

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
September 10, 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, J. Frank, C. J. Schweitzer, T. Miller, B. Reder, A. Shabluk

Members absent: None

Also present: R. Sheppard, Planning Attorney; J. Jackson Planner, J. Wheeler, Kibbe & Associates

Motion by Reder seconded by Bellor to adopt the agenda as presented.

Motion carried.

Motion by Reder seconded by Bellor to approve the minutes of the August 6, 2019 regular meeting as presented.

Motion carried.

Public Input

Frank addressed the public. He said that all comments need to be respectful. The behavior that was exhibited last month will not be tolerated. If things get out of hand, you will be asked to leave and/or the authorities will be called to have you removed.

Chairman Frank opened public comment at 7:01 p.m.

Matt Nemode 3145 Oakbrook Way. He lives in Willow Creek and is interesting in purchasing property, possibly building a storage building park or create a commercial setting.

Nemode went on to explain that the land purchase is in preliminary stage.

Sheppard stated there is not enough information and explained it could be a very costly and timely process.

Motion by Miller, seconded by Reder to close public input.

Items for Consideration

Public Hearing-Special Use & Site Plan Review-Straits Secure Transport, LLC.
09-100-V07-000-027-00 1424 Straits Drive

Jackson reviewed the special land use letter from G. Elliot. The proposed use does comply with the existing uses in the park. A plan for odor control and a plan for security was not included in the application-these are things that are required by the Township Ordinance. He asked the applicant for clarification. He continued to explain for the special land use application, they have met the majority of the requirements.

Jackson also review the site plan. He stated they have met the majority of the requirements, however there are a few conditions that are not in compliance:

1. The applicant must submit landscaping information showing compliance with Section 3.40 of the Zoning Ordinance. In lieu of creating landscaped islands in the existing parking area, any additionally required trees may be planted along the perimeter of the parking area.
2. Details of the dumpster enclosure should be included on the site plan
3. Approval of the facility by the Township Board, under Ordinance 65 is a prerequisite to this approval.
4. Continued compliance with the approved site plan is also a condition of the special land use approval.

Malkin stated they have been approved by the Board of Trustees.

J. Wheeler, Kibbe & Associates, review the site plan submitted. Wheeler confirmed the items have been satisfactorily addressed and would recommend site plan approval of the proposed development.

Frank opened public comment.

With no one wishing to speak, public comment was closed.

B. Bartlett said LARA will allow businesses to share video security feeds. VIRIDIS NORTH and Straits Secure Transport will share video security feeds. The odor control will not be an issue because there will be no product transported to the facility. There will be no cannabis in an out of that facility, only in an emergency. If an emergency were to happen, the lab has a walk in cooler and that is where the product would be kept.

B. Bartlett then spoke of landscaping. He stated they currently have twenty-five (25) trees and sixty (60) shrubs at the facility.

Jackson explained that they need two additional trees added to the site plan.

B. Bartlett said he will plant two additional trees.

Motion by Bellor, seconded by Reder to approve the special use permit subject to site plan being approve and the site plan approval with all the conditions listed in the planner's letter dated September 4, 2019 except the planting of two additional trees and further subject to fire department inspection and approval prior to occupancy, and submittal of the video surveillance agreement.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Public Hearing -Special Use & Site Plan Review---DeShano Construction

09-100-020-200-040-07 4646 Fraser

Jackson reviewed the letter of review.

1. He stated the plan that was previously approved regarding landscaping improvements have not been entirely maintained on the site. Clarification from the applicant is needed to ensure the improvements have been made.
2. Site plan does not show the location of an area for trash collection. The applicant has indicated that none is intended because its customers will “abuse” it.
3. No information on Signage.

J. Wheeler reviewed the site plan and the revised plan complies. Although, there is no review from the Bay County Drain Commissioner. The surfacing that has been proposed is recycled asphalt, the current surfacing for the first phase is gravel.

Jon Levy for Apex Engineering reviewed the landscaping at the location and stated he counted each tree. What is shown on the plans is what is currently planted. The site plan shows a number of large trees, poplar trees in the right-a-way and fir trees/pine trees, two or three maple trees that are currently planted. He said the site plan shows twenty (20) plants.

