

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
August 6, 2019

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

The Pledge of Allegiance was recited by all present.

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

Members absent: None

Also present: R. Sheppard, Planning Attorney; G. Elliot, Planner

Motion by B. Reder seconded by R. Campbell to adopt the agenda with the addition of Animal and Fowl Ordinance as presented.

Motion carried.

Motion by T. Miller seconded by B. Campbell to approve the minutes of the July 9, 2019 regular meeting as presented.

Motion carried.

Public Input

Chairman J. Frank opened and closed public comment at 7:02 with no one present, wishing to speak.

Items for Consideration

Public Hearing-Special Use---Lamar Advertising (1) Review

09-100-022-300-040-00

09-100-022-300-020-00

J. Frank asked G. Elliot to give insight on his review of Lamar Advertising.

G. Elliot stated that Lamar Advertising is requesting to remove four existing billboards with two new billboards which are located in the Commercial District, for billboard advertising this is a nonconforming use, which is allowed to continue pursuant to Section 16.02 of the Zoning Ordinance unless it is abandoned.

G. Elliot explained that the request is a reduction in the footprint of the nonconforming use. However, the signs that are proposed do not meet the following criteria:

1. Be located a minimum of one thousand five hundred (1,500) feet from other billboards
2. Not exceed four hundred (400) square feet in area
3. Not exceed thirty-five (35) feet in height

G. Elliot continued to review Section 15.12 of the Zoning Ordinance that provides specific standards that be met to qualify for a waiver of the sign regulations.

These are as follows:

1. The proposed sign does not endanger the public health, safety and welfare by virtue of being distracting to driver, obscuring vision, being unnecessarily bright, being designed or constructed poorly or in any other way.
2. The design of the sign is consistent with character of the surrounding area.
3. The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.
4. The sign will not be a nuisance to any residential uses.
5. A sign designed to meet the standards of the ordinance would not adequately serve the purpose desired by the applicant.

C. Schweitzer asked if the replacement boards would be LED.

Dan Slabaugh and Mike Cristoforo representatives of Lamar Advertising explained that they will not be LED.

J. Frank asked if the signs would be bigger than the signs currently in place.

S. Slabaugh said they will be the same size. They are conforming signs by industry standards. The need to take down two signs, is based on new State of Michigan standards.

J. Frank opened public comment. No one present, wishing to speak.

Motion by B. Reder seconded by J. Bellor to approve the billboard sign waiver.

Roll call vote:

Yes: R. Campbell, J. Frank, C. Schweitzer, T. Miller, A. Shabluk, B. Reder, J. Bellor

No: None

Absent: None

Motion carried

Public Hearing -Special Use & Site Plan Review---DeShano Construction (3) Reviews
09-100-020-200-040-07-4646 Fraser

J. Frank asked G. Elliot to give insight on his review of DeShano Construction.

G. Elliot reviewed the application. Self storage building is permitted in the I-1 Industrial district, however because it is a nonconforming lot it also needs a special use permit.

G. Elliot review is as follows:

1. No elevations have been provided
2. Actual landscape plan should be provided
3. Frontage and Screening Landscaping
4. Parking Lot Landscaping. Per section 3.40(b) landscaped islands shall be provided in all off-street parking lots with twenty-five (25) or more spaces.

5. Exterior Lighting. More information is needed on these fixtures and any other exterior lighting provided on-site to ensure that they do not cause light to spill over the property line, contrary to the standard outlined above.
6. Site plan does not show the location of an area for trash collection. This should be clarified.
7. Signage. No information is provided.

G. Elliotts conclusion:

Because the site plan lacks sufficient information on the circulation pattern around the new building we are unable to recommend conditional approval. The plan should be modified to fully dimension parking spaces and driving aisles. It would also be helpful to demonstrate the intended circulation pattern.

Jon Ledy from Apex Engineers P.L.C. explained that the storage units are mini units that are rented out to private individuals and are not intended to be a warehouse or a shipping center. It would be used to store furniture, boats, cars, etc. The agreement the renter signs states that nothing flammable or dangerous can be stored within the units. Outside lights that will be used are low voltage, not intended to light up the sky.

