic.

Messina asked if the residents that are opposed knew what their land was zoned before purchasing it. If not, she suggested everyone always check that out before they purchase land.

Morden said there will be more traffic and it will be spot zoning.

Masters stated that spot zoning is not illegal.

Morden also stated that there are cell towers nearby. Mr. Waddy said the towers are self-collapsing.

Mr. Dubay asked if it is approved, will it be compatible with the future land use map? Does it add to the future goals of the township? Will it be considered spot-zoning? These are the questions he feels the Board should consider before the vote. He reminded the Board of the options the Board has. Postpone, send back to Planning Commission for future review, approve or deny.

\*\*\* Workshop closed at 9:08 pm.

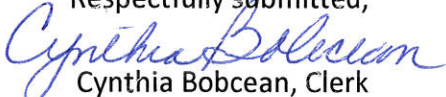
Motion by Thomson, second by Master's to approve the Planning Commission's recommendation to deny this request. Master's stated that the Planning Commission did not give a reason for the denial. Kimmen asked Thomson if he ever will change his mind on any rezoning. He stated NO. Roll call: Thomson, aye; Masters, nay; Kimmen nay; Messina, nay; Bobcean, nay. One aye, four nays, motion failed.

Motion by Masters, second by Kimmen to approve the application for rezone from I-1, light industrial to B-2 commercial business, contingent on an approved lot split of the 2.3-acre parcel. Thomson asked the Board to be careful in its decision. The Planning Commission put a lot of work into its decision, and it may lead to no confidence in the Board. Kimmen feels there is no wrong decision, just difference of opinions. Messina stated that there will be no difference in taxes. Roll call: Masters, aye; Kimmen, aye; Thomson, nay; Messina, aye; Bobcean, aye. Four ayes, one nay. Motion approved.

Masters reminded the Board that the next meeting is April 6, 2021.

Motion by Thomson, second by Kimmen to adjourn. Roll call vote: Thomson, aye; Kimmen, aye; Messina, aye; Bobcean, aye, Masters, aye. All ayes, motion approved.

Meeting adjourned at 9:24 pm.

Respectfully submitted,  
  
Cynthia Bobcean, Clerk