Reder asked Levy if the trees were planted by DeShano or if they naturally grew there.

Levy responded that the trees in the right-a-way just naturally grew there. All the fir trees were planted and maple trees that were planted as well. Levy said you can't see through the grapevines growing on the fence, that will hide everything.

Reder asked about the recycled asphalt. His concern was the recycled asphalt never gets hard enough, where you could drop a blade to snow plow the drive.

Levy said it takes time for the recycled asphalt to knit together. He didn't think that DeShano would put it down this fall, they would wait till spring to lay it and compact it. Then it would have all summer to cure.

Levy reviewed the elevation. He said it is basically the same material that is on the first phase. Steel vertical siding and the roof is asphalt shingle.

Levy spoke on the dumpster closure. He said they do not like to supply dumpster because people take advantage of it. They empty their unit into the dumpster, it gets filled up with broken furniture, mattresses, deer carcasses, fish guts, etc. For these reasons, no dumpsters are planned.

Bellor asked if DeShano owns the entire property.

Levy said, "No he doesn't.....but if he does it's a different business."

Bellor said that Reder made a motion in the last meeting, that trees needed to be planted for screening. Only six trees have been planted but they are not completed. Reder said that they are suppose to abide by what was agreed to twenty (20) years ago.

Malkin stated the six trees are on Bay Area Forklift property owned by David Fournier and D. Rochow is working with Mr. Fournier to comply with the ordinance.

Levy responded that he is not in a position to finish the landscaping and he doesn't know who the owners are.

Levy stated that he was able to find his file for the Drain Commissioner and he will submit for his review.

Frank asked Jackson his thoughts on recycled asphalt.

Frank said the original plans had to be hard surface and he thinks the final phase should be hard surface.

Levy was unsure when construction would begin. It could occur this Fall or early Spring.

Chairman Frank opened public comment.

Jim Kossick, 4667 Fraser Road said at the last meeting is was agreed that it would be hard surface, not gravel. He said the trees planted fifteen (15) years ago are less than five (5) feet high. They were not nursery stock, they were taken out of the woods and planted.

J. Kossick stated he is concerned about the lack of dumpsters. He explained without any dumpsters available to the people who rent the storage units, he fears that the unwanted items will simply line the road.

Levy responded, "They are green and they are growing."

J. Kossick said that if DeShano did what he agreed to do in the original site plan everything would be fine.

Levy told the Planning Commissioners that if they want hard surface they need to put it in their motion.

Motion by T. Miller, supported by Reder to close public comment.
Motion carried.

R. Sheppard reviewed the landscaping section 3.40 of Ordinance 67.

Campbell said that the public hearing should be tabled to give Mr. DeShano a chance to answer some of the Planning Commissions concerns or give approval tonight with stringent conditions.

Motion by Reder, supported by Schweitzer to table the consideration and recess the public hearing until the next Planning Commission meeting on October 1, 2019.

Roll call vote:

Yes: Bellow, Campbell, Frank, Schweitzer, Miller, Reder, Shabluk

No: None

Absent: None

Motion carried.

Public Hearing-Special Use & Site Plan Review---Harold Miller

09-100-037-400-050-02 1600 S. Euclid Avenue

Bellow asked why Harold Miller is on the agenda since he did not submit his site plan for the Salon in a timely manner.

Malkin responded that the Public Hearing was recessed until today. Malkin stated that Harold Miller is operating a business without a site plan and without an occupancy permit.

Frank said at the last meeting it was very clear that the deadline to submit a valid site plan for the Salon was August 26, 2019. A new site plan was not received by Planning Commission.

H. Miller said the reason it was delayed is because he just hired an engineer D&M Site. Planning Commission gave only twenty (20) days to get a revised site plan submitted. D&M Site are very busy and they were unable to complete it, however they did get it started.

H. Miller requested thirty (30) more days to get the request completed.

John Morey from D&M Site told the Commissioners that the survey crew was out at the site. He also stated he has the site plan information and will be compiling it and going through the Ordinance to make sure everything complies.

