

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
July 10, 2018

The meeting was called to order by Chairman Bellor at 7:00 p.m. in the Township Hall.

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, J. Frank, C. Hoyle, T. Miller
Members absent: D. Darland, B. Reder
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner,
Beth L. Patterson, Acting Secretary

Motion by J. Bellor seconded by R. Campbell to adopt the agenda as corrected adding an additional public input period for residents present to voice their concerns.

Motion carried.

Motion by R. Campbell seconded by J. Frank to approve the minutes of the June 5, 2018 regular meeting as presented.

Motion carried.

Public Input

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

Tamara Krueger of 3607 Monitor Road spoke thanking the Planning Commission for taking the time to listen to the residents.

Mark Suchy of 2185 E. North Union stated that because of the past performance and the non-notification of the Planning Commission the people have hired a private attorney to assist in developing structured guidelines for wind turbines. They will be attending in August with their desired regulations.

John Leunberger of 3368 Fraser Road approached the table submitting the Michigan Zoning Enabling Act, Act 110 of 2006 to R. Sheppard, Township Attorney. He expressed his intent to file a petition and read aloud from the Act regarding elimination of officers. He stated publicly that the members have already violated several laws.

Rick (Richard) Rivard of 2910 Wheeler Road mentioned that he did not see setbacks relating to oil wells and tanks in the Ordinance and inquired if there were to be setbacks for wind turbines. He wondered if anyone is following the lawsuit in the Thumb area. He inquired what the Township would do if there are arguments about enforcement of noise concerns. In Caro, Consumers Energy is asking for a variance to get closer to the airport.

Kenneth Nickel of 5953 Redfeather Drive stated that the people in Tuscola County had to sign non-disclosure forms. He has seen several turbines in that area that are broke down and have remained that way for months. He inquired if the residents will get a vote on this. He also has concerns relating to the sugar factory noise and smell.

R. Sheppard, responding to J. Leunberger's interjection from the crowd, explained the Michigan Zoning Enabling Act and petition for referendum of vote however, the misconception is that there is already a zoning ordinance in place which regulates wind turbines in Monitor Township. The Township Board has sent it back to the Planning Commission to make it more amicable to the residents.

Several other residents took the time to speak publically to the Commissioners expressing their concerns over setbacks, sound and sound measurement, shadow flicker and the proximity to the airport. Many suggested that audio testing should also be completed in a fair manner and that a 35 db should be used due to documented health concerns. One resident suggested that concern should be taken with regard to the coal mine shafts which exist in the area. Others were in question as to how the average person would fight compliance issues with a turbine company and the process for filing complaints. The majority would desire the maximum restrictions be developed if they could not be kept out of the township altogether.

Charles Campbell of 3342 Fraser Road passed out packets to the Commissioners which included the wind ordinances from other townships. He feels that a good starting point would be to review the ordinances from Almer, Beaver and Ellington Townships. He read aloud several suggestions from a handout relating to sound level, noise measurements, shadow flicker, lighting with shielding, and decommissioning which residents desire a 1 million dollar decommissioning bond per turbine which is valid through the life of the land lease. If decommissioning would cost more they feel the lease owner should be required to pay for that. Additional suggestions included requiring a road bond to pay for necessary road repairs.

Norm Stephens of Caro Michigan, Almer Township made comments relating to the updated Supervisor recommendations that were available to residents.

The following is a listing of the remainder of public and residents who spoke against wind turbines in Monitor Township in the first public input session.

