

— THE VILLAGE OF — SWANTON

September 14, 2020

This Public Hearing will be conducted via Zoom video conferencing, and streamed to the Village of Swanton's Facebook page.

Public Hearing

Mayor Toeppe: Call the Public Hearing to Order (*indicate time*)

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|------------|---------------|------------------|
| Roll Call: | Paul Dzyak | Michael Rochelle |
| | Kathy Kreuz | Craig Rose |
| | David Pilliod | Dianne Westhoven |

Mayor Toeppe: Statement of Purpose: “This is a public hearing to consider the proposed Village of Swanton Zoning Map Classification Amendment for 13950 Airport Highway from Central Business B-3 to One Family Residential R-1.”

Mayor Toeppe: “A final decision on this proposed Land Use Map Amendment has yet to be made. That decision will ultimately be made by the Swanton Village Council and will take into account what is said at this hearing.”

Presentation from Staff

In February 2020, the property owner, at that time, of 13950 Airport Highway requested amending the zoning classification from Central Business B-3 to One Family Residential R-1.

The Village of Swanton annexed this property in 2003 with the passage of Ordinance 2003-45. In May 2014, the Zoning Office Staff made a recommendation to the Planning Commission to initiate

zoning changes for parcels that still possessed township agricultural zoning classifications to the most appropriate Village zoning classification. Planning Commission made a recommendation to Village Council to amend the zoning classification of those properties, one of which was 13950 Airport Highway. Village Council approved amending the zoning classification at their August 25, 2014 meeting with the passage of Ordinance 2014-23.

The property at 13950 Airport Highway has a single-family dwelling and recently sold. It is a legal non-conforming use. I reviewed the Swanton Township Zoning Resolution dated August 18, 2003, a month before the annexation. The Zoning Map, in the book, is very small and not illustrated by parcel or in color. However, from the map the parcel was either zoned A-Agricultural or C-2 General Commercial when it was in Swanton Township (see enclosed).

Currently, all the parcels that are contiguous with 13950 Airport Highway, and within the Village of Swanton, are zoned Central Business B-3. The parcel to the north is unincorporated and therefore has a Swanton Township zoning classification. The property at 13950 Airport Highway is located across from Turtle Creek, which currently only has commercial establishments. There was discussion in 2018 to allow apartment buildings geared at 55+ age range. Though Planning Commission approved this, no buildings developed. Though the proposed location was in Turtle Creek it was outside the Airport Highway Corridor District. The boundaries of the district includes those parcels that front along the right-of-way of Airport Highway (except Turtle Creek Business Park) within the village, not to exceed a depth of 400 feet from the right-of-way along both sides of Airport Highway. (§150.161 Swanton Village Codified Ordinances)

The property at 14130 Airport (419 feet to the west of 13950 Airport) also zoned Central Business B-3, was part of the properties in Ordinance 2014-23 which amended the zoning classifications, and has a single family dwelling. This property is also legal non-conforming and last sold in 2017.

The recommendation of Planning Commission from February 2020 was: *Mayor Toeppe moved to approve to recommend to Village Council the zoning reclassification of 13950 Airport to One-Family Residential (R-1) contingent with the parcel to the east based on a positive response from Ms. Cannaley, with Mr. Young seconding. No discussion. Roll Call vote. Motion carried 5-0.*

On March 11, 2020 the Public Hearing Council scheduled for this topic was cancelled. This was a result of an email received on February 28 from the owner/applicant at that time indicating the sale of the property was closed. Please see below for contents of email

“We closed the sale of 13950 Airport much earlier than we expected so we are withdrawing the zoning request to change the zoning. I thank you

for the help and it is possible we may be back later but since I no longer own 13950 its time to keep it the commercial zoning.”

Mrs. Kowalski, current owner, submitted a variance request in late May 2020; she also requested this topic be brought up again. It was presented to Council on June 8, 2020 and Council suggested it go back to Planning Commission for review since there is new information.

This was the motion and roll call, at the July 7, 2020 meeting of the Planning Commission, related to this topic: ***Mayor Toeppe moved to recommend the zoning classification amendment request at 13950 Airport with Mr. Young seconding. No discussion. Roll Call vote. YES: Toeppe and Young. NO: DeGood, Dzyak, and Erdman. Motion failed 2-3.***

Items to consider:

Spot zoning: “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995).

One of the most important pieces of information to determine spot zoning is the extent to which the proposed rezoning is consistent with the municipality’s comprehensive plan. The 2008 Comprehensive Plan for the Village of Swanton states on page 25 that part of the revitalization of the Airport Highway Corridor should include elimination of incompatible land uses (single-family, multifamily residences).

Public Comments

(Please give name, address, company represented (if applicable) and opinion for the record)

During the window of public comment from the newspaper publications of the Public Hearing to the publication of this Public Hearing agenda (9.11.2020), the Village Administrator received ZERO calls or emails pertaining to this application.

During a virtual Public Hearing, only comments/questions related to the Public Hearing will be addressed in the Facebook comments when lived streamed.

- The Mayor will first acknowledge applicant, or representative, to speak on behalf of application.
- The Mayor will next acknowledge those who wish to speak in support of application.

- This is when those in support should comment on the Facebook Live stream.
- After all those have been heard, the Mayor will then acknowledge those who wish to speak in opposition of application.
 - At this time those in opposition should comment on the Facebook Live stream.
- All these comments will become part of the public record.

Discussion

Proposed Legislation is on the Council Agenda for action. No action needed in Public Hearing.

Adjournment