

CHARTER TOWNSHIP OF MONITOR  
REGULAR PLANNING COMMISSION MEETING  
December 1, 2015

The meeting was called to order by Chairman J. Bellor at 7:00 p.m.

The Pledge of Allegiance was recited.

Members present: E. Arnold, J. Bellor, R. Campbell, D. Darland, J. Frank, C. Hoyle, M. Morin

Members absent: None

Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner;  
Asst. Planner, Steven Hanan

**Motion by J. Frank seconded by C. Hoyle to adopt the agenda as presented with the addition of Annual Permits and Big Box stores.**

Motion carried.

**Motion by R. Campbell seconded by C. Hoyle to approve the minutes of the November 3, 2015 regular meeting as presented.**

Motion carried.

**Public Input**

Chairman J. Bellor opened public comment at 7:03 p.m.

John Engel of 4400 Mackinaw Rd. submitted a copy of a letter previously submitted to the Supervisor and the Building Department of questions he has about the construction of the building to the north of him. He wondered why they weren't required to get Planning Commission approval for their site plan.

A second letter was submitted to the Planning Commission at the meeting with similar questions. Many complaints have been made to the Township and no one is doing anything about this large building being built. He wants to know why the Planning Commission did not have to oversee this building.

His complaints are that the arena was granted a side yard variance because it was too close to existing buildings to fit and then the existing building was moved. The neighbors have also built a connector between the barn and the arena which would violate the terms of the variance by housing animals in the building. They are enlarging a non-conforming building without a special use permit. He claims that this is a public building and yet no evaluation has been done by the Fire Department and no parking considerations have been made for the safety of the public.

Some of the above issues regarding the variance are presently awaiting a hearing by the Michigan Court of Appeals.

Mr. Engel and his wife Pam Evans are just trying to protect their 36 year equestrian business and the well-being of the citizens.

J. Frank noted that this is Ag land and no permits are needed. Attorney Sheppard asked what the Department of Agriculture said when they talked to them about the issue. Mr. Engel said that he wasn't going to get into that.

Planner Lippens thanked Mr. Engel for bringing up the issues and he will take direction from the Planning Commission and look into this.

Public Input closed at 7:35 p.m.

### **Items for Consideration**

#### **Snider Special Use 09-100-012-400-010-03**

Shawn and Brenda Snider have applied for a special use permit to run a dog grooming business in their basement at 3760 2 Mile Rd.

Planner Lippens reported that public hearing would be set for next month. The McKenna review felt that the sketch plan is acceptable for this application. The site meets the setback requirements and meets the requirements for a home occupation in a residential district.

Mrs. Snider noted that she has regular house lighting on the front and back porches and, although not noted in the application, she does have a fire extinguisher in the basement. She is an organic groomer so no chemicals are used and the hair is donated to a group that makes mats out of it.

She had been visited by Zoning Official D. Rochow and spoke to Supervisor G. Brandt informing her that she had to remove the sign she had in her yard.

Planner Lippens said that allowed signage is basically a shingle and can only be 1' x 2' and be attached to the house not visible from the street to maintain the character of a home and not a business. He also noted that there is a turn-around driveway on this lot which should facilitate ingress and egress.

Public Hearing has been noticed out for the January 5 Planning Commission meeting.

#### **Holly Springs Phase 2 Final Preliminary Plat Approval and Referral to Board**

**D. Darland moved to recommend that the Township Board proceed with approval of Final Preliminary Plat for Holly Springs Phase 2, 09-100-023-200-210-00. Supported by J. Frank.**

Roll call vote:

Yes: Darland, Frank, Hoyle, Morin, Arnold, Campbell

No: None

Absent: None

**Motion carried.**

## Ordinance Review

Annual Report.

**M. Morin moved to send the McKenna Annual Report and proposed work plan for Planning Commission to the Township Board. Supported by R. Campbell. Motion carried.**

## Board Recommendation re: LED signs for Schools and Churches

Signs may not be restricted by message or by user according to new sign regulations by the State. Therefore, allowing LED signs just for churches in Residential or AG can't be done. Schools are regulated by the State. This makes writing an ordinance more difficult.

Maybe the Board would like to reconsider now that they know about these new regulations which would open the door to all home occupations, For Sale signs, farm markets, garage sales. Much discussion regarding LED signs.

E. Arnold will ask the Board if they want to proceed since we can't discriminate between a church, a farm in the AG zone, or a house. They would all get LED signs.

Planner Lippens noted that we can still distinguish between temporary and permanent signs. It would be possible to only restrict LED to permanent signs. He will research jurisdictional control over private schools.

## Big Box Stores

E. Arnold discussed an article regarding Big Box stores that close. The store may be for sale, but has deed restrictions that would not allow anyone to buy it that would sell anything that was previously sold in that Big Box store which is just about everything. Therefore, the store can't be sold and has zero tax value. They go to the State Tax Tribunal on the new store they built across the street and use the "no value" store across the street as a comp reducing their taxable value by millions. Different municipalities are looking for ways to protect themselves from this in the future.

P. Lippens noted that there is legislation pending trying to deal with this, but it is also being contested.

D. Darland related his understanding as an assessor as to how this would work and doesn't think there is anything that is going to help the townships or municipalities.

E. Arnold is asking if there is anything that the Planning Commission can do to protect us from this type of activity. The consensus of the Commissioners and Advisors is that we should wait to see what happens with the State court case before doing anything. P. Lippens said that we should look at any new development of this type when considering tax abatements as well in case they use the "dark store" argument on top of the tax abatement that they have already received.

## Annual Permits

It was noticed that a lot of new poles and electrical work has been done at Michigan Sugar and they don't get permits. J. Bellor's recommendation is to require Michigan Sugar under the Michigan Building Code to get an annual permit with a minimum fee of \$2000. This would require the electrical, plumbing, and mechanical inspectors to go there at the end of the year and find out all of the changes

that have been made. The inspectors would each get \$500 for their inspection and the Township would get \$500.

**M. Morin moved that we recommend ~~that the Township Board require an annual permit for Michigan Sugar~~ that the Township Board investigate whether they want to require an annual fee of no less than \$2000. Supported by D. Darland. Motion carried.**

### **Planner's Report**

The Fire Department memo dated November 10, 2015 noted their reasons to maintain 35 feet as the building height.

Dollar General filed their final corrected site plan and there are prints to be signed at the meeting tonight.

The proposed project list was included with the Annual Report. Everything that has been discussed to date has been listed in this memo. Next month we want the memo to reflect the changes that we would recommend be made to the zoning ordinance.

### **Communications**

**Motion by J. Frank supported by C. Hoyle to accept Communications. Motion carried.**

**Motion by C. Hoyle supported by J. Frank to adjourn.  
Motion carried.**

Meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Dan Darland  
Secretary

DD/jw