Ken Gloss	4080 7 Mile Road	Monitor Township Resident
Mike Krieger	2070 E. North Union	Monitor Township Resident
Lynnette LeBourdais	4076 Mackinaw Road	Monitor Township Resident
Daurie Gloss	4080 7 Mile Road	Monitor Township Resident
Steve Bannister	3620 7 Mile Road	Monitor Township Resident
Norm Stevens	91 E. Deckerville Road, Caro, MI	Almer Township Resident
Julie Alarie	4677 4 Mile Road	Monitor Township Resident
Judy Hutter	3049 Hawthorne Dr.	Monitor Township Resident
Jeff Glashauser	1018 Midland Road	Monitor Township Resident
Judith Meier	2250 E. North Union	Monitor Township Resident
Gary Gellise	2353 Midland Road	Monitor Township Resident
Ryan Geno	5672 3 Mile Road	Monitor Township Resident
Denise Daly	2803 Sportsman Ct.	Monitor Township Resident
Eric Cook	645 E. Beaver Road, Kawkawlin	Kawkawlin Township Resident
Tom Daly	501 7 Mile Road, Kawkawlin	Kawkawlin Township Resident
Keith Jakoby	1621 Midland Road	Monitor Township Resident
Michelle Kirchman	309 S. Linwood Beach Road	Kawkawlin Township Resident
Janet Penn	1281 Midland Road	Monitor Township Resident
Keith Budzinski	3104 Oakbrook Street	Monitor Township Resident

Chairman J. Bellor closed the first public input session at 7:48 p.m. and the Planning Commission returned to the regular order of business.

Items for Consideration

Public Hearing

- **Special Land Use Permit & Site Sketch Review**

Alma Tire/Pending Lease: Salzburg Development LLC.

Parcel ID: 09-100-038-200-610-00 1221 E. Salzburg Avenue Auto Repair – (Major)

P. Lippens, Planner, discussed his review for special use approval and site sketch. There were several items lacking on the submitted site sketch. P. Lippens recommends requiring a full site plan for this review. Major automotive repair is required to complete this process. Site circulation is needed in order to allow for the operation of tow trucks and the parking of vehicles. The pavement area would need to be identified as it is hard to see on the hand sketch. Easements, site lighting, waste removal and landscaping requirements for new businesses would also need to be noted. Additionally, there is not enough detail on the proposed storage cubes on the site and whether they would be an approved method of storage. A full site plan would allow the Planning Commission to evaluate the proposed uses. The public hearing can be held but recommends tabling the review until the conditions are met.

Tony Grace, of Alma Tire stated that he was prepared to answer each of the items in question in hope that he could receive some positive answer this evening as he desires to lease the building in question as his business is growing. He has been reluctant to sign a lease pending Planning Commission approval but will need to let the landlord know within a relatively short period of time. He will not be altering the building in any way and the parking spaces have been corrected on the updated sketch to ten 10 feet wide. There will be no junk vehicles parked anywhere on the property as Alma Tire will only provide tire service. Lighting will be noted as lighting currently exists on the west and south walls of the building. A dumpster will be located on the property in the appropriate location.

R. Sheppard explained the process to T. Grace and how the recommendation relates to the decision the Planning Commission grants.

T. Grace intends to meet every stipulation.

Chairman J. Bellor opened up the public hearing for Alma Tire at 8:06 p.m.

Two members of the general public spoke in support of Alma Tire. One agreed that the approval process must be followed.

Chairman J. Bellor closed the public hearing at 8:08 p.m.

Motion by T. Miller seconded by B. Campbell to require a complete site plan in lieu of an updated site sketch for Alma Tire as recommended by the Planner.

There was considerable discussion.

Gretchen Witherspoon of Trademark Commercial Group of Saginaw, Michigan spoke in favor of the applicant explaining that in order to move forward with the lease; Alma Tire would be in need of Township support. Trademark is the Commercial Real Estate Broker for the building owner Scott Carmona and Alma Tire. The applicant is in need of immediate space and feels that the site sketch could be easily updated and approved administratively.

Motion by J. Bellor seconded by B. Campbell to approve the special land use permit for Alma Tire: Major Automotive at 1221 E. Salzburg Avenue.

Roll Call Vote:

Yes: Bellor, Campbell, Frank, Hoyle, Miller

No: None

Absent: Darland, Reder

Motion carried.

