

**CITY OF WILLIAMSTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 28, 2005
MINUTES**

Mayor Zichi called the meeting to order at 7:00 p.m. in the Council Chambers at 161 E. Grand River Ave., Williamston, Michigan. Mayor Zichi led the Pledge of Allegiance.

3. Roll Call

Present: Mayor Zichi, Mayor Pro-Tem Hanna, Council Members Davis, DeForest, Monroe, O'Connell, VanAllsburg
Absent: none
Others: City Manager Hitchcock, Attorney Perrone, Executive Secretary Garnham, Police Chief Hetfield, Planning & Development Administrator Wilson
Visitors: Habitat for Humanity Representative Debi Drick, Attorney Jerome Fine, Matt Davis, George Landolt, Matt Price, William Schall, Bill St. John, Mike Thomas, Enterprise Reporter Will Whelton, JFM Productions

4. Approval of Agenda

Motion by **DeForest**, seconded by **Hanna**, to approve the agenda as submitted. Voice vote all Yes. **Motion carried.**

5. Audience Participation (non-agenda items)

Planning & Development Administrator Wilson stated that the Planning Commission has been working with a consultant on a survey as part of the Master Plan update. Wilson stated that the survey will be available on-line through a link on the City's website, and that paper copies will be available at City Hall and the Public Service Building.

6. Approval of Minutes – October 26th Public Hearing, October 29th Special Meeting, November 1st Public Hearing & November 14th Regular Council Meeting

Motion by **DeForest**, seconded by **Hanna**, to approve the minutes of October 26, 2005 as presented. Voice vote all Yes. **Motion carried.**

Motion by **DeForest**, seconded by **Hanna**, to approve the minutes of October 29, 2005 as presented. Voice vote all Yes. **Motion carried.**

Motion by **DeForest**, seconded by **Hanna**, to approve the minutes of November 1, 2005 as presented. Voice vote all Yes. **Motion carried.**

Attorney Perrone indicated that Brook, as part of Brook Development, was spelled incorrectly with an 'e' at the end throughout the minutes. Motion by **DeForest**, seconded by **Hanna**, to approve the minutes of November 14, 2005 as amended. Voice vote all Yes. **Motion carried.**

7. **Accounts Payable**

Hanna reported that the accounts payable, reference numbers 5749-5808, total \$113,589.41 and include consultant fees totaling \$47,345.70 and a street light payment of \$5,502.37.

Motion by **Hanna**, seconded by **Monroe**, to approve the accounts payable as presented. Yes: Davis, Monroe, VanAllsburg, Hanna, Zichi, DeForest, O'Connell. No: none. **Motion carried.**

8. **Action Items**

a. **1st Reading Ordinance #296 to Conditionally Rezone the Property Located at 3085 N. Williamston Road**

City Manager Hitchcock stated that there were typographical errors in Section 2: line 1, 'a' should be 'as'; line 2, Ordinance is misspelled.

Planning & Development Administrator Wilson stated that the property in question at 3085 N. Williamston Road is approximately two acres in size and the property around it is zoned Professional Office and Commercial. Wilson stated that the property owner had originally requested that the property be rezoned to C-2 without any conditions, but concerns about the intensity and types of allowable uses in the C-2 category caused them to apply for Conditional C-2 zoning with a restriction on the allowable uses. Wilson stated that rezoning can be an emotional issue. Wilson stated that she had recommended approval of the rezoning to the Planning Commission based on the site features and location, and that the Planning Commission had approved recommending the rezoning to the City Council. Wilson further stated that zoning specifies what uses are permitted on a property, but does not constitute an automatic approval of any site plan; the site plan review addresses aesthetic issues such as landscaping, buffering, lighting, dumpster location, etc.

Hanna stated that he was not comfortable with the proposed rezoning because it does not follow the 1994 Master Plan. Hanna further stated that the City needs an overall plan to move forward, not just to address issues as they come up. Hanna stated that there is no definition of aesthetics in the Zoning Ordinance. Wilson stated that the Council had permission to disagree with the recommendation.

