

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
December 3, 2019

The meeting was called to order by Vice-Chair Bellor at 7:00 p.m.

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, A. Shabluk, Connie J. Schweitzer, T. Miller, B. Reder

Members absent: Frank (excused)

Also present: R. Sheppard, Planning Attorney; J. Jackson, Planner, K. Malkin, Supervisor

Motion by Reder seconded by T. Miller to adopt the agenda as presented.

Motion carried.

Motion by Reder seconded by Campbell to approve the minutes of the November 5, 2019 regular meeting as presented.

Motion carried.

Public Input

Vice-Chair J. Bellor opened public comment at 7:02 p.m.

Malkin addressed the group regarding the rezoning of the property on Westside Saginaw Road as presented by Mr. Keit, a few months ago. This item will be placed on the January 2020 agenda for discussion.

Bellor closed public comment at 7:04 p.m.

Items for Consideration

Public Hearing-Sign Waiver & Site Plan Review---Harold Miller

09-100-037-400-050-00

1600 S. Euclid Avenue

Bellor opened the Public Hearing

Jackson gave a review of the documentation presented. The overhang that covers the sidewalk encroaches the side yard setback and Harold Miller has elected not to remove any portion of the overhang, there will be encroachment in setbacks, so moving forward, this will be a non-conforming situation. With any modification to the site and/or the building, will require special use approval.

Sheppard stated at last month's meeting the applicant said he said had acquired a twenty-five (25) feet enhancement to his lot. After a review of all the records, it is a twelve (12) feet

enhancement. Sheppard said if there is a deed not recorded, which shows a 25 feet enhancement that could make a modification of this statement.

Jackson gave a reviewed of parking. The new revised site plan has 84 parking spaces, which is in compliance with the ordinance. Jackson recommended moving forward with the site plan as long as all conditions are met.

Jackson reviewed the sign waiver. He said it was brought to the Townships attention, that the property owner has brought out a portable sign and placed it on the property for holiday sales. These signs are allowed, but they require a permit. He did not get a permit for the placement of this sign. Jackson said one possibility is to table the consideration of the sign waiver until they file the appropriate applications for the portable sign. This is something the Planning Commission may want to consider, since they are asking for more signage than they are allowed and, in the meantime, they have put out more signage without a permit.

Jackson gave a review on the existing signs. There are seven (7) signs being recommended for waiver approval and four (4) signs that are not in compliance and should be removed.

J. Wheeler, Engineer, reviewed three (3) outstanding issues still need to be addressed:

1. Southern most barrier-free space has an obstruction between the access aisle and the walkway to the building.
2. Parking
3. Letter of approval from the Drain Commission.

Harold Miller asked where did the information came from regarding the temporary sign.

Jackson said he saw a photograph of the sign today.

H. Miller asked Jackson where he got the information that they did not have a permit for the sign. He added, "Wouldn't you think that a person in your position would get his facts straight before he brought it to the Township Planning Commission.....you should have had it first....wait a minute don't interrupt me.....wouldn't you think that someone who is hired by the Township can do the job correct.....because we do have that permit.....wouldn't you of thought that would be important to you to make sure that, that wasn't right, I would of thought so."

Bellor asked if H. Miller has the permit.

Nickie Ross, 1600 S. Euclid, said she did not bring it with her. She said she picked up an application from the office and later dropped it off to the office with a \$25 check.

Malkin said he would not consider that an issue.

Miller said it is an issue because Jackson said he would table this issue because we were in violation of not obtaining a permit for the temporary sign.

Malkin said he did not think the Planning Commission will consider it a problem.

H. Miller stated he was told to place decorative rock around the telephone post with some landscaping. The stone J. Wheeler is asking to be removed, was suggested by the Township to be used, however H. Miller was unable to identify who told him to use the rock.

J. Wheeler said he does not see a way a wheelchair could physically get down the access isle with the current stone and boulder placement.

Sheppard gave clarification on the portable sign. He said if a permit was obtained, the permit is good for seven (7) days, four times a year and there has to be thirty (30) days in-between.