Motion by J. Bellor seconded by J. Frank to amend the motion requiring a complete engineered site plan made by T. Miller to instead require a detailed site sketch satisfying all requirements as detailed in P. Lippens, Planner review (SPR #1) dated June 13, 2018.

Roll Call Vote:

Yes: Campbell, Frank, Hoyle, Bellor

No: Miller

Absent: Darland, Reder

Motion carried.

Motion by J. Bellor seconded by B. Campbell to approve the site sketch administratively with occupancy of the building permitted after P. Lippens, Planner approves the site sketch for the site at 1221 E. Salzburg Avenue.

Roll Call Vote:

Yes: Frank, Hoyle, Bellor, Campbell

No: Miller

Absent: Darland, Reder

Motion carried.

Public Hearing

• **Special Use Approval/Site Sketch Review: Expansion of Non-Conforming Use**

Sign Image c/o Thumb National Bank & Trust – Nonconforming Signage

Parcel ID: #09-100-012-400-120-01 2985 Wilder Road

Chairman J. Bellor opened the public hearing at 8:23 p.m.

P. Lippens, Planner, discussed his initial reviews of the nonconforming sign that exists at 2985 Wilder Road. Although nonconforming signs cannot be expanded in anyway changing the copy is allowed by Planning Commission approval. P. Lippens recommends special land use approval as the installation of the led sign could be considered a modification of the existing structure.

John Eggers, of Sign Image, 8155 Gratiot Rd, Saginaw representing Thumb National Bank & Trust explained the improvements that were made to the existing signage including the downsizing of the front sign and bringing it up to code. This original pylon sign was 12 feet in height with an 8 ft x 5 ft face. The new sign will be 8 feet in height with a 3 ft x 7 ft message center or 21 sq foot, with a 7 ft x

18” header or 11 sq feet. The visual space will be 32 sq foot but the shroud adds an additional 3 sq feet for a total of 35 sq feet.

The sign that exists on Wilder Road and 2 Mile Road is also nonconforming as it has been there when State Farm Insurance occupied the building. Their intent is to just reface that sign.

The signs have been in existence prior to the adoption of Ordinance regulating signage in the Commercial District. Information relating to any approval is regulated by Section 16.05, Expansion of Nonconforming Uses and/or Nonconforming building parcel or structure.

Nina Suchy of Thumb National Bank spoke in response and in agreement to comply with the Bay County Road Commission letter that was received requesting caution in the type of led displays the sign would project.

Chairman J. Bellor closed the public hearing at 8:35 p.m.

There was discussion with regard to P. Lippens recommendation.

R. Sheppard stated that it may be better to consider a special land use as it would increase the density of the advertising.

K. Malkin, Supervisor explained the history of the sign and its nonconforming use.

Motion by C. Hoyle seconded by J. Frank to approve a special land use requested by the applicant and approve the site plan as submitted for Thumb National Bank at 2985 Wilder Road.

Roll Call Vote:

Yes: Hoyle, Miller, Bellor, Campbell, Frank

No: None

Absent: Darland, Reder

Motion carried.

Items for Consideration

Zoning Ordinance #66 - Ongoing

P. Lippens outlined the three topics for discussion. The accessory building graphic is not complete but will be available for review in the near future.

- Rebuilding A Non-Conforming Building
- Sign Ordinance – Recommendation to Township Board
- K. Malkin, Supervisor: June 27, 2018 Wind Energy Recommendations

K. Malkin discussed his last conversation with a resident at a previous meeting who raised a good question regarding multiple accessory buildings on his property that were built within the guidelines of the ordinance when they were built. They are currently nonconforming. If one of these buildings were to burn down, would they be allowed to rebuild? We allow for an expansion of a nonconforming use but we do not have anything that would allow for this type of situation. This has come up before when a garage burns down and the resident intends to rebuild on the same footprint. It needs to be considered.

