

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
January 8, 2019

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

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, D. Darland, J. Frank, Connie J. Schweitzer, T. Miller, B. Reder

Members absent: None

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

Motion by B. Reder seconded by J. Bellor to adopt the agenda as presented.

Motion carried.

Motion by B. Reder seconded by J. Frank to approve the minutes of the December 13, 2018 regular meeting as presented.

Motion carried.

Election of Officers

Attorney R. Sheppard was present and presided over elections.

Nominations were opened for chair, Vice-Chair and Secretary

Nominations were open for Chair.

Motion by R. Campbell, seconded by J. Bellor to nominate J. Frank as Chair.

Nominations closed. Motion carried to elect by unanimous vote as Chair for 2019.

Nominations were open for Vice-Chair.

Motion by B. Reder, seconded by R. Campbell to nominate J. Bellor as Vice-Chair.

Nominations Closed. Motion carried to elect by unanimous vote as Vice-Chair 2019.

Nominations were opened for Secretary.

Motion by D. Darland, seconded by J. Bellor to nominate C. Schweitzer as Secretary.

Nominations closed. Motion carried to elect by unanimous vote as Secretary 2019.

Nominations closed. The officers elected accepted their respective offices and thereafter J. Frank presided at the meeting as Chairman and C. Schweitzer acted as Secretary of the meeting.

Public Input

Chairman J. Frank opened public comment at 7:07 pm.

Sue Pike, 4192 Three Mile, addressed the Planning Commission on a letter she wrote in regards to ATS Printing. She stated that since the dead trees have been removed and the new bushes have been planted, there is a total lack of privacy. She invited the Planning Commission to visit her house to understand the issue.

Rita Maier, 4262 Three Mile Road, read a letter from a resident that was unable to attend the meeting. The letter cited the landscape before and after ATS moved to the location. Much praise was given to ATS for the current landscape and condition of the building. R. Maier, described ATS as a great neighbor; they keep the property neat and clean. She feels ATS has been borderline harassed over the burning bushes.

Dennis Barthel, President of ATS Printing-5305 N. Thomas Road, Freeland MI stated this is his second year in the Monitor Township location. He stated much thought went into replacing the arborvitae.

Gabe Dobis, Dobis Landscaping, 5466 Garfield Road, Saginaw MI explained that ATS had dead arborvitae that were 20 to 30 feet tall. The trees that have died, contracted a disease; they were cut down and removed. G. Dobis, after consulting with D. Barthel, recommended burning bushes to create a screen. He also stated burning bushes can expect a height of 15 feet or more. He stated that a six-foot arborvitae would give better coverage, however the roots have to be spade and perfect soil conditions along with sufficient water would have to be present in order for the tree to thrive. Current soil conditions are less than perfect in the area where the dead trees were removed.

T. Miller pointed out that P. Lippens stated that the burning bushes are deciduous, meaning they lose their leaves in the winter. He asked G. Dobis if there were other evergreens that could be used for replacement.

G. Dobis summarized that an evergreen tree could be used in place of the arborvitae by using the example of a blue spruce. However, a spruce would eventually interfere with the powerlines. Also, additional planting room would have to allowed for growth.

G. Dobis asked if there was a specific tree in the original site plan.

R. Sheppard detailed he believed that the approved Norman's original site plan had arborvitae along the perimeter and staggered. In regards to the replacement of the dead trees, the Planning Commission said to replace the dead foliage, but did not specify as to what type of foliage.

Discussion continued between R. Sheppard, D. Barthel and G. Dobis as to the planting of the replacement trees/bushes.

Mary Ellen Banaszak, 4351 Three Mile, told the committee that the overgrown weeds at ATS are creating a habitat for wild animals. These wild animals are eating her beautiful tomatoes.

Lisa Eurich, 1208 N. Walnut, would like to build a tiny house in Monitor Township. She is familiar with the Monitor Township design standards of 1000 square feet. Her intent is to buy a

piece of agricultural property and build a small house by obtaining a special use permit. She is not asking for the entire township to accept tiny houses, just the property where she will build her tiny house. Her goal is to build a house less than 400 square feet.

P. Lippens, explained that the minimum square footage for residential standards in Monitor Township is 1000 square feet. If the Planning Commission wanted to consider this, they could direct him to bring some information back for discussion.

