

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

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

The Pledge of Allegiance was recited.

Members present: J. Bellor, R. Campbell, D. Darland, J. Frank, T. Miller, W. Reder
Members absent: C. Hoyle
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner
Others present: Kenneth M. Malkin, Township Supervisor, Dave DeGrow, Building
Official

Public present: See Sign-In Sheet

Motion by W. Reder seconded by J. Frank to adopt the agenda as presented.

Motion carried.

Motion by W. Reder seconded by T. Miller to approve the minutes of the February 7, 2017 regular meeting as presented.

Motion carried.

Public Input

Chairman J. Bellor opened at 7:03 p.m. Dave DeGrow, the Building Official of the Charter Township of Monitor, spoke, stating he is in attendance this evening to point out various inconsistencies in zoning that could affect the residents of the township. One Ordinance, for example states that you cannot have a fence in the front yard. He referred to a resident who lives on a corner lot, who essentially has two front yards. They have a fence in the front yard. He contends that the homeowners most likely are not aware. He suggests a change to the Ordinance allowing a resident on a corner lot to put a fence on the yard opposite of the address. Dave continued, addressing the Commission with regard to the accessory building Ordinance, using an example of a homeowner who has a 1600 sq ft accessory building. If that same resident were to build an additional accessory building, 1200 sq ft, they have to take down their 8 X 8 garden shed, because the Ordinance states they are only allowed one accessory building. Dave contends that we need to bring our Ordinance up-to-date to current zoning standards. He doesn't think it is necessary to restrict a homeowner to one accessory building, if they have not met the maximum square footage allowed for one. Mr. DeGrow continues, expressing his recommendation for the amendment of the current Ordinance which restricts the size of a homeowner's garage. Currently, 960 sq ft is the maximum allowed. New homes today are much larger in size, and in most cases a larger garage paired with a larger built home looks aesthetically pleasing. He feels that these various changes would be more resident friendly. Lastly, Dave DeGrow commented on the Ordinance which regulates the fence size surrounding swimming pools. The State of Michigan requires a 4 ft fence. We should meet, and not exceed the State of Michigan Requirement.

At 7:08 Kenneth M. Malkin, Township Supervisor, addressed the Commission, speaking in reference to the fence surrounding swimming pools. K. Malkin contends that there should be consistency between the building code and Zoning Ordinance and suggests the Planning Commission re-address this requirement.

7:10 p.m. Robert Toeve, addressed the Commissioners, stating that he has plans to build a new home at 4560 2 Mile. His building plans include an attached garage totaling a little over 1300 sq ft., with 4-stalls. The size of the new home will be 4400 sq ft, noting that the size of the garage compliments the home. He feels that the Ordinance that limits the size of a garage to 960 sq ft may have been reasonable at one time, may be overly restrictive for homes today.

With no one else present wanting to speak, Chair J. Bellor closed public input at 7:12 p.m.

Items for Consideration

Wallace, David, 09-100-G05-000-026-00, 2689 Fairfield Dr, Special Use Permit-Home Occupation

Chairman J. Bellor introduced Mr. David Wallace allowing him to address the Commission. David Wallace began stating that his proposed firearms sales business will be strictly internet based sales, citing that 99.0% of the items will not be inventoried at his home address. Customers will not be coming to his home and there will be no signage. His intent is to eventually relocate to an office in the commercial district as his business grows. He contends there will be minimal impact to the environment and culture of the neighborhood. He offered to answer any questions from those in attendance.

Chairman J. Bellor asked the Planner, Paul Lippens, to speak with regard to his review. P. Lippens begins by stating the home occupation requires Special Land Use Approval from the Planning Commission. In a design perspective, there were no objections; however approval is contingent on two items. First the special land use is approved with the Planning Commission, and secondly, that the required State and Federal licenses are obtained. P. Lippens described to the Commission and those in attendance at the hearing how the land use review is performed, taking into consideration the character of the use, the construction of the building, buildings in the vicinity, the number of employees, potential impact on traffic conditions, environmental effect, the nature of the use and its effect on the surrounding neighborhood. Additionally, there are standards applied to the home occupation, one that essentially states that it cannot function as a retail business, so no stock and trade can be kept, articles sold or offered for sale in the dwelling unless produced by the home occupation. In this case because it is a retail online business, there is no proposal for any customer to come into the home to make a purchase. There is no display of goods, visible signs advertising the business, and no additional employees, so it is consistent with use approval. The standard is also met as Mr. Wallace will be using one room in the basement for his online sales. With regard to the impact on the neighborhood, P. Lippens feels that Mr. Wallace should submit a revised use statement that includes details on specific aspects of the proposed use. For examination and response, P. Lippens submitted a detailed list of required information that would need to be completed by Mr. Wallace for approval, in addition to a copy of a proof of adequate insurance coverage for the business describing the proposed use of property, all proof of government filings, including but not limited to, the ATF license. **(See McKenna Associates: Wallace-Home Occupation Firearms Sales, SLU #1)**

