

CHARTER TOWNSHIP OF MONITOR
PLANNING COMMISSION MEETING
March 2, 2021

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

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, A. Shabluk, B. Walsh, J. Meier,
E. Rosenbrock

Members absent: C. Schweitzer (excused)

Motion by Meier seconded by Campbell to adopt the agenda with the addition of Attorney Sheppard attending meetings.

Motion carried

Motion by Rosenbrock seconded by Meier to approve the minutes of the February 2, 2021 regular meeting.

Motion carried

Public Input

Chairman Bellor opened public comment at 7:00 p.m.

Tracy Robertson and Teresa Dore explained they are interested in purchasing 912 S. Euclid. They would like to open a medical wound clinic.

Bellor told Robertson and Dore the biggest problem with the location is meeting the parking requirements. Bellor explained that they will have to fill out a site plan review application and submit to Planning Commission

Frank Zori addressed the Commission. He recently purchased 2 Westside Saginaw Road, formerly Danny's Food Market. He asked the Planning Commission what type of business he can have at that location.

Bellor suggested Zori refer to the list of approved businesses for commercially zone parcels.

Meier said that there were two apartments within the building.

Zori confirmed the apartments still exist.

Discussion continued.

Bellor suggested to Zori to decide what type of business he wants and to submit a site plan for review.

Bellor closed public input.

Items for Consideration

Site Plan Review

09-100-K10-003-003-00

100 E. Grove

Marcus Bennett 100 E. Grove reviewed his revised site plan to the Commission. Bennett responded to a letter dated February 24, 2021 from McKenna, referencing parking, landscape, screening and lighting.

Bennett explained that he will revise the site plan in accordance with recommendations from McKenna and present the plan at the Planning Commission meeting in April 2021.

Discussion continued regarding lighting, signage, parking and landscaping.

Bennett asked for two deferred parking spaces.

Bellor said it would be taken into consideration with the revised site plan.

Bennett asked for a time frame for paving the lot with asphalt. Bennett had planned on paving half of the parking lot this Fall 2021 and remainder next Fall 2022.

Bennett reviewed his drainage proposal.

Kibbe's letter dated February 24, 2021 stated a proposed two (2) foot wide trench drain along the eastern property line, however no cross-section or detail was provided.

Walsh told Bennett that there was a French drain on the property and he didn't believe there was a need for another drain to be installed.

Bellor also confirmed that there is an existing drain on the property.

Bennett asked if the Planning Commission would allow him to open with asphalt millings for the first six (6) months.

Bellor told Bennett asphalt millings were considered blacktop.

Bennett told Bellor that he had a meeting with Jay Wheeler, Engineer and John Jackson, Planner and was told that he could temporarily work off asphalt millings, until the drive was paved.

Bellor asked Bennett if he had that approval in writing.

Bennett said, "No"

Bellor told Bennett he would follow up with Wheeler and Jackson and discuss the paving issue.

Meier questioned the adjacent property that is being leased by Bennett.

Bennett explained the parcel is the previous location where the Barber Shop was located.

Bennett plans on purchasing the leased parcel this Fall.

Bellor asked if anyone had any questions.

Rosenbrock stated there needs to be clarification on the site plan. He is unsure if Bennett can use the M-Dot right away.

Bellor agreed with Rosenbrock.

Rosenbrock, questioned clear vision area of the parcel.

Motion by Walsh to approve the site plan.

No support for the motion.

Campbell said the Commission needs, “a lot more information before any decision can be made.” Campbell said, “Bennett has a lot of loose ends to tie up before the next meeting”

Bellor asked if anyone supports the motion by Walsh.

Shabluk supported motion by Walsh.

Campbell disagreed with the motion and explained that there are “too many loose ends.” He suggested the site plan review be tabled until all the recommendations from the Planner and Engineer are addressed by Bennett.

Meier agreed with Campbell.

Motion by Walsh, supported by Shabluk to approve the site plan.

Roll call vote:

Yes: Shabluk, Walsh

No: Campbell, Rosenbrock, Meier, Bellor

Absent: Schweitzer

Motion denied

Motion by Campbell, supported by Meier, to table site plan review until April 6, 2021 Planning Commission meeting. A revised site plan must be submitted to include lighting, signage, landscape and parking revisions as indicated by the Planner and Engineer recommendations from letters dated February 24, 2021. Site Plan must be approved before any use can occur.

Roll call vote:

Yes: Shabluk, Walsh, Campbell, Rosenbrock, Meier, Bellor

No: None

Absent: Schweitzer

Motion carried

Public Hearing

09-100-011-200-040-03

2486-Wheeler

Accessory Building Waiver

Terry Leser 2486-Wheeler, told Bellor he had no questions for the Commission.