H. Miller made comment on the signs to be removed. He said the Penske sign has been erected for seven (7) years. H. Miller also made comment on the small size of the flower shop signs to be removed.

A discussion continued on signage among the Planning Commission members and H. Miller.

A. Shabluk made comment about the number of signs at 1600 S. Euclid. The conclusion was less is more.

T. Miller spoke of the seven (7) sign waivers requests. He asked H. Miller if there was any room for compromise.

H. Miller agreed that he could compromise with the flower shop signs.

Bellor asked if the Penske sign could be relocated or removed.

H. Miller said he wouldn't know where to place the sign.

R. Sheppard told the Planning Commission the Penske sign was not an approved sign. He said it could be part of the waiver but not where the sign is currently located.

A discussion on parking continued among the Planning Commission members and H. Miller.

Bellor closed the Public Hearing.

Motion by Reder, supported by T. Miller to approve the sign waiver and removable of signs as follows:

| No. | Tenant | Sign Type | Status | Sign Area | Action |
|------------|-----------------------|--------------------|----------------|------------------|---------------|
| 1 | Envy | Projecting | Allowed | 4 | Allow |
| 2 | Envy | Door Window | Waiver | 1.89 | Waiver |
| 4 | Directory | Wall | Allowed | 20 | Allow |
| 3 | <i>Penske</i> | <i>Directional</i> | <i>Illegal</i> | 32 | <i>Remove</i> |
| 5 | Prudential | Wall | Allowed | 7.5 | Allow |
| 6 | Unique F&G | Window-1 | Illegal | 2.99 | Waiver |
| 7 | Unique F&G | Wall-1 | Permitted | 30 est. | Allow |
| 8 | <i>Unique F&G</i> | <i>Wall-2</i> | <i>Illegal</i> | 31.5 | <i>Remove</i> |
| 11 | Unique F&G | Window-2 | Allowed | 2 | Waiver |
| 12 | <i>Unique F&G</i> | <i>Window-3</i> | <i>Illegal</i> | 2.9 | <i>Remove</i> |
| 9 | Directory Sign | Freestanding | Permitted | 93.6 | Allow |
| 10 | Lease-1 | Freestanding/temp | Allowed | 10.67 | Allow |
| 13 | Elaine's Bake | Window-1 | Allowed | 1.98 | Waiver |
| 14 | Elaine's Bake | Window-2 | Illegal | 3.9 | Allow |

| No. | Tenant | Sign Type | Status | Sign Area | Action |
|------------|---------------|------------------|---------------|------------------|---------------|
| 15 | Elaine's Bake | Window-3 | Allowed | 1.9 | Waiver |
| 17 | Elaine's Bake | Door | Allowed | ? | Waiver |
| 18 | Allstate | Door | Illegal | More than 2 ft | Waiver |
| 19 | Allstate | Window | Illegal | ? | Remove |
| 20 | Allstate | Wall | Permitted? | 16 | Allow |
| 21 | Lease-2 | Window 1-temp | Allowed | 12 | Allow |
| 22 | Lease-3 | Window 2-temp | Allowed | 8 | Allow |

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder, Shabluk

No: None

Absent: Frank

Motion carried

Sheppard suggested to grant deferred parking for the additional parking spots, as long as it is drawn on the print to show it is reserved for future parking if needed.

~~Motion by Reder supported by Campbell to take Attorney's recommendation to approve the site plan— resubmit site plan showing deferred parking for the Penske trucks five (5) spaces, removal of boulder/decorative rock at handicap parking space per Engineer, to be replaced with hard surface and provide screening that is acceptable to the owner of lot 12.~~

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder, Shabluk

No: None

Absent: Frank

Motion carried

Public Hearing- Special Use & Site Plan Review-Spartan Partner Services, LLC

09-100-019-200-050-00

09-100-019-200-040-06

09-100-019-200-040-07

391 Midland Road

Bellor opened Public Hearing

Jackson gave a review of the documentation submitted. Issues from November 2019 Planning Commission meeting have been resolved as follows:

1. Landscape screening along the West and North property lines are not required. Ordinance states screening should be provided between industrial and residential districts. Property is adjacent to an agricultural district.
2. Relocation of the building, revised plans were presented at November 2019 Planning Commission meeting.
3. Letter of approval from the Bay County Drain Commission and Spicer Engineering-which is the third-party engineering firm.