J. Ledy when on to explain landscaping. He stated that currently there is grapevine growing on the chain link fence that hides this development. He noted that you are unable to see anything until to come to the gate.

J. Ledy specified that no dumpsters will be included in the site plan, due to the fact, renters have taken advantage of it by throwing away large items.

J. Frank opened the floor for public comment.

Jim Kossick 4667 Fraser, informed the Planning Commission that the first storage unit was never followed through. He also stated that the grapevines grew by nature, they were not planted by DeShano. J. Kossick told the commissioners that he has lived across from the storage units for 23 years. In the early years when the storage units had been built, he was in contact with Gary DeShano several times, regarding landscaping. The only trees that were planted were scrub trees and the rest are trees that are growing out of the ditch.

J. Kossick asked “Why would the Planning Commission give Gary DeShano more building permits when he has not followed through on the first permit.” He said, “Gary DeShano can do what he wants to do and Monitor Township lets him get away with it.”

Harold Miller 1600 S. Euclid, explained that he is in the storage unit business too. He stated he pays a lot of taxes to Bay, Midland, Auburn and he does not feel you should have to screen off your business and hide it from the street. He feels it is no different than a restaurant. H. Miller completely agreed that no dumpsters are needed.

J. Kossick spoke again about the noncompliance of the original site plan. On several occasions he has approached Monitor Township and was told, “That is before my time” and “that there was

nothing that could be done.” He said whoever gave the permit—building inspector or zoning administrator, they were employed by Monitor Township. The final plan was never ever followed through. He stated, “something has got to be done.”

J. Frank told J. Kossick that the original plans were never followed through by G. DeShano.

J. Frank closed public comment.

R. Sheppard suggested that J. Ledy return September 10, 2019 with new/revised plans.

K. Malkin summarized that a clear landscaping plan must be submitted. And a clear plan must be submitted. We don’t want a plan that has so many holes in it so that I have trouble enforcing it.

R. Sheppard asked J. Ledy if he had received Kibbe’s review.

J. Ledy confirmed he did and stated it mirrored G. Elliot review.

Motion by B. Reder seconded by T. Miller to table the consideration of the site plan and to recess the public hearing until September 10, 2019 so the applicant can provide a conforming site plan that adheres to all the requirements of the Ordinance including the planners review letter, engineers review letter and the fire departments review letter and the requirements of the original site plan that was agreed to twenty (20) years ago.

Roll call vote:

Yes: R. Campbell, J. Frank, C. Schweitzer, T. Miller, A. Shabluk, B. Reder, J. Bellor

No: None

Absent: None

Motion carried

Public Hearing-Special Use & Site Plan Review---Harold Miller (3) Reviews
09-100-037-400-050-02-1600 S. Euclid Avenue

J. Frank asked G. Elliot to review the site plan submitted by Harold Miller.

G. Elliot reviewed the application for remodel of the existing retail store, demo warehouse and replace with storage units. The application is incomplete and the information submitted is inadequate for review.

G. Elliot stated the applicant has submitted what might be termed a sketch plan. However, a sketch plan may not be submitted where a special land use requires other than minor structural alterations. The plan provided is neither accurate nor to scale. The following information is required for a complete site plan application per Section 3.20(a) of the Zoning Ordinance.

G. Elliot said in addition, the information requested by Section 9.03(d) of the Zoning Ordinance must also be provided for the self-storage use to include the following:

1. Security provisions
2. Waste removal measures
3. Outdoor storage area, if any is intended
4. Exterior appearance
5. Screening
6. Directed ingress and egress shall be from a paved public road with driveway dimensions that permit safe access by a 28-foot moving trunk. All storage units' must be accessible by safe circular drives clearly marked to distinguish traffic flow direction and separate from parking lanes. Parking Lanes in front of storage unites must be (10) feet. One-way travel lances must be sixteen (16) feet. Two-way travels ways must be twenty (20) feet.
7. Provisions for a caretaker.

J. Frank opened for public comment.

H. Miller stated he just received the reviews today around noon. He said he will take it back to his engineers and architects and create new plans.

