

**SANDS TOWNSHIP PLANNING COMMISSION
MINUTES**

April 21, 2015

1. Call to Order at 1830 by Planning Commission Vice-Chair J. Noe
2. Roll Call: J. Noe, S. Brauer, J. Wixtrom, R. Card & A. Burbey.
 - a. Absent: R. Titter & E. Anderson
 - b. Others in Attendance: Randy Yelle, Carolyn Kerkela, Stan Wittler, Don Britton, David Kallio, Nancy Olsen, Jay Johnson, Barb Kidder, James Kidder, Roger Peters, Helen Peters, Darlene Walch, Bob Myers.
3. Approval of Agenda: Motion by S. Brauer, Supported by A. Burbey, to approve agenda as presented. Ayes: 5, Nays: 0. Motion Carried.
4. Approval of Meeting Minutes of January 27, 2015: Motion by J. Noe, Supported by S. Brauer, to approve the minutes as presented. Ayes: 5, Nays: 0. Motion carried.
5. Public Comment:

Dave Kallio stated he is not in support of rezoning. He feels it could lead to lowering of property value, additional noise, and possibly other issues. There is a history of contention and court issues between the racetrack and surrounding neighbors. He feels the option of relocation should be explored, in an area with less conflict.

Nancy Olsen said there is a history of antagonism. There has been open communication between the neighbors and the current owners of the speedway. The court order was changed to accommodate changes the speedway requested, but the request to race until 10:00 p.m. was denied. She wrote a letter to the Planning Commission but said she feels there is not a public need for the change, it would create a small, isolated Commercial zoned district, and it is in the best interest of the land owners, not the public.

Barb Kidder questioned why the speedway wants to be conforming and what they want to do. She is against expansion of the track and activities, such as frequency and time of racing. She also feels this is not in the best interest of the public and only benefits the land owners. She is disappointed the turn this has taken; she feels the owners want more and hopes the issue does not end up back in court.

Helen Peters agrees with previous comments. She is concerned with expansion and sees no reason to change the zoning. The Township has spent money to keep the track nonconforming.

Stan Wittler explained the desire to become confirming, which is to not have to spend additional money and go the Zoning Board of Appeals every time they want to improve and maintain the track. They still are required to follow the Zoning Ordinance, and are not interested in expanding. They asked for later racing hours because it makes it easier to do business, but they cannot race after dark. They want the ability to keep up the speedway and make it pleasant for the public without getting ZBA approval every time.

James Kidder said the property adjoins Rural Residential in three directions, and only touches Open Space in one corner. There is no public need for this zoning change, and it creates a parcel with privileged treatment not in the best interest of surrounding zoning districts. He feels this only benefits the track owners.

6. Close Public Comment: J. Noe closed at 6:47.

7. Business:

a. RZ2015-01

i. Open Public Hearing: J. Noe opened public hearing at 6:47, noting public comments have already been heard.

Stan Wittler said the request is for business purposes. It will make their job of running the business much easier. They benefit the community and provide several part-time jobs for residents.

ii. Planning Commission Discussion:

The information provided by R. Yelle was reviewed and discussion followed on whether or not the request met the standards and requirements of rezoning.

R. Yelle gave a history of the property and zoning changes that made the property nonconforming in the 1990's. He explained that the court order dictates the days and time of racing; any zoning change will have no effect on that. If the rezoning were to happen, the Speedway would have to get a Special Use Permit to operate and the Zoning Administrator would monitor any violations of conditions.

Discussion followed on whether Commercial or Open Space was the best zoning of the property for the public as a whole, including scenarios in the future if the speedway was no longer operating. There was concern that rezoning would leave a small parcel of Commercial property surrounded by Rural Residential and Open Space. It was also asked if there was a way to allow the owners to make improvements without ZBA approval, but there is not if the property remains nonconforming. Comments and concerns from

the property owners, neighbors and township residents were discussed.

- iii. Planning Commission Recommendation to Township Board
J. Wixtrom moved to recommend the Township Board deny the rezoning request. J. Noe supported. After further discussion, roll call vote carried 3-2, with Wixtrom, Noe & Brauer voting Aye, and Burbey & Card voting Nay.

b. Amendment 14-01-01

S. Brauer moved to accept the amendment as written. A. Burbey supported. Motion carried unanimously.

8. Public Comment:

Stan Wittler asked if there was a conflict of interest because the Chairman was a member of the court order. J. Noe stated she was not in that group and did not participate in court proceedings. S. Wittler said her husband's name has been involved with several things, and J. Noe replied her decision was based on the information presented. S. Wittler also said the public comments about a small space rezoned to create another small zoned area did not make sense. He didn't fully understand the procedure for the rezoning. The owners have been working hard and want to be good neighbors, but they are constantly watched. He feels this action is a disservice to many Township businesses and saying that all the public was against the rezoning was untrue.

D. Kallio thanked the Board for representing the Township residents. All public in attendance was opposed. The restrictions placed on the property because of the nonconforming status give some control. Yes, there is a fear but it is of the unknown. The lawsuit costs the people a lot of money, and the people on that court order are the enforcers of that lawsuit. He asked for sympathy for others, not just the property owners.

H. Peters stated that most of the houses in the area were built after the track was foreclosed by the bank. The Racines bought it in 1981 and tried to race for a couple years, but then there was no action until 1992. Yes, people knew the track was there when they purchased property, but it was not operating.

N. Olsen thanked the Board for taking the concerns of residents into consideration. She knows there is close watching of the racing activities, and understands it is because of the history of conflict and because they do not want to see the problems reemerge, which could lead to violations and more court action. The people on the court order met with the track owners and agreed to many of their requests. They have tried to work with them.

B. Kidder commented that the track was not in operation in 1993 when they built their home. The Township Supervisor at that time told them there was an

ongoing lawsuit and that the Township had a “good case”, so they built their home based on that information.

S. Wittler said he thinks they have a good working relationship with neighbors. They want to get their business legal. He feels the public would have been better off with the rezoning because the burden would be on the Township to make sure the SUP conditions were followed. Now, if the rules are broken, it goes to court and costs everyone. Their hope was to make it simpler to do their business. He thanked the Board for the difficult decision.

9. Close Public Comment

10. Adjournment: J. Noe moved to adjourn, S. Brauer supported. Motion carried unanimously. Meeting adjourned at 1950.