Attorney Perrone stated that there could be no negotiation of the conditions on the rezoning, but a time limit could be added. Perrone stated that the Council had three options: 1) to grant the first reading of the ordinance and then proceed to the second reading, 2) to deny the rezoning with specific reasons for the denial, or 3) to remand the issue back to the Planning Commission with a request for more information or consideration.

VanAllsburg stated that the applicant could resubmit the application with changes in the conditions. O'Connell stated that in the Planning Commission minutes, it stated that VanAllsburg had asked why the rezoning could not wait until the new Master Plan was completed, and Attorney Stoker had stated that a delay would be the same as a denial. O'Connell asked why the City could not wait for the new Master Plan. Wilson stated that a delay of six to nine months was the legal equivalent of a denial. Wilson stated that the applicant could choose to withdraw the application and resubmit it after nine months. Wilson stated that the City still continued to operate as usual even though the new Master Plan was not in place, and that even after the Master Plan was adopted the Zoning Map would have to be revised. Wilson stated that the current zoning pattern for the area around the property had been in place for six years. Attorney Jerome Fine stated that he represented the applicant, and that in his opinion a delay of nine months would constitute a denial. Davis asked if the City was in the middle of reviewing the Master Plan. Wilson stated that the City was just at the beginning of the process for the Master Plan revision, that after it was completed the surrounding municipalities would have 90 days for their review, and that she anticipated that the process would not be completed until September 2006.

Davis stated that the rezoning application indicated that the rezoning was consistent with developing uses in the area, but that all of the development around that area is residential. Zichi stated that much of the area south of the railroad tracks along Williamston Road is zoned commercial, but that all of the actual development north of Linn Road has been residential.

Monroe asked if the parcel directly to the south of the applicant's parcel was zoned C-2 and Wilson confirmed that it was. Monroe asked if there were restrictions for use on the other parcel, and Wilson stated there were none.

Hanna asked why the applicant was requesting C-2 zoning instead of C-3. Wilson stated that the C-3 district should only be located along Grand River. Wilson stated that the restrictions on usage proposed by the applicant make it a neighborhood services type of zoning, which the City does not currently have in the Zoning Ordinance.

Davis stated that there were other C-2 properties available. Wilson stated that some of the commercial property available south of Linn Road is zoned C-4, Highway Services, where as other C-2 properties south of the railroad tracks are either already in use or are not on the market. Zichi agreed with Davis that there are other C-2 properties available. Davis stated that there was C-2 property available on the east side of Williamston Road. Wilson stated that most of that property is being used as office suites, and that parcel with frontage on Williamston Road was limited in size.

DeForest stated that the property directly to the north of the applicant's property is zoned Professional Office, and that the property directly to the south is zoned C-2. VanAllsburg stated that he feels the applicant has something of benefit to offer the community and that the applicant has stated that they want to save the existing barn.

Zichi stated that the City had rezoned property on the east side of Williamston Road from Industrial (I-1) to Professional Office to provide a buffer between the industrial park and residential areas. Zichi stated that the area had been down-zoned to Professional Office because it was more compatible with the residential area. Zichi stated that it may be appropriate to rezone the property in question from R-1, but not necessarily to C-2.

Attorney Fine stated that he felt the Council was pinning their hope on what will be recommended for this area in the Master Plan, and that it will not be a recommendation to have the whole Williamston Road Corridor zoned R-1, that it was not practical. Fine stated that if the corridor is not going to be R-1, then it would provide continuity and consistency for it to be zoned C-2 as this zoning has been in place for six years. Fine stated that people purchase properties and make plans based on the zoning. Fine stated that the Conditional C-2 Zoning has to come from the applicant and cannot be imposed by the City. Fine stated that there is a lot of property in the area zoned Professional Office and asked why we need more. Fine stated that the applicant does not want the property zoned Professional Office, and that their request complies with all rules of zoning and development. Fine stated that it was possible to create a professional office that would be ugly, or a commercial site that would fit in with the area. Fine concluded by asking that the Council act favorably in the matter of the conditional rezoning.

