

CHARTER TOWNSHIP OF MONITOR
REGULAR PLANNING COMMISSION MEETING
August 2, 2011

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

The Pledge of Allegiance was recited by all.

Members present: C. Hoyle, J. Frank, D. Darland, E. Arnold, J. Bellor, M. Morin
Members absent: B. Campbell,
Also present: R. Sheppard, Planning Attorney, J. Jackson and M. Gradis, Planners

Motion by Morin supported by Frank to excuse Campbell from the meeting. Motion carried.

Motion by Hoyle seconded by Frank to adopt the agenda as presented.

Motion carried.

Motion by Hoyle seconded by Morin to approve the minutes of the July 5, 2011 regular meeting as presented.

Motion carried.

Public Comment

J. Bellor opened public comment at 7: 05 p.m. Chuck Allore of 1331 Midland Rd. would like to see a noise ordinance adopted.

Items for Consideration

Miller/Batschke Special Use Permit Public Hearing

Jackson explained that the Special Use is being requested because they are proposing to expand an existing non-conforming building. The ordinance requires that the Planning Commission review it according to the standards that are expressed on page 2 of the McKenna review dated July 22, 2011, to make sure that the proposed expansion of this non-conforming building won't adversely impact the neighbors, traffic, or any of the surrounding properties in terms of future development. Since he is reducing the building in some areas and bringing it more into compliance in others, Jackson felt that the project generally met those standards, but it is the Planning Commission's decision.

There is a change in square footage from 6900 sq. ft. to 6700 sq. ft of storage space behind the retail space.

Mr. Jackson reviewed the site plan and listed the conditions. This site plan only applies to the areas shown on the plans with the designated uses. Any use of the other building will require them to come in for site plan approval for those areas.

The fire Chief's letter was reviewed.

Motion by Morin supported by Hoyle to open public hearing on the special use permit application on the Batschke's Greenhouse property at 1600 S. Euclid Ave. 09-100-037-400-050-00. Motion carried.

Public input open and closed with no one wishing to speak.

Arnold requested explanation of Recommendation #1 of the McKenna review on page five of the letter dated July 22, 2011 regarding parking. Jackson said that the parking that is shown on the plan is only enough for the uses that they are proposing and not enough for the areas of the building that are currently vacant and unused.

Arnold expressed a concern that unused buildings would need approval for any personal use as well and require extra parking. Jackson reminded the commissioners that Mr. Miller was encouraged to identify any possible use he may have for the unused buildings at this time so it could be included in the plan, but he did not.

Sheppard pointed out the letter from H. Miller dated July 25, 2011 regarding the removal of the softball/baseball facilities. The letter doesn't go far enough to say that Mr. Miller understands that he can't put anything else in the rear building. Mr. Miller must sign off on the original site plan that the building will not be used. The intent has been depicted clearly on the plan.

The building area shown on the site plan marked as "To Be Demolished" must be demolished before any new construction or occupancy would be allowed. The access drive will need to be fully improved as shown on the plan including removing anything that is in that area before occupancy will be allowed. The plan must be in compliance with the fire code before any construction can take place.

Klein, of Axiom Consultants, noted that the greenhouses can be removed one at a time, but the increments don't match. He would have to take down possibly 25 feet to gain 11 feet. It will have to be done to gain fire access.

Motion by Frank supported by Hoyle to approve the requested special use permit for Harold Miller's property at 1600 S. Euclid Ave. 09-100-037-400-050-00 with the conditions as shown on page five (5) of the McKenna letter dated July 22, 2011; that the demolition of all structures marked as "To Be Demolished" on the site plan received by the township on July 13, 2011 is complete; that the concerns mentioned in the Fire Chief's letter dated July 26, 2011 be met; that Mr. Miller sign the original site plan acknowledging the non-use of the rear building without approval of the planning commission; all demolitions be completed before the occupancy permit is granted. (Mr. Miller signed the site plan in front of the planning commission at the meeting.)

Roll call vote:

Yes: Frank, Morin, Bellor, Hoyle, Darland

No: Arnold

Absent: Campbell

Motion carried.

Motion by Frank to approve the site plan of Harold Miller on the property at 1600 Euclid Ave. 09-100-037-400-050-00 which was received on July 13, 2011. Supported by Morin.

Roll call vote:

Yes: Morin, Bellor, Hoyle, Darland, Frank

No: Arnold

Absent: Campbell

Motion carried.

Motion by Morin supported by Frank to return to the regular order of business. Motion carried.

Medical Marijuana Ordinance Public Hearing

Public Hearing for the Medical Marijuana Ordinance was opened by Mr. Bellor.

Mr. Bellor questioned Mr. Jackson regarding communication between McKenna and the township board in reference to changes to the proposed ordinance.

Public Input opened at 7:55 p.m. No one was present who wished to speak.

Mr. Jackson presented a revised map of the township with possible locations of marijuana facilities with 750 ft. separation from a Residential use or Residential district, church, school, or each other. It shows that there is sufficient area for eight (8) facilities. There are three districts: Euclid and Hotchkiss Rd, Wilder near Monitor Rd., and Mackinaw –US-10 interchange. No permanent rights are given to a district based on this map since locations of churches, schools, etc. can change.

Darland asked for clarification of Attorney Sheppard. The Medical Marijuana Law is controversial and before the courts now. Are the Township and Planning Commission exposing themselves to any type of penalty or liability approving any type of facility that could possibly be declared as an illegal use, and as far as the federal government is concerned, *is* an illegal use because it is still a controlled substance?

Sheppard's opinion is that the Township, pursuant to the Zoning Enabling Act as does any municipality, must provide location for all legal uses. Under the State of Michigan rules and statutes right now, medical marijuana caregivers and facilitators are a legal use as is growing. We are mandated by State law to make that available so he doesn't see how the feds could somehow attack the planning commission or the township board and say that we are somehow facilitating a violation of the law when we are following what state law requires.

Motion by Hoyle supported by Morin to recess the public hearing to the September meeting and table consideration of the Medical Marijuana Ordinance until the Township Board can review the proposed ordinance.

Roll call vote:

Yes: Bellor, Arnold, Hoyle, Darland, Frank Morin

No: None

Absent: Campbell

Motion carried.

Communications

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

Public Comment

Rob Satkowiak of 4608 Two Mile Road had questions about his land division request. He thought that he was on the agenda for tonight.

Motion by Frank supported by Hoyle to adjourn.

Motion carried.

Meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Dan Darland
Secretary

DD/jw