Bellor questioned why Leser needed to waive 10 feet.

Leser told Bellor that in discussing the placement of the accessory building with his neighbors, two (2) of the three (3) do not have issues with placement. The neighbor to the west told Leser it will impede his view from their backyard if he places the building in the location that conforms to the Township ordinance.

Walsh questioned the placement of Lesor’s proposed accessory building in relationship to his existing fence.

Leser told Walsh that the neighbor’s property sits at a much higher level than where his fence is located. The neighbor is able to see over the fence. The building he is proposing would have a much higher footprint compared to the fence.

Meier questioned the setback.

Leser told Bellor he does not understand the “10 foot” issue.

Bellor told Leser he was asking, “to move the building 10 feet, which will bring it up closer to the front of the house. It will still be in the side yard. There is plenty of room for the rear yard setback and from the building to the house there is plenty of room.” Bellor continued to say, “I just can’t see it up that close to your house.”

Walsh explained that there is ample room to move it back.

Rosenbrock agreed with Walsh.

Motion by Rosenbrock, supported by Meier to deny the accessory building waiver.

Roll call vote:

Yes: Rosenbrock, Meier, Walsh, Shabluk, Campbell, Bellor

No: None

Absent: Schweitzer

Motion carried

Site Plan Review

09-100-013-200-010-14

2980 Wilder Road
Mid-Michigan Health/Three Rivers Design, Inc.

Jeff Fedek, Fred Bartlett-representing Three Rivers Design, Inc. and Cheryl Yesney, representative from Mid-Michigan Health, gave a brief overview of E Z Care Clinic, who they are and what they do.

Bellor asked the commissioners if they have any questions.

Bartlett questioned the request for eighty (80) square foot of signage. He was unsure of where the Planner had received that information.

Bellor explained when Meijer had their site plan review, they had requested an additional 60 square foot of signage for possible tenants.

Bartlett told Bellor he never asked for eighty (80) square foot of signage.

Bellor told Bartlett if eighty (80) square foot is not needed, Meijer had already been approved for 60 square foot from a sign waiver application in November of 2019.

Bartlett told Bellor, "Sixty (60) square foot will be fine"

Meier questioned the Meijer location for E Z Care, when the main location is less than a quarter mile away.

Campbell asked Bartlett if they have received the updates from the Planner and Engineer dated March 2, 2021 referencing the eighty (80) square foot signage request.

Again, Bartlett said he did not request eighty (80) square foot of signage.

Motion by Campbell, supported by Walsh to approve the Site Plan for E Z Care Clinic, based on the recommendations from the Fire Department, Planner and Engineer from letters dated February 24, 2021 and March 2, 2021.

Roll call vote:

Yes: Shabluk, Rosenbrock, Walsh, Meier, Bellor, Campbell

No: None

Absent: Schweitzer

Motion carried

Addition to Agenda: Township Attorney

Meier addressed the Commission. He reminded the members that a motion was made at the last Planning Commission meeting February 2, 2021 to ask the Board to have Attorney Sheppard attend the Planning Commission meetings. The motion passed by unanimous vote. Meier said he attended the last regular Board of Trustee meeting on February 22, 2021 where Walsh

mentioned to the Trustees the request made by Planning Commission. However, at the same time Walsh told the Board that he felt the Planning Commission did not need Sheppard to attend.

Meier reviewed the minutes from the February 2, 2021 Planning Commission meeting where Walsh said the Trustees were unaware that the Township Attorney was told not to attend the Planning Commission meetings and Walsh also told the Planning Commission members it is not the Board of Trustees decision if Sheppard attends the meetings.

Meier continued to read the letter dated January 22, 2021 from Bellor to the Planning Commission members. The letter states that the Planner, Engineer and Attorney would be attending the meetings by request only. At the February 2, 2021 meeting, a motion and a unanimous vote from the members to, “request Sheppard to attend the meetings going forward.”

Meier referenced Ordinance 67 Section 17.08 (c) The Township Board may employ planning director or other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses with a budget authorized by the Township Board.

Meier told the members that he believes that eliminating the Township Attorney from attending Planning Commission meetings is a Board decision. If it is a Board decision, nothing was ever placed in the Board minutes.

Meier asked if another vote has to be taken to have Attorney Sheppard attend the meetings.