Dave DeGrow, Building Inspector of Monitor Township told the Planning Commission that he was "perplexed as to why a remodeling request application was needed." He went on to say that he did his due diligence and issued a permit. He explained that because of one of the uses, it increased it by more than four (4) parking spaces and that is what he doesn't understand. He stated that he sets the occupant load and for 9,184 square feet the occupant load is 153 occupants. H. Miller is now down to 5,428 square feet of retail space which is now 90 occupant load. There are three retail spaces; one is an insurance business, which needs 11 occupant load. Salon needs a sixteen (16) occupant load. One space is vacant. With the change in the use, it went from 153 occupant load down to 117 or 36 occupants less, but yet H. Miller has been told that he has to have more parking.

D. DeGrow told the Planning Commission "the building code deals with occupant load and that the local zoning deals with parking."

G. Elliot said nothing had been mentioned about parking and at this point parking is to be determined due to incomplete site plan review submission.

D. DeGrow stated that H. Miller was told he had to come to Planning Commission because of the remodel.

K. Malkin advised that he was alerted that building might be going on and that H. Miller may not have followed the requirements. H. Miller did have a building permit but not site plan review. K. Malkin stated he was unsure if H. Miller needed a site plan review. K. Malkin requested that R. Sheppard review the file and review the ordinance and according to the ordinance, it did require site plan review. The building permit was issued and it was issued in error-because the remodel needed a site plan review first. What triggered the site plan review was the salon.

K. Malkin told the Planning Commission that D. DeGrow was at the Monitor Township office the day R. Sheppard was reviewing the file and R. Sheppard directly told D. DeGrow why it required a site plan review under the ordinance.

K. Malkin reported that since the meeting of R. Sheppard and D. DeGrow, H. Miller has been operating the salon, he does not have an occupancy permit, but because of the error that was made regarding the building permit and confusion, K. Malkin was willing to work with H. Miller asking him to get a plan submitted to the Planning Commission before the August 6, 2019 meeting date.

K. Malkin expressed concern with no site plan review, the Township would be unable to let the salon operate forever.

D. DeGrow stated the building permit for the salon was not issued in error. He said "I am not bound by the Township Zoning." He said he is "only bound by the State Building Code, license and that supersedes anything local." He said, "I can issue permits without the zoning" which he said comes from Lansing. He continued to say that "the building permit was not issued in error. It was issued correctly, I can issue an occupancy also, per the State Building Code."

J. Frank asked D. DeGrow, who he is working for? The State or Monitor Township?

D. DeGrow replied, "I have to answer to the State of Michigan"

J. Frank replied "Maybe you should answer to Monitor Township, that's who you are working for, that is who is paying you, not the State of Michigan"

D. DeGrow replied "No-----you, the attorney, the supervisor anyone here cannot go into that building code and interpret it, I am the only one that can. That comes from the State of Michigan."

C. Schweitzer said, "We have a problem here"

J. Frank said, "Yes we do have a problem here"

C. Schweitzer said, "We have a big problem"

D. DeGrow stated that is why we have a separate Zoning person.

K. Malkin explained that he has checked on the protocol with other municipalities and we are trying change the practice and make sure that when we get commercial plan it goes to Zoning Administrator first to make that decision. In a conversation with Lansing, they were quite clear that the building official isn't allowed to violate the local ordinance.

G. Elliot confirmed that under the State Construction Code you have to comply with all local ordinances.

K. Malkin said that D. DeGrow cannot supersede the ordinance, the permit was issued in error.

C. Schweitzer stated that D. DeGrow does not recognize issuing the building permit as an error. And that is where we have a problem.

R. Sheppard said the new mini storage units is a brand-new use of the property, which requires a new site plan and because it is commercial property, also requires a special use permit.

R. Sheppard explained that the public hearing should be recessed for a month and then bring it off the table as soon as we get a compliant print.

K. Malkin said he would like a date certain, because the salon cannot go on forever. K. Malkin suggested 30 days would be sufficient.