W. Reder asked if Mr. Wallace was going to be performing any gunsmithing or repairing of firearms, Mr. Wallace stated that although approval of his FFL would allow this, he will not be offering this service. T. Miller asked how Mr. Wallace intends to operate his business. Mr. Wallace answers, stating that he would be considered a gun broker, and will be selling firearms and like goods or supplies through gunbroker.com, an online venue. He is required to have a license in order to sell on these types of sites. He is also in the process of developing his own website.

Public Input

Chairman J. Bellor opened public comment at 7:27 p.m. Several concerned neighbors in attendance living in the vicinity of Mr. Wallace's home stood up to speak about their concerns if the special use permit were to be approved. Many expressed their apprehension of a potential influx of unwanted traffic and people targeting the applicant's and their homes for possible theft. Many felt this would be damaging to the neighborhood. Many questioned Mr. Wallace on his business model, his plans for securing any inventory, and the nature of how he plans to deliver his product. Mr. Wallace responded, stating that there would be no transactions conducted at his home. In addition, there will be no physical address listed on his future website, as he will be utilizing a UPS address for all shipments received and sent. There was an ample amount of discussion from those in attendance, and those who spoke were given the chance to question the Commissioners and Mr. Wallace.

With no one else willing to comment, Chairman J. Bellor closed the public input at 8:26 pm.

D. Darland, Secretary, read the four (4) letters received at the township from area residents. Three (3) of the letters were opposed to the approval, and one (1) for approval of Mr. Wallace's Special Use.

Paul Lippens, Planner, provided input based on his assessment which requires a more precise and detailed record of the nature of his proposed business. The additional information Mr. Wallace will provide to the Commission will be kept on file with the township. Any expansion of his business would require Mr. Wallace to obtain a new approval. The following items will need to be submitted to the Planning Commission to be included in any approval for Special Use: **McKenna Associates: Wallace – Home Occupation Firearms Sales, SLU #1**

- i. A listing of employees for the business, their duties, and their respective addresses to determine if they are residents for purpose of the home occupation.
- ii. Details regarding the nature of surveillance and security installations on the site.
- iii. A description of the products for sale or included free with purchase, including ammunition, weapons, or other explosives.
- iv. A detailed description of the supplier(s) and method(s) used for procuring weapons, parts, ammunition, knives, swords, and accessories.
- v. A description of the inventory of the items listed in items 4.a.iii and 4.a.iv that will be kept on the site.
- vi. A detailed description of the system for receiving and completing customer orders, including the number of non-personal firearms, non-personal swords, and the amount and type of ammunition to be stored on the site at any given time.

- vii. A description of any consignment portion of the business operation, or a statement that consignments will not be part of the business operation.
- viii. A description of the method of securely storing non-personal weapons on the site, and a personal guaranty that all weapons will be kept unloaded.
- ix. A description of the tools and methods used in assembling and repairing firearms, including any tools or processes that may generate noise, odor, or the potential for explosion.
- x. Representation and personal guaranty that firearms will not be discharged at the site.
- xi. A copy of the application that will be submitted to the ATF for the business and any of the individuals to be licensed.
- xii. A draft of the document that will be submitted to the appropriate governmental entity such as the application for the limited liability company (LLC) or other business entity.
- xiii. Copy of the Employer Identification number for the business entity.
- ~~xiv. Statement from the mortgage company that the home occupation will or will not be a violation of the mortgage. (See Below)~~
- xv. Statement from the insurance carrier that the operation of a gun shop with whatever type of ATF license is being pursued will still provide liability coverage for third parties on the property.

Mr. Wallace is in receipt of the above as of this evening's meeting, and states that he has no objections for compliance. P. Lippens explained that one of the documents submitted by McKenna Associates is a review of the sketch plan, and the second document details the requirements and additional, recommended requests for Special Use approval. T. Miller commented, stating that he is in favor of tabling the matter until Mr. Wallace has submitted his responses to the above request. There was widespread discussion. The Commission agreed to **exclude Item xiv.** from the requirement list as there was some question whether or not **Item xiv.**, a Statement from Mr. Wallace's mortgage company, could even be obtained.