Bellor said, “It won’t do any good. Let me explain the way it was explained to me. Apparently, they reviewed and I don’t know who they are. But I had a meeting with the Supervisor and Mr. Walsh. Apparently, they observed other Townships and how they operate, who’s there, who’s not and the reasons why. It was brought to our attention, my attention, do we need these people here. My response is, from time to time yes, we do. Majority of the time or 100 percent of the time, the planner and our engineer and our fire chief gives us their.....answers in writing. If we abide by their writings then according to our attorney, we are pretty much good to go. Is it a budget saving thing? I can’t bet my life on that. That motion we made to have him there, is null and void. We cannot tell the Township Board what to do. We work for the Township Board; the Township Board doesn’t work for us. So, I guess with all that said, I am in agreement with trying it and if it don’t work, then we are going to fix it. To me when we have complex issues, I have no objections with those people being here. But I don’t want them to come here and read to us, because I think everybody can read. And that is kind of what it has been in the past.....if we make our motions correctly, then according to the Township Supervisor, we are good to go. If it doesn’t work, we’ll fix it. That’s where I’m at. I am willing to try it, hopefully the rest of you guys are.” Bellor continued, “I think we at least need to look at what the Township Supervisor wants us to do and we’ll go from there. I am open for suggestions.”

Meier agreed with Bellor in regards to the Planner and Engineer. But sees value in having Attorney Sheppard attend the meetings. He said the members made a request, not a demand that Sheppard attend Planning Commission meetings. With the request not honored, the ability to be

a great commission has been denied. Meier went on to say, he doesn't care how other Townships conduct business, he only cares about Monitor Township.

Bellor interpreted Ordinance 67 Section 17.08 (c). He said the key word to that section of the ordinance is "may employ", it does not say they shall be in attendance.

Bellor said the motion made by the Planning Commission for Sheppard to attend Planning Commission meetings, "does not fly"

Meier told Bellor that Walsh was asked to direct the motion to the Township Board, asking for permission to have Attorney Sheppard attend Planning Commission meetings. The request was never done by Walsh.

Bellor said he wasn't at the meeting so he can't speak for Walsh.

Walsh said the reason why he did not address the Trustees with the request, he feels the only time the Attorney should be present at the Planning Commission meetings, "is when there is something that we don't quite understand or if there is a lot on the agenda."

Discussion continued among the members.

Walsh said if we recommend Sheppard attend the meetings, a request will made.

Meier asked who would make the recommendation.

Walsh said, "The head of the commission"

Meier asked how can a request be made if it is "null and void" according to Bellor.

Campbell also questioned the reply made by Walsh at the February 2, 2021 meeting. Walsh had told the commission members that the Board of Trustees are not aware of the action to eliminate the Attorney, Planner and Engineer from attending Planning Commission meetings and that decision is not up to the Board of Trustees. Campbell asked if it is not a Board decision, who decision is it? Who gets to decide, whether those professional attend meetings?

Walsh said, "The commission"

Campbell said, "What commission?"

Walsh said, "This commission"

Campbell told Walsh, "We are on record, and I think unanimously we said we want the attorney"

Campbell asked Walsh, "The Township Board, when you brought it to them, they didn't even take it up to a vote, did they?"

Walsh, “No”

Campbell said, “I did not see anything in the Board minutes about the attorney.....“There was nothing listed (in the Board minutes) that they even addressed the issue, they seem to have just swept it under the rug.” Campbell continued, “Unless I am missing something, I think they let us down. If we unanimously asked you to relay our message to them and they ignored it, I am a little put out by that. I think it is their decision, that is why I didn’t understand your comment.”

Campbell agrees with Meier. Campbell agrees, the Planner, Engineer and Fire Chief are not needed at every meeting. The commission had requested Sheppard be at every meeting. Campbell said, “We asked the Board for this and they ignored our suggestion.”

Campbell asked Bellor how much notice would Sheppard need to attend Planning Commission meetings. Campbell asked Bellor if he has authority to request Sheppard to attend meetings or is it a Board decision.

Bellor said, “Correct, I can call him.....they asked us to try it”

Campbell said, “We did, and it didn’t work to well” Campbell continued, “I want to go on record again and say I think he (Sheppard) should be a regular member of our committee because he does not give us a written report that gets in our packet.”

Meier agreed with Campbell.

Rosenbrock agreed with Campbell.

Shabluck agreed with Campbell, but she can also see some value of not having Sheppard at the meetings.

Walsh had no comment.

Discussion continued among the members.

Walsh told the commission, if the commission wants Sheppard to attend the meetings, he will give his support.

Bellor told the members that he will express everyone’s opinion to the Township Supervisor.

Bellor told the commissioners that if one member requests Sheppard to attend the Planning Commission meeting, he will invite Sheppard to the meeting.

**Motion by Campbell supported by Shabluk to adjourn.
Motion carried.**

Meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Diane J. Peters
Acting Secretary
DJP/djp