

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
February 7, 2017

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

The Pledge of Allegiance was recited.

Members present: J. Bellor, R. Campbell, D. Darland, J. Frank, C. Hoyle, T. Miller, W. Reder
Members absent: None
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner
Others present: Kenneth M. Malkin, Township Supervisor
Public present: See Sign-In Sheet

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

Motion carried.

Motion by W. Reder seconded by J. Frank to approve the minutes of the January 3, 2017 regular meeting as presented.

Motion carried.

W. Reder made a motion, seconded by C. Hoyle to elect J. Frank to Vice-Chairman position. With no other nominations coming from the floor, nominations were closed.

Motion unanimously carried to elect J. Frank as Vice-Chairman for 2017.

Public Input

Chairman J. Bellor opened public comment at 7:02 p.m.

Terry Jankowski, of 204 Aplin Street, was present and is the current owner of Terry's Market, located at 2551 Midland Road. Mr. Jankowski stated he has owned the property and market for fifteen (15) years, operating the store for thirteen (13) of those years. He has had a series of misfortunate events operating and leasing the market, and is currently cleaning it up to operate again as a party store, but would like to eliminate the meat counter and offer signage, tools and other items for sale. R. Sheppard noted Section 16.09 of the Ordinance which covers non-conforming uses. The market is a commercial business located in a residential zone. R. Sheppard suggests that Mr. Jankowski put in writing what he plans to do. It currently appears that Mr. Jankowski may not need a special use permit, and the parking requirements will not change. Mr. Jankowski will need to submit an exterior and interior site sketch, a list of items offered for sale, as a record of the change of use. The Commission discussed the fee structure. Kenneth M. Malkin, Township Supervisor, inquired if a site sketch is still necessary as Mr. Jankowski is most likely not making changes that will affect the use of the business. K. Malkin asked Mr. Jankowski to submit the site sketch to the Township.

Public comment closed at 7:19 p.m.

Items for Consideration

Kellie Gray, 5115 Baxman – Township Board Referral – Ordinance 52 K

Chairman J. Bellor addressed Kenneth M. Malkin, Township Supervisor, regarding Kellie Gray of 5115 Baxman, who is in attendance to defend her recent Ordinance 52 K citation. K. Gray's home is very near agricultural zoning. K. Malkin recommends making changes to Section 3.30, of Zoning Ordinance #52, first pointing out that it makes a clear distinction between residential and agricultural zoning. He suggests that the current rule should be written to apply equally to either district. K. Malkin continued, stating that aesthetically he feels it is acceptable to have a trailer in the front yard if the minimum set-back is obtained or the trailer is kept in the side or rear yard of a residence. Additionally, it would make enforcement easier and more consistent.

R. Sheppard spoke, stating that the hardship is not one that was created by the applicant, as she is unable to get the trailer behind the home. Currently, the trailer does meet the front set-back guidelines, as it sits outside of the required 30' ft set-back requirement. For a fee, and with appropriate presentation to the Zoning Board of Appeals, a variance would most likely be granted as it is well within the Zoning Boards jurisdiction and discretionary ability and it will not set precedence for anyone else. The Ordinance modification could be finalized with the Zoning Board sooner; however the process for amending the Ordinance through the Planning Commission will take a two to three more months.

There was much discussion with regard to amending the Section of Ordinance 52 K, and the resulting impact on other parties. The Commission discussed the process for Ordinance complaints and enforcement. With appropriate research, P. Lippens, Planner will be presenting a report reflecting changes at next month's meeting.

Zoning Ordinance Review

- **Medical Marijuana Ordinance.** Chairman J. Bellor commented that the Township Board has recommended the Planning Commission to table this matter until further notice. W. Reder stated that the Michigan Township Association (MTA) has suggested that Townships take no official standing as the State of Michigan will not be considering any legislation with regard to medical marijuana until December of 2017. It was the mutual consensus of the Commission to stay abreast of any new information regarding this matter, but to table until necessary action is required.

- P. Lippens, Planner – Proposed Changes to Zoning Ordinance. **Preliminary Amendments**

1. Were there any additions that needed to be added or amended?
2. Print before or after a Public Hearing regarding the proposed changes?
3. Conversation with R. Sheppard regarding Adult Day Cares.

P. Lippens provided the Commission with a description defining Adult Day Care to be included as a special condition land use in the commercial zone.

J. Bellor commented, expressing his concern regarding the section in the Ordinance pertaining to pools which indicates that residents are required to have a 5' ft fence. The State of Michigan only requires a 4' ft fence. With that said, J. Bellor contends we should be comparable with the State of Michigan.

J. Bellor reported to the Commission his investigative findings of storage facilities. He contends that many of these units are being used for the transfer or distribution of a product. In previous meetings, the amended Ordinance language would restrict or limit what a business should or should not do, which would be unnecessarily oppressive. J. Bellor suggests that a section of the agreed upon language be omitted.

The Commission discussed the criteria for mini-storage type establishments at great length. P. Lippens offered to provide alternative verbiage to conditions, and land use standards to review. In addition, another option would be to provide specific standards to review permitted and not permitted storage uses. T. Miller commented, expressing his approval for additional restrictions if they promote the safety and protection of the Township and its residents. R. Sheppard stated that quite possibly the regulation of the mini-storage units themselves would be the most viable solutions.

It was agreed by the Commission to review P. Lippens various corrections prior to scheduling the Public Hearing for eventual approval of the newly revised Zoning Ordinance.

R. Sheppard suggested informing the Township Board that a new Ordinance number be assigned.

Reports

The Commission reviewed the Reports.

Communications

Motion by R. Campbell supported by W. Reder to accept Communications. **Motion carried.**

Motion by C. Hoyle supported by W. Reder to adjourn. **Motion carried.**

Meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Dan Darland
Secretary

DD/blfp