Sheppard explained that the Salon site plan is needed now. The storage building can wait and is not of immediate importance.

Schweitzer said that Miller had been given instructions to have the Salon site plan done with an August 26, 2019 deadline given.

Members of the public said that surveyors were out in the back lot today measuring the entire property all the way to the ditch line. There was also a discussion about the demolition happening in the back area of the property.

H. Miller said, "As far as the demolition goes, the demolition has nothing to do with Morey.....there were permits pulled and it was approved."

Malkin told Frank that Carol Goodwin (Building Department) told him demolition permits have not been pulled.

Frank said the Salon has been operating for three months at least and now his excuse is that he can't get someone to prepare the site plan.

H. Miller said, "I was only told one month ago and he (Morey) was hired within a week or two."

Frank said, "You needed a site plan to start with Harold."

H. Miller replied, "Why didn't you have someone tell us that?"

Frank said, "You knew that."

H. Miller said, "No we didn't know that or we would have done it."

Motion by Schweitzer to shut the operation down until H. Miller can provide the proper documentations.

H. Miller said, "That is not going to happen lady." "We have our demolition permits."

Schweitzer said, "We are not talking about the demolition permits, we are talking about the Salon."

H. Miller said, "Mr. Attorney this is a legal issue, I will have my attorney get a hold of you because we are not shutting it down, there is no way, no way. You're wrong, we do have a demolition permit. Malkin doesn't know what he is talking about."

Frank said, "We don't care about the demolition permit, that is not what we are talking about."

H. Miller said, "You gave me thirty (30) days, Mr. Frank."

Frank said, "To get a site plan in for the business you already have open."

H. Miller said, "Why weren't we told that when we got the building permit?.....We were not told that."

Frank said, "You were told you needed one."

H. Miller said, "Why weren't we told that?.....As soon as you told me at the last meeting that we needed one we hired someone to get it done. We did what we were told."

Malkin told the Commissioners that the building permit was issued in error. Malkin asked Sheppard review the file and it was determined that the Salon did need a site plan. Malkin then instructed the building inspector to tell Mr. Miller that they could not operate until Miller had site plan approval. A stop work order probably should have been issued at that point. He said he

will comply with the wishes of the Planning Commission, if they vote to shut it down then he will be talking to Mr. Sheppard.

Malkin also stated that Harold Miller does not have an occupancy permit and by law he is not allowed an occupancy permit because construction code clearly states that he has to comply with the building permit but he also has to comply with the local ordinances.

H. Miller replied, "We were told we would get a building permit, we got one, we talked to Mr. DeGrow about it, we started construction, he made all the inspections. Plumbing, Electrical, all the inspections were made. Then we got to the end of the job and then someone said we have to have a site plan and I had no idea that we had to have it because it was not told, if I was told we would have done it."

Sheppard provided input for a legal aspect regarding a similar situation.

Motion by Schweitzer, supported by T. Miller to shut down the operations to the south side building businesses until Harold Miller can comply with the township requirements, (Site Plan Review & Occupancy Permit)

Roll call vote:

Yes: Frank, Schweitzer, Miller, Shabluk

No: Bellor, Campbell, Reder

Absent: None

Motion carried

T. Miller questioned the demolition permit. The developer says he has one and the Township Officials saying he never received one. We have a problem here. Demolishing should not be occurring without a permit.

H. Miller replied, "Malkin fined me \$100 plus another \$100 a few months ago on some ridiculous bullshit. Now I got a demolition permit and nobody can find it. You are all going to look pretty silly when I come back and say here is the permit."

T. Miller asked, "Are you saying that you actually have the paper permit?"

H. Miller said, "Absolutely. We would not have started that project without a demolition permit and Dave DeGrow knows it because I talked to him."

Frank asked H. Miller to bring his permit to the office.

Motion by Bellor supported by T. Miller to table site plan review and reset the public hearing for Harold Miller.

Motion carried.

Site Plan Review---D & M Site

09-100-M03-000-006-00-Traxler Court Vacant

Jackson review the site plan and made the following recommendations:

1. Building Height in feet to verify compliance
2. Elevations shall include indication of the materials to be used.
3. Two additional parking lot trees shall be provided along the perimeter of the lot
4. Details of the dumpster enclosure gate to be provided.