W. Reder made a motion to grant the approval based on the condition that Mr. Wallace can satisfactorily meet all stipulations detailed in the McKenna Associates recommendation, with the exception of Item xiv. P. Lippens, Planner, may grant final special use permit and site plan approval upon final administrative review of use statement and supporting documentation requested therein by McKenna Associates March 1, 2017 correspondence regarding the special use permit and is specifically granted, predicated upon the site sketch submitted by Mr. Wallace and the aerials which is also approved, **R. Campbell seconded.**

Roll Call Vote:

Yes: Campbell, Darland, Reder, Bellor

No: Frank, Miller

Absent: Hoyle

Motion carried 4-2 to approve.

Recreational Vehicles and Parking of Trailers – Section 3.30. P. Lippens prepared a memo with regard to parking of trailers and recreational vehicles. Based on his analysis, modifying the RV and trailer storage requirements results in three major issues:

- Visual Setbacks - does the storage of trailers and RVs in the front yard to match the average building setback and general character of the neighborhood?

- 2) Screening - could requiring screening of the storage of trailers of RVs limit the impacts on sites where storage behind the building is not possible?
- 3) Community Norms - is storage of RV's and trailers in the front yard generally consistent with the aesthetic expectations in most of the R-1 and R-2 districts; particularly areas of the districts with 50 to 60-foot building setbacks?

The Commission members discussed modifying the current Ordinance. K. Malkin commented, stating his initial reason for suggesting a change to the Ordinance was to maintain consistency between the Residential and Agricultural District requirements. If a set-back is determined, it should be the same for every district. The Commission discussed community norms related to RV and trailer parking. Should exceptions be given through the issuance of special land use approval, and determined on a case-by-case basis? D. Darland suggested that the Ordinance be amended to meet a minimum front yard set-back of 75' ft. J. Bellor inquired to what latitude the Commission could have to allow this in certain circumstances. R. Sheppard commented, stating that criteria can be written for a Special Use Permit where as in certain circumstances, when determined by the Planning Commission, a non-conforming use permit can be granted. However, R. Sheppard contends that amending the Ordinance to allow for a higher set-back would be the best and less costly solution. The Commission agreed to have the Planner, McKenna Associates, prepare a proposed draft of the Ordinance with a minimum front yard set-back of 75' ft. from the right-of-way (ROW) line, to be discussed at the next Planning Commission meeting.

Swimming Pool Fencing Standard. W. Reder made a motion to recommend to the Township Board that the swimming pool fence Ordinance be amended to 4' ft requirement, J. Frank supported. All in favor, with T. Miller opposing.

Motion Carried

Private Garages. R. Sheppard commented stating that recent changes to garage Ordinances have taken place at neighboring townships. There was discussion on maximum attached garage size and height restrictions, regulations regarding detached garages and accessory buildings. J. Bellor suggested that a sub-committee be formed as there are several discrepancies in the current Ordinance that do not correlate with the building code. There was Commission discussion with regard to getting expert opinions from the Building Department, Planner and Attorney as a sub-committee may delay the completion of updated Ordinance.

In order to expedite a change in the Ordinance, R. Sheppard suggested that Mr. Robert E Toevs, a resident in attendance, apply and pay for a single item zoning amendment with the Planning Commission in order to address the maximum size of a private attached garage. Mr. Toevs plans to build roughly a 4400 sq ft home with a (4) stall garage and would like to begin construction as soon as possible. The current Ordinance allows for a maximum of 960 sq ft. D. DeGrow commented stating that the fact remains that larger homes are being built which now require larger attached garages. Toevs is in agreement to apply for a single item zoning amendment allowing for the maximum size of garages to be increased to 1400 sq ft.

The Commission agreed to table the balance of agenda items to the April 4, 2017 meeting:

Self-Storage and Warehousing Criteria
Planning Commission Fee Structure Update
Schedule: Public Hearing for Ordinance Amendment Consideration

Communications

**Motion by D. Darland supported by J. Frank to accept Communications.
Motion carried.**

**Motion by J. Frank supported by T. Miller to adjourn.
Motion carried.**

Meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Dan Darland
Secretary

DD/blfp