Hanna stated that doing something, even if it is wrong, is not the answer. Fine stated that the Master Plan is not going to recommend that the property be R-1, but that it have some kind of commercial use. Hanna asked how the City can be sure what the site will look like. Fine stated that the Master Plan does not say what it should look like, only what it should be zoned. Hanna stated that he felt the rezoning would be arbitrary, and would not follow a comprehensive plan.

VanAllsburg stated that the applicant has stated that they want to preserve the barn, and have indicated that they have Williamston aesthetics in mind. Davis stated that was okay, until they sell the property. Davis stated that rezoning the property would make it more valuable for sale.

George Landolt of 1264 Berkshire stated that the decision to rezone the property would affect the charm of Williamston. Landolt stated that the rezoning would stay with the land, and someone could purchase the

property in question as well as the property directly to the south and put up a strip mall. Landolt stated that he felt that the focus should be on the downtown businesses, and that a commercial use on the applicant's property would detract from the downtown. Landolt stated that he had surveyed his neighbors who would be directly affected by the rezoning, and they felt it would negatively impact their property values. Landolt stated that the resident felt a Professional Office use would be better, and that the applicant could voluntarily reduce the possible uses in the conditional rezoning. Landolt stated that the Council can say no, they just have to say why.

Mike Thomas of 207 East Riverside Drive stated that his family owned the property in question from 1969 until 1991. Thomas stated that it was his family's consensus that the property should not remain R-1, and that the barn and house should be torn down. Thomas stated that although the barn is the last remaining community built barn in Ingham, it has foundation problems. Thomas also stated that the porch on the house has historical significance.

Matt Price of 1260 Berkshire stated that he agreed with Landolt, and that it was easy for people who do not live there to make this decision. Price stated that there is nothing in the conditional rezoning that addresses aesthetics, and that once it is approved, anything on the list of possible uses could be built there. Price stated that he did not want to experience the odors or noises from a drive-through restaurant at his home. Price stated that the applicant could scale down the list of possible uses.

Matt Davis of 1009 Foxborough stated that residents live in Williamston because of the charm. Matt Davis stated that the barn may go down, but a McDonald's could go up. Matt Davis stated that the homeowners have a lot invested in their property, and that property owners cannot just arbitrarily change the use of their property. Matt Davis stated that he felt it was premature to make a decision before the Master Plan is in place.

Attorney Fine stated that the parcel directly to the south could become a McDonald's or Arby's already. Fine stated that he felt his client's conditions were reasonable, and that they currently have no plans for a McDonald's or other drive-through restaurant. Fine stated that the applicant had left in the option for a drive-through restaurant so that a Beaners or Starbucks with a drive-through window could be built. Fine stated that the Council should not turn down the rezoning because of that item alone.

Dr. William Schall of 3150 North Williamston Road stated that he was a member of the Planning Commission and he had not voted in favor of the rezoning. Schall stated that the rezoning of the property directly to the south of the applicant's was spot zoning and was performed against the recommendation of the Planning Commission and the Master Plan. Schall

stated that the Planning Commission has to decide what is appropriate zoning for North Williamston Road, and that they may rezone the corner lot that is currently C-2. Schall stated that the City took action to down-zone from Industrial to Professional Office on the east side of the road in 2000. Schall stated that the new Master Plan will help us in the future. Attorney Fine stated that like it or not, Williamston Road is going to look like Okemos Road. Schall stated that all surveys have indicated that the residents do not want Williamston Road to look like Okemos Road.

Zichi stated that the Corridor Plan was completed in 2004, and that the property on the east side of Williamston Road was down-zoned in 2001 or 2002, not 2000 as stated by Schall.