R. Sheppard suggested that she could pay the fee for an ordinance revision which the board would then be required to look at it.

L. Eurich asked R. Sheppard if she could do this by getting a special use permit.

R. Sheppard, explained that to qualify for a special use permit it has to be in the ordinance as a special use with conditions and criteria set forth on how you qualify for it.

L. Eurich stated that this is a movement that is happening across the country.

L. Eurich considered asking for a variance.

R. Sheppard explained that a variance requires a showing of some hardship or practical difficulty.

Chairman J. Frank closed public comment at 7:07 pm.

Items for Consideration

ATS Public Hearing

J. Frank opened the Public hearing for ATS-Planned Unit Development

P. Lippens began a review of ATS--a Planned Unit Development approved March 28, 2016. ATS did a lot to make sure the building was updated. There was a requirement that they not only replace the dead and diseased trees on an annual basis, but to continue to replace them. The replacement bushes are different enough from what was originally proposed on that site, that it is a modification of the plan. For a PUD, the site plan is a part of zoning. In order to make this change it would have to be noted on a new site plan that state what condition the screening row will be. The Planning Commission could consider the modification if ATS makes a case that the burning bush is a quality screen row. The original PUD had an evergreen tree row, when ATS occupied the site, they agreed to maintain the original condition. No additional requirements were placed on ATS, only that the original tree screen was maintained. If the Planning Commission would like to revise the original plan, a new site plan would have to be submitted.

C. Schweitzer, asked for clarification on the ATS 2016 approval and the letter from McKenna. 2016 approval states the diseased trees have to be replace. McKenna's letter states that the trees have to be planted to conform with the character of the greenbelt.

P. Lippens responded that because it is a PUD, what was proposed and planted at the site, is part of the zoning of the site. The site plan is now a part of the sites zone. This is why a PUD is approved by the board. The trees at the ATS site, is dense tree growth, that is/was two (2) trees deep.

D. Barthel stated he has the original site plan from Norman's that has the recommendation of arborvitae; four (4) feet tall as recommended by the Planning Commission. He felt that a four (4) foot replacement next to a 25 to 30-foot tree would look awkward.

K. Malkin commented that there was a lack of clarity on the part of the Planning Commission. Based on the letter from McKenna, it does not dictate what the replacement foliage should be. He suggested that whatever is decided today could be noted on the site plan and spare the expense to ATS to submit a new site plan.

D. Darland cited that the original PUD was controversial at the time. Many decisions were made to protect the residents across the street, in regards to the bumper strip.

B. Reder told D. Barthel that the Planning Commission owes him an apology. Since February 2016 through June of 2018 the township has had two (2) Supervisors and one (1) Zoning Administrator to deal with this issue and no one did. He strongly disagreed against ATS submitting a new site plan.

D. Barthel explained it was very difficult to obtain the current ATS site. A substantial amount of money was spent and many people advised him not to go through with it. However, the building and location were a perfect fit for his business. D. Barthel stated that whatever the Township decides, he will do, all he is asking for is clarification.

B. Reder suggested arborvitae be placed in-between the burning bushes to create a more complete screen and cover the current blank space.

C. Schweitzer mentioned that the burning bushes are strategically placed and in time they would look just as nice and better, then if smaller arborvitae were planted.

T. Miller stated he did not feel it would be aesthetically displeasing to have smaller arborvitae planted and it would please the neighbors across the street. An arborvitae is a twelve (12) month continuous screen, whereas the deciduous burning bush only creates a screen for half the year.

T. Miller made a **motion** to plant arborvitae at the ATS location.

K. Malkin replied that this is not a good climate for arborvitaes.

R. Sheppard detailed that there is not a list of desirable species in the landscaping section. He suggested rather than ripping out the burning bushes, perhaps incorporate some evergreens in between the bushes.

D. Darland responded that the original site plan described the bumper strip as “evergreens”, no particular species, simply “evergreens.”

D. Barthel stated he was concerned with “evergreens” due to the powerlines, which may become an issue down the road.

J. Frank advised the Planning Commission, that there is a motion on the floor to plant evergreens of choice.

T. Miller reviewed his motion to plant evergreens four (4) to five (5) feet in height, intergrated with existing bushes or in lieu of existing bushes and completed by the end of 2019.