Jackson also stated that Spartan provided justification for deferred parking based on their employees and the usage.

Don Ferrio, 1748 E. Wheeler Road, addressed concerns regarding water, drainage and hard surface. He asked the Planning Commission to think about what they are doing and the impact to the residents.

Reed Cooksey, Stonefield Engineering, Detroit MI representing Spartan, addressed concerns regarding hard surface and the ability to handle excess water, run off and the detention pond. The detention pond was designed per the Drain Commissioner recommendation and can handle 100-year storm.

T. Miller moved to close Public Hearing, supported by Reder
Motion carried

T. Miller asked about non impervious surface for the hard surface.

Todd Levy, Attorney, representing Spartan explained that the cost is significantly more.

Bellor closed Public Hearing.

Motion by T. Miller, supported by Reder to approve the Special Use and Site Plan for Spartan Partner Services, conditional upon receiving a Site Plan showing 114 deferred parking spaces to be approved by the Planner.

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder, Shabluk

No: None

Absent: Frank

Motion carried

Public Hearing-Special Use-Land Division-Wayne Bleck
09-100-005-200-060-00
985 E. Chip Road

Reder moved to open Public Hearing, supported by Bellor
Motion carried

Wayne Bleck of 985 E. Chip Road explained that he would like to split off five (5) acres of his 40-acre parcel and keep the five (5) buildings currently on the parcel and obtain a waiver for the height of one of the buildings and another building is in the side yard. Bleck said he has no plans to use the buildings for anything other than personal use. No business or agriculture will be run out of the buildings.

Bellor asked if one of the buildings burn down could it be replaced.

Sheppard replied, "No"

Bleck asked the Planning Commission if the property was sold would the Special Use stay with the property.

Sheppard confirmed it would stay with the property. A covenant would need to be signed and sent to the Register of Deeds, so anyone who buys it will know the property has special dispensation and the owner is not entitled to rebuild any buildings that burn down or torn down.

Motion by Reder, supported by T. Miller to approve the Special Use permit for Wayne Bleck, with no commercial use.

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder, Shabluk

No: None

Absent: Frank

Motion carried

Public Hearing-Special Use- Robert & Greg Panzner

09-100-037-200-640-00

906 S. Euclid

Bellor opened Public Hearing

Malkin summarized the reason for the Special Use permit.

Terry Kubasik, 3458 W. Presler Drive asked the Commission if Bob's Towing was turning into a junk yard.

Sheppard explained that the one-year temporary Special Use was granted in August 1993 and this hearing is to make the Special Use permanent.

Kubasik stated that he did not have a problem with the business then and he does not have a problem with it now.

Bellor closed Public Hearing

Motion by T. Miller, supported by Reder to approve the Special Use Permit with the following conditions:

1. Vehicles in impound are not to exceed 12 in number and none are to be stored outside of screened area.
2. Vehicles are to be removed 30 days after completed investigation
3. Fluids leaking from stored vehicles must be prevented from leaking onto the ground
4. Rodent control must be maintained by the property agency
5. This facility is not for wrecker storage
6. The site be maintained in accordance with all applicable property maintenance codes and ordinances

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder Shabluk

No: None

Absent: Frank

Motion carried

Motion by Bellor, supported by T. Miller to reconsider motion, passed, with the exception of #1, number of vehicles allowed in impound to 20.

1. Vehicles in impound are not to exceed 20 in number and none are to be stored outside of screened area.

Roll call vote:

Yes: Bellor, Campbell, Schweitzer, Miller, Reder Shabluk

No: None

Absent: Frank

Motion carried

Communications

**Motion by Reder supported by T. Miller to acknowledge receipt of Communications.
Motion carried.**

**Motion by Schweitzer supported by Campbell to adjourn.
Motion carried.**

Meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Connie Schweitzer
Secretary

CS/djp