O'Connell stated that he is concerned that the City have a Master Plan and stick to the Master Plan so they know how it will be in the future. O'Connell stated that shops should be located in the downtown, and that rather than put in a Starbucks people should go downtown to Cappuccino Expresso.

VanAllsburg asked whether the property could be rezoned if the Master Plan indicated some other zoning than what is there now. Perrone stated that the Master Plan is a blueprint and that inconsistency with the Master Plan is grounds for denial. Perrone stated that any reasons for denial must be competent, material and substantial, not arbitrary and capricious.

Wilson stated that appendix A of the existing Master Plan addresses the west side of North Williamston Road, and indicates it is all zoned R-1. Wilson stated that when Plymouth Landing was developed, it was not designed to allow connection to the interior of the subdivision from lots along Williamston Road.

Zichi asked how the requested zoning is the most appropriate, and stated that he did not want a commercial district on North Williamston Road that would compete with the downtown district.

VanAllsburg asked if the zoning of the parcel could be changed after the new Master Plan is in place. Zichi stated that the Planning Commission and the City Council could make a motion to change the zoning.

DeForest stated that the property in question was not a part of the City when the last Master Plan was developed, but was still a part of Wheatfield Township. Wilson stated that it was addressed in the Master Plan in appendix A.

Zichi stated that the Council had three options: 1) they could approve the rezoning, 2) they could deny it with specific reasons, or 3) they could remand it back to the Planning Commission for further study.

VanAllsburg asked who the applicant was and what their relationship to the City was. Attorney Fine stated that the individuals were residents of Williamston, and were active on boards, including the Beautification Committee, and that they owned other property in Williamston. Fine stated that an R-1 use of the property was precluded from practicality, and stated that the applicant did not want to compete against TMN to build offices. Fine stated that the applicant wanted to develop neighborhood services.

City Manager Hitchcock stated that if the Council remanded the issue back to the Planning Commission, they had to be specific in their direction to the Planning Commission.

Motion by **Davis**, seconded by **Hanna**, to deny the rezoning of the property at 3085 North Williamston Road from R-1 to Conditional C-2 based on the following criteria: 1) there is other appropriately zoned land available in the City and surrounding areas to accommodate the demand for the business use, 2) the rezoning is inconsistent with the goals and policies in the current Master Plan, and 3) the Master Plan is being revised and the proposed rezoning may be inconsistent with future plans.

DeForest stated that he would have preferred to remand the issue back to the Planning Commission.

Motion by **Zichi**, seconded by **Hanna**, to amend the foregoing motion by adding a fourth criteria for denial, that being that rezoning to Professional Office would be more appropriate than to Commercial zoning.

Vote on the amendment. Yes: Davis, VanAllsburg, Hanna, Zichi, DeForest, O'Connell. No: Monroe. **Motion carried.**

Vote on motion to deny rezoning. Yes: Hanna, Zichi, O'Connell, Davis, Monroe, VanAllsburg. No: DeForest. **Motion carried.**

b. DDA Appointment

Mayor Zichi stated that the DDA (Downtown Development Authority) is required to have a resident member. Zichi stated that due to changes in personal commitments, the current resident member has had to miss several meetings and therefore has resigned. Zichi stated that Alyson Wendt, who is both a business owner and a resident of the DDA district, has applied for appointment to the DDA. Mayor Zichi recommended to Council the confirmation of his appointment of Alison Wendt to the DDA.

Motion by **DeForest**, seconded by **Hanna**, to concur with the appointment of Alyson Wendt to the DDA. Voice vote all Yes. **Motion carried.**

9. Discussion Items

a. Council Orientation

City Manager Hitchcock stated that she would like to set up a whole day for new and existing Council members to meet City staff, spend time with the department heads, tour the wastewater treatment plant, look at the DPW equipment, and then discuss various topics, such as what each of the boards and commissions do and the City budget.