D. Barthel responded that he would like it referenced to the approved Norman’s site plan so he has a document he can refer to for size and spacing.

R. Sheppard explained that tree replacement will be reference as specified in the approved Norman’s site plan.

J Frank closed the public hearing.

Motion by T. Miller supported by D. Darland to approve planting evergreens, four (4) to five (5) feet in height, integrated with existing bushes or in lieu of existing bushes and completed by the end of 2019 consistent with the approved Norman’s site plan

Roll call vote:

Yes: Bellor, Campbell, Darland, Frank, Miller, Reder, Schweitzer

No: None

Absent: None

Motion Carried

P. Lippens explained that last month a recommendation was made by the sub-committee in regards to Wind Energy Ordinance that they would like the Planning Commission to review.

B. Reder made a **motion** that the Wind Energy Ordinance along with the revised Zoning Ordinance, both be set for public hearing.

D. Darland asked for some discussion on the Wind Energy Ordinance regarding the audible noise measurement as referenced in the Minnesota study.

K. Malkin pointed out that the measurement in the Minnesota Study is LEQ and the measurement of the Advisory Committee recommendation is LMAX.

T. Miller remarked that he feels that it is a very restrictive ordinance. He is very upset with the process and feels a lot of stakeholders have been left out. The Wind Energy Ordinance is a very exclusionary ordinance, from decommissioning—setbacks—flickering—sound.

D. Darland reviewed page five (5) of the Wind Energy Ordinance. Section 33 IV and VI; IV “another”; VI “other” “and”, other than that exactly the same.

R. Sheppard suggested IV be deleted since it was a duplication and grammatical error. Renumbering should start at VII and so on.

D. Darland reviewed page nine (9) VII should “should” be changed to “shall.”

R. Sheppard explained that “shall” means mandatory.

WEAC members explained it should be changed to “shall” to protect an endangered Crane species and a Bat species.

R. Sheppard noted the change from “should” to “shall.”

D. Darland reviewed page ten (10) #1 regarding maximum height of 500 feet.

R. Sheppard stated 500 feet height is the standard based on other ordinances in the State of Michigan.

D. Darland reviewed page 11 #6, Decommissioning. Suggested to include the Township being reimburse for cost if any, for the demolition quotes.

R. Sheppard explained that the Planning Commission, as the Ordinance is currently written, will be able to recoup all costs; not just decommissioning costs.

D. Darland reviewed page 16 #27 Strobe Effect; strobe effect is not in the definitions.

P. Lippens replied that “strobe effect” will be added to the definitions.

D. Darland reviewed page 17, “Restoration must be completed within 365 days of non-operation.” Asked if it should include “removal.”

R. Sheppard remarked that on page 16, that removal starts after 180 days after it ceases to produce power. Restoration, bringing the location back to the original state, is completed within 365 days.

D. Darland reviewed page 18 V, \$500 fine or \$500 fine per day?

R. Sheppard confirmed the fine for violation of the Wind Ordinance is \$500 for day 30, \$500 for day 31, etc.

D. Darland reviewed page 20, “approved by the Planning Commission” should read “approved by the Monitor Charter Township Board or their designated agent.”

R. Sheppard confirmed the change, from “Planning Commission” to “Monitor Charter Township Board or their designated agent.”

R. Sheppard remarked that the notice has already been written for the Public Hearing for the Zoning Ordinance to be held February 5, 2019. The notice will be placed in the Valley Farmer.

Members of the Public called for it to be placed in the Bay City Times vs. the Valley Farmer.

J. Leuenberger, Wind Energy Advisory Committee stated he would make a contribution to have the notice placed in the Bay City Times.

It was agreed to by the Planning Commission Members that a Notice would also be published in The Bay City Times.

Motion by B. Reder supported by J. Frank to set the revised Wind Energy Ordinance and revised Zoning Ordinance with changes addressed at this evenings Planning Commission meeting for a Public Hearing on February 5, 2019 at 7 pm.

Roll call vote:

Yes: Bellor, Campbell, Darland, Frank, Reder, Schweitzer

No: Miller

Absent: None

Motion Carried

Communications

Motion by R. Campbell supported by J. Bellor to acknowledge receipt of Communications. Motion carried.

Motion by C. Schweitzer supported by B. Reder to adjourn. Motion carried.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Connie Schweitzer
Secretary

CS/djp