Wheeler discussed his review and based on the site plan they would recommend site plan approval of the proposed development.

J. Morey gave updated information on building height, elevations, landscaping and dumpster enclosure gate.

Motion by Bellor supported by Reder to approve the D&M Site, site plan for Traxler Court.

Roll call vote:

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

No: None

Absent: None

Motion carried

Maxi Automotive Supply---09-100-036-400-055-02

Proposed purchased-adjacent warehouse-5916 Two Mile Road

Hans Hellenberg from Maxi Automotive Supply stated that he is doing some preliminary work for a possible purchase of an adjacent warehouse. Maxi is looking for a larger warehouse to consolidate their smaller warehouses. Their intent is to connect the two buildings together. They are primary warehouse distributors.

Discussion continued about non-conforming use and special use.

Jackson spoke of an option of conditional rezoning to I-1, subject to additional industrial use.

Sheppard suggested a possible appeal to the Zoning Board of Appeals.

Measurement between buildings

Ordinance 67 Sections 3.27 & 3.29

Sheppard review section 3.27 & 3.29.

D. Rochow, Building Administrator, stated the problem he ran into in the past, people are getting engineered trusses which makes the soffits over three or four feet, which moves your structure closer to the property line.

Sheppard suggested if it is eighteen (18) inch overhang or less that is the normal overhang measurement is from foundation to foundation. If the overhang is eighteen (18) inches or more measurement is from eve to eve.

Motion by Frank supported by Bellor to interpret 3.27 & 3.29 as follows: An eighteen (18) inch overhang, or less, measurement is from foundation to foundation from other buildings. If the overhang is eighteen (18) inches or more, measurement is from eve to eve from other buildings.
Motion carried

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 3.22 of Zoning Ordinance 67—Keeping of Pets and Livestock
- 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
- Revision of Section 17.12 of Zoning Ordinance 67-Zoning Compliance Permits

Malkin explained revision of 17.12 to delete part (a)

- (a) if there is any proposed type of modification, repair or construction that does not require a building permit

Frank opened and closed public hearing with no one wish to speak.

B. Reder asked about the changes to 3.27 accessory buildings.

R. Sheppard stated that the proposed change is three (3) accessory building down to two (2). Also, total square feet, peak and side wall height have been reduced.

B. Reder said there were many discussions on the accessory buildings before the Ordinance was submitted to the Board of Trustees. It was a unanimous vote for three (3) accessory buildings per lot and that it could not take up more than twenty-five (25) percent of the lot square footage because of water run-off from the buildings. After the Board voted and agreed on the accessory buildings, some flyers were distributed to the Township creating havoc at the Board Meeting. Several residents attended the meeting with concern because they did not know what it was all about. Most people who attended were against the three (3) accessory buildings, but when you looked at their lot size, they would not be able to have three (3) accessory buildings.

B. Reder said now we are voting on restricting residents back to two (2) buildings per lot, when some people could have pole barn or an extra garage or a pool house.

Frank said that pool house does not count as an accessory building.

R. Sheppard said pool house was not taken out of the definition of accessory buildings.

R. Sheppard explained that Planning Commission could grant a special land use for structures that vary if circumstances warrant. (Pool house, gazebos, etc)

Frank told Reder, he never voted for three (3) accessory buildings.

Motion by T. Miller supported by Schweitzer to send the revised ordinances to the Board of Trustees for approval.

- 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 3.22 of Zoning Ordinance 67—Keeping of Pets and Livestock
- 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
- Revision of Section 17.12 of Zoning Ordinance 67-Zoning Compliance Permits

Roll call vote:

Yes: Campbell, Frank, Schweitzer, Miller, Shabluk

No: Bellor, Reder

Absent: None

Motion carried

Communications

Motion by Bellor supported by Campbell to acknowledge receipt of Communications.

Motion carried.

Motion by Frank supported by Campbell to adjourn.

Motion carried.

Meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Connie J. Schweitzer
Secretary

cjs/djp