Zichi stated that a half day was more doable for him, and possibly for others as well. Zichi stated that he was available between Christmas and New Year's Day. Michelle Hyne stated that she would only be available for a half day, possibly during the Christmas break. Hyne asked if it would be possible to have the orientation or an open house on a Saturday. Hitchcock stated that a weekend session would preclude any interaction with City staff.

O'Connell stated that he might be available during the Christmas break, and that a Friday morning would be preferable. Davis stated that she would only be available for a half day.

b. Work Session

Mayor Zichi proposed a Saturday morning work session on December 10, 2005. After discussion, the concurrence was to schedule a work session for Saturday, January 7, 2006 at 9:00 a.m. in the Council Chambers.

10. Correspondence Received / Information Only

a. Habitat for Humanity

Mayor Zichi stated that the financial terms of the lease between the Economic Development Corporation (EDC) and Habitat for Humanity had not changed, so there was no need for Council to take any action. Hanna asked why parking had not been added to the improvements required by section 3.1.1. City Manager Hitchcock stated that it would be covered by section 2.2.1, Site Plan Review.

Zichi stated that he had participated in a conference call with Governor Granholm and other Mayors and municipal leaders to discuss economic development in Michigan. Zichi stated that he would have a report for the next meeting.

11. Staff Reports

a. City Manager

City Manager Hitchcock submitted a written report. Hitchcock stated that the Council should be prepared to have pictures taken at the next Council meeting for posting on the City's website. VanAllsburg asked about the house on Crossman where the debris had been cleared from the yard. Hitchcock stated that there had been positive feedback from the residents in that area. Mayor Zichi reminded the Council that the ribbon cutting

ceremony for the Putnam Street Bridge was scheduled for 11:00 a.m. on Thursday, December 1, 2005. Hitchcock stated that refreshments would be served at City Hall following the ribbon cutting.

b. City Attorney

Nothing to report.

c. Police Chief

Police Chief Hetfield submitted a written report and monthly statistics. Hetfield stated that the Police Department had received a \$1000 grant from Wal-Mart for the Police and Kids program. Monroe stated that he appreciated the Chief's report, especially the information regarding the new communication system that will be more compatible with the County Sheriff's department.

d. Community Development Director

Community Development Director Alfredson submitted a written report. Zichi stated that he had seen workers on Grand River at the site where a sign had been driven through the electrical conduit for the streetlight outlets. City Manager Hitchcock stated that Eastlund Concrete was replacing the conduit and the colored concrete under the streetscape contract, which was still open.

12. Committee / Sub-Committee Reports

a. Legislative Director

DeForest stated that he had nothing to report.

13. Audience Participation (non-agenda items)

There was no public comment.

14. Council Member Comments

Monroe – stated that his house was up for sale, and that although he had two more years to serve on Council, he would resign if or when the house sells.

Davis – none.

DeForest – stated that it had been an interesting twelve years serving on Council.

Hanna – stated that it had been good serving on Council with DeForest.

O'Connell – thanked DeForest for his service.

VanAllsburg – stated that he appreciated serving with DeForest, and wished him the best of luck.

Zichi – December 3rd is the Chamber of Commerce Light Parade, and December 4th is Williamston Night at the Potter Park Zoo. Hanna stated that

the Chamber of Commerce members lead off the parade, and that any Council member who would like to could march.

City Manager Hitchcock stated that there was no Closed Session necessary, and that it had been left on the agenda from the previous meeting.

15. Closed Session

No closed session was held.

16. Adjourn to the Call of the Chair

Motion by **DeForest**, seconded by **Hanna**, to adjourn. Mayor Zichi called for opposition to adjournment. Hearing none, Mayor Zichi called for adjournment.

Meeting adjourned at 8:52 p.m.

Respectfully submitted by:

Catherine Garnham, Executive Secretary

Kenneth V. Zichi, Mayor

Date approved: _____