

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
July 5, 2011

The meeting was called to order by Chairman J. Bellor at 7:05 p.m.

The Pledge of Allegiance was recited by all.

Members present: J. Bellor C. Hoyle, J. Frank, B. Campbell, D. Darland, M. Morin, E. Arnold,
Members absent: None
Also present: R. Sheppard, Planning Attorney, Phil McKenna and Michael Gradis, Planners

Motion by Campbell seconded by Frank to approve the minutes of the May 3, 2011 meeting as corrected. Motion carried.

Motion by Hoyle seconded by Frank to approve the minutes of the June 7, 2011 regular meeting as presented.
Motion carried.

Motion by Campbell seconded by Morin to adopt the agenda as presented.
Motion carried.

Public Input

J. Bellor opened and closed public comment at 7: 05 p.m. with no one wishing to speak.

Items for Consideration

Harold Miller/Batschke Revised Site Plan 09-100-037-400-050-00

Motion by Darland supported by Frank to table the site plan review as Mr. Miller was not present.

Discussion. Half of the North roadway is owned by the adjacent neighbor.

Darland withdrew motion with concurrence of Frank since Mr. Miller and his representative, Jim Klein, arrived.

Arnold discussed the increased retail area from the first site plan as well as buildings to be demolished.

Klein explained that the change in plan is based on the area that is actually being used as storage for retail space as requested by the planner at the last meeting. There is another 6700 sq. ft. of storage behind the 2900 sq. ft. of store front that is currently being used.

Klein said that they are proposing demolishing greenhouses along the north line to make room for a 25' gravel driveway. There will be a minimum of 20' of gravel drive on their property for access.

Sheppard noted that it sounds like the demolition will be done to accommodate the needed access for Fire Department access. There is no easement or agreement with Prime Brothers.

There was a lot of discussion and explanation of markings for the driveway, existing and future buildings, on the plans.

Arnold asked P. McKenna about deferred parking. If there was some reason to believe that parking wouldn't be needed, he may be able to post a bond or cash guaranty that, if the parking proved to be needed, in the judgment of the planning commission, it would be met. Arnold has a concern over the building area vs. the parking area.

Sheppard said that the Planning Commission should have something from Harold Miller stating the square feet of the building that will not be used.

Hoyle noted that she observed batting cages in the rear building. Miller said that they have their stuff stored in there, but are outside on the ball diamonds. He would like to let that go until they get the front part of the building straightened out.

Sheppard explained that we don't have someone to inspect weekly to see if ball teams come in there to use the batting cages in the winter and no parking has been designated. It either has to be a totally vacant, unoccupied area or you have to provide parking for whatever the most reasonable use for that building might be.

Frank asked why the batting cages are still there when that request was turned down several years ago due to lack of access for the Fire Department.

Klein explained that the brown roofed building on the north would stay. It is within 7 feet of the new building, so therefore, the new building will have a fire wall built per the Fire Department and/or building code.

Mr. Klein drew a line around buildings to remain and a hash mark through the buildings to be demolished.

Michael Gradis, planner, said that if the planning commission requires parking in the rear to be paved, then the path to the parking spaces also needs to be paved. He summarized the McKenna review dated June 28, 2011.

Mr. Miller is to present a written, signed statement that the batting cages and rear building area will not be used.

Mr. Miller's Special Use request will be noticed out for the August 2, 2011 Planning Commission meeting.

Motion by Darland supported by Frank to table the site plan approval until the August meeting, that a revised site plan be submitted and a signed statement from Mr. Miller that the most rear building will not be used without approval from the Planning Commission.

Roll call:

Yes: Darland, Frank, Arnold
No: Hoyle, Campbell, Morin, Bellor
Motion did not pass.

Motion by Campbell supported by Hoyle for conditional approval of the site plan for 1600 S. Euclid, 09-100-037-400-050-00. Due to the topography of the lot, deferred parking need not be paved now and this option is appropriate. Markings will be noted on the site plan showing areas not to be used, a signed statement from Harold Miller that the most rear building will not be used without approval from the Planning Commission, and the final site plan must be prepared by July 12 for August 2, 2011 meeting.

Roll call:

Yes: Hoyle, Campbell, Darland, Morin, Bellor
No: Frank, Arnold
Motion carried.

No building permit may be issued from this approval.

Medical Marijuana Ordinance

New maps showing possible locations for a marijuana dispensary have been provided.

Attorney Sheppard reported that Judge Lauderbach of Midland said that the states cannot overrule federal law and marijuana is still a controlled substance under federal law, therefore, the Medical Marijuana Act is unconstitutional trying to usurp federal authority. Other judges are not bound by that decision.

Darland noted that the map shows all of the Monitor churches, but does not show Bangor churches and schools that adjoin Monitor.

Discussion was held regarding locations that would be available with the 500 ft. designated separation. It was determined that you can do all three uses in Industrial. In the Commercial you can do the Compassion Club or a dispensary. You cannot grow marijuana in Commercial.

There appears to be a version of the Medical Marijuana Ordinance that was sent to the Board that the Planning Commission members have not seen. M. Gradis will check on the reference to a)6 that was referenced in the Board minutes. He will email members a copy of that ordinance.

Motion by Darland supported by Frank to set public hearing for the August 2, 2011 Planning Commission meeting for the Medical Marijuana ordinance. Motion carried.

It was suggested that a memo from the planner be included explaining the greater detail that will be checked if an applicant comes in. McKenna said that they would have to come up here and check out some of the areas that have correct zoning for medical marijuana, but may have residences mixed in to make sure that we have a map with credibility.

Examples of four locations on the map for three different uses each of which must be 1000 feet apart: Growing can be done in the Industrial Park. Wilder Rd. could house a dispensary. A compassion club could be by the sugar beet factory or on Midland and Mackinaw back far enough to have clearance from the school.

Definition and Procedure for Conflict of Interest

Typographical errors noted.

Motion to approved Definition and Procedure for Conflict of Interest made by Darland supported by Morin. Motion carried.

Motion to accept Communications by Darland supported by Frank. Motion carried.

Meeting adjourned at 8:58.p.m.

Respectfully submitted,

Dan Darland
Secretary

DD/jw