H. Miller said that he is licensed with the State of Michigan and five different licenses and has been carrying them for 40 to 50 years and he does answer to the State, probably first, even though the Township pays Mr. DeGrow. Mr. DeGrow does answer to the State, if he doesn't follow the rules the State sets up he will lose his license and that is his livelihood. He also said, "I don't understand the Board, why do we have to work with a supervisor that don't know do diddly shit about the building business." H. Miller continued, "He just said 30 days is adequate, how the hell does he know 30 days are adequate, you can't even get in to make an appointment with one of these guys, so I don't want to be held to 30 days. The engineers are busy right up to their necks, it might be 60 days. So we can't be put under a time frame, again I think we should be working with Mr. DeGrow and the supervisor stays the hell out of it."

B. Reder said not only does H. Miller have to work with DeGrow but the engineer and planner as well.

H. Miller said, "The supervisor should not be involved, is that his job? Why do we have Mr. DeGrow then?"

C. Schweitzer replied to H. Miller, "I see Ken's job as making sure that all the ordinances are followed. That is his job to be sure, that the blue book-the Township Zoning Ordinances and all the rules and regulations of this township are followed."

H. Miller replied, "That's what Mr. DeGrow's responsibility is to the State to make sure they are right and he feels that he is right, and I know he is right, because I was an inspector for 20 years or 18 years here and I know what the rules are, I followed them also and I know Mr. DeGrow follows them also."

C. Schweitzer asked H. Miller, "If you know what the rules are, you knew that you needed a building permit, you needed a site plan-you should have known site plan review before you did all that remodeling and put that beauty salon in there, why didn't that happen?"

H. Miller replied, "We did get the building permit"

C. Schweitzer said, "But you didn't get the site plan review correct?"

H. Miller said, "I will have to check our records"

C. Schweitzer replied, "Why wasn't any of that followed?"

H. Miller replied, "Yeah it was"

C. Schweitzer said, "And now you have a business operating in there, that shouldn't be there because the proper processes were not followed." "And I have a problem with that, if I did that I would be held accountable. And that is wrong."

H. Miller said, "We are being held accountable and we are willing to solve the problem, I'm just trying to solve a problem. Mr. DeGrow did not do nothing wrong."

C. Schweiter replied, "It can't keep continuing, it just goes on and on and on. And then nothing happens."

H. Miller said, "You got my word, we will follow through with this, but I can't be held to 30 days. 30 days is pretty fast."

Art Andrzejewski, 3435 Clover Lane, told the Planning Commission that H. Miller said he was going to clean up everything on the back lot. A. Andrzejewski now understands why H. Miller does not have a dumpster. He said, "I can look out my window and see all kinds of shit out there. There were refrigerators out there that had the door on. Old ones and if any of the kids, would have walked up and closed the door, we would all be going to a funeral."

Andrzejewski told H. Miller, "I cannot believe a word he tells me."

H. Miller replied, "I don't care if you believe me or not"

Andrzejewski told H. Miller, "I've got pictures over here of the shit.....in the backyard. Concrete, blacktop....."

H. Miller replied, "It's a construction area"

Piotr Chrobak 3415 Clover Lane said, "I have concrete and everything in our backyard where his daughter and son-in-law did live. And I am still digging the tile, the pipe in there and plastic shit. DEQ came to me, bitching about the stuff, because it is a nature preserve marsh land, destroyed. And it's still back there, we are still digging up crap back there"

H. Miller replied, "It has nothing to do with us"

P. Chrobak replied to H. Miller, "DEQ told you to come over to our house, to take care of it and get it out of there"

H. Miller replied, "I have no idea what you are talking about"

Andrzejewski said, "I'm getting tired of listening to this shit. I mean when somebody tells you something, they're going to do something they should do it. I have been living there 50 years. Do you want that in your backyard? You just got through saying we don't need dumpsters over there. Why sure you don't need them there because you haul all your shit over there."

H. Miller replied, "I will give you \$500 bucks right now and these guys to be my witness for every refrigerator over there, so you are lying and I'll give you \$500"

Andrzejewski said, "The refrigerators aren't there now"

H. Miller said, "They were never there"

Andrzejewski said, "They were there"

J. Frank closed public comment.

T. Miller stated a timely response revolves around the salon. He suggested that H. Miller could take as much time as he would like to provide the material for the new self-storage project. But the salon portion of the site plan should be submitted before the next meeting.