K. Malkin asked the Planning Commission to take action by forwarding the modified Chapter XV: Signs to the Board of Trustees for approval as an amendment to accommodate Trinity Lutherans sign request.

G. Brandt, Trustee, stated that the Farm Preservation Act should be looked at when considering the question regarding rebuilding accessory buildings.

Motion by T. Miller seconded by C. Hoyle to forward the revised Chapter XV: Signs to the Board of Trustees for approval in the form of an amendment.

Roll Call Vote:

Yes: Miller, Bellor, Campbell, Hoyle

No: Frank

Absent: Darland, Reder

Motion carried.

P. Lippens stated that the accessory building graphic is not yet completed.

K. Malkin, Supervisor, began to explain his updated wind energy recommendations.

J. Leunberger of 3368 Fraser Road interrupted with a point of order from the public seating section asking and obtaining permission from the Chairman J. Bellor to address R. Sheppard, Attorney inquiring if R. Sheppard could guarantee 100% that there is no interference by the Supervisor that would allow DTE to sue the Township putting the residents in jeopardy. R. Sheppard concurred, citing there is no personal interference that exists.

J. Leunberger asked if anyone currently on the Planning Commission has a conflict of interest, has taken money from DTE, or has signed a lease with the utility for wind turbines. Their answer was no.

G. Brandt, Trustee, offered comment on the accessory buildings revisions stating that he was not in agreement with the amendments as the accessory buildings would be too large for a subdivision lot.

K. Malkin, Supervisor, discussed his updated recommendations. When the current ordinance was adopted in 2009 it was based on a 2007 study from Michigan State University. They have since updated this document and recommended that earlier versions not be used for guidance. He continued, highlighting a few of the important recommendations contained on the list mainly to restrict any wind turbine development within one mile of a residentially zoned property which would be a reasonable limit. Densely populated areas even if they are not zoned residential should also be taken into consideration. The Master Plan should also be followed excluding areas which would otherwise be designated for future commercial or industrial developments. He requested a setback of four (4) times the height of a turbine which would be 2000 feet and a 40 decibel sound level for non-participants. The message has been the same; he desires an ordinance that protects the residents and would not be putting us in legal jeopardy.

There was general discussion regarding spot zoning.

Chairman J. Bellor opened up the second public input at 8:53 p.m.

The following residents spoke against wind turbines in Monitor Township during the second public input session citing a drop in property values, the concern over decibel levels, safety for children and various health concerns.

Carol Roszatycki	4370 Fraser Road	Monitor Township Resident
Leo Matthews	1645 Coggins Road, Pinconning	Fraser Township Resident
Amy Sabluk	2211 Niehammer Dr.	Monitor Township Resident
Charles Campbell	3342 Fraser Road	Monitor Township Resident
Kathy Ososki	1775 Wilder Road	Monitor Township Resident
Amanda Grzegorzcyk	3471 Fraser Road	Monitor Township Resident
Gary Fralick	5266 Brook Hollow Dr	Monitor Township Resident
Norm Stephens	91 E. Deckerville Road, Caro, MI	Almer Township Resident
Leah Fournier	2088 Wheeler Road	Monitor Township Resident
Brooke Adamski	958 Wheeler Road	Monitor Township Resident
John Engel	4400 Mackinaw Road	Monitor Township Resident
John Leunberger	3368 Fraser Road	Monitor Township Resident
John Penkala	4363 4 Mile Road	Monitor Township Resident
Keith Jakoby	1621 Midland Road	Monitor Township Resident

Chairman J. Bellor closed the second public input session at 9:25 p.m.

Reports

The Commissioners acknowledged receipt of Reports.

Communications

The Commissioners acknowledge receipt of Communications.

**Motion by C. Hoyle supported by T. Miller to adjourn.
Motion carried.**

Meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Beth L. Fletcher-Patterson
Acting Secretary