Motion by J. Bellor seconded by B. Reder to table consideration of the site plan, bifurcate it, and require the salon portion or the southernly front portion of the site plan be reviewed on September 10, 2019 with timely filing for the planner, engineer to review it and recess the public hearing until September 10, 2019 and the balance of the site plan be pulled from the table after the applicant has timely filed it.

Roll call vote:

Yes: R. Campbell, J. Frank, C. Schweitzer, T. Miller, A. Shabluk, B. Reder, J. Bellor

No: None

Absent: None

Motion carried

Site Plan Review---D & M Site (3) Reviews
09-100-M03-000-006-00-Traxler Court Vacant

B. Reder made a motion to accept the site plan review of D & M Site based on the planners and engineers review.

R. Sheppard stated that there is an engineer review and fire department review.

C. Schweitzer stated her concern of accepting the site plan review with suggested changes from the planner, engineer and fire department. She would like the review tabled until the recommendations are completed and everything can be followed through on. She stated if things do not get completed or get done or taken care of the Township will end up in the same position as H. Miller.

B. Reder withdrew his motion.

J. Frank said nothing should be approved until the site plan adheres to all the recommendations of the planner, engineer and fire department.

K. Malkin commented that now, not only do you have to get occupancy permit but also a Zoning Compliance permit. Great plans do not always get put in the ground, so when it is appropriate the Planning Commission can authorize J. Wheeler, engineer to go on site and follow up to make sure the plans submitted are followed.

J. Frank asked why they couldn't have 38 parking spaces vs. 37 parking spaces with a bike rack?

G. Elliot replied they are entitled, according to the ordinance to have a bike rack and skip a parking space.

Motion by J. Bellor seconded by B. Reder to table the consideration until all recommendations from the planner, engineer and fire department are completed and a complete site plan is provided.

Yes: R. Campbell, J. Frank, C. Schweitzer, T. Miller, A. Shabluk, B. Reder, J. Bellor

No: None

Absent: None

Motion carried

Schedule Public Hearing-Special Use---Straits Secure Transport, LLC

09-100-V07-000-027-00-1424-1424 Straits Drive

Motion by J. Bellor seconded by T. Miller to set public hearing for Straits Secure Transport, LLC, September 10, 2019.

Motion carried.

Schedule Public Hearing-for Zoning Ordinance Amendments

- Revision of Section 3.27 of Zoning Ordinance 67, total accessory building (s) size per lot for allowed accessory buildings
- Revision of Section 3.12 of Zoning Ordinance 67—Clear Vision Corner
- Revision of Section 5.05 of Zoning Ordinance 67-Area Regulations
- Revision of Section 9.07 (b) Additional Regulation-Ordinance 67
- Revision of Section 10.05(b) & (3)-Front /Side yard screening-Ordinance 67
- Revision of Section 17.02 Building Official
- Revision of Proposed Solar Ordinance
- Animal and Fowl Ordinance

R. Sheppard reviewed the Solar Ordinance with a revision on page 7 section 14a.

G. Elliot made the suggestion to revise 14 a. to read as follows: In no case shall any SES be located in front of the rear wall of any residential structure located on that lot or any other lot within 500 feet.

C. Schweitzer requested a correction on page 3 Section B (7) "Cause" should not be deleted.

T. Miller asked Brandon Krause, Chairman of the Solar Energy Committee if the revised Solar Ordinance encourages industrial solar in Monitor Township?

B. Krause replied, "It encourages industrial solar within the scope of the Township Master Plan because our Master Plan says we want to preserve agricultural land. That is our number one goal."

J. Frank reviewed of the Animal and Fowl Ordinance.

Motion by B. Reder seconded by B. Campbell to set public hearing for Zoning Ordinance Amendments and add the Animal and Fowl Ordinance.

Motion carried.

Communications

Motion by J. Bellor to acknowledge receipt of Communications.

Motion carried.

Motion by R. Campbell supported by C. Schweitzer to adjourn.

Motion carried.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Connie Schweitzer
Secretary

CS/djp