

CHARTER TOWNSHIP OF MONITOR  
REGULAR PLANNING COMMISSION MEETING  
February 6, 2018

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

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, D. Darland, J. Frank, C. Hoyle, T. Miller, B. Reder  
Members absent: None  
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner  
Others present: Kenneth M. Malkin, Township Supervisor  
Public present: See Sign-In Sheet

**Motion by B. Reder seconded by T. Miller to adopt the agenda adding under Zoning Ordinance Review: Code Violations, as it relates to the time period for enforcement.**  
Motion carried.

**Motion by B. Reder seconded by J. Frank to approve the minutes of the December 5, 2017 regular meeting as presented.**  
Motion carried.

Election of Officers

Attorney R. Sheppard was present and presided over elections.

Nominations were opened for Chair, Vice-Chair and Secretary.

**Motion by B. Reder, seconded by C. Hoyle to re-elect the same, previous slate of officers: J. Bellor as Chair, J. Frank as Vice-Chair and D. Darland as Secretary by unanimous vote.**  
Motion carried to elect J. Bellor as Chair for 2018.  
Motion carried to elect J. Frank as Vice-Chair for 2018.  
Motion carried to elect D. Darland as Secretary for 2018.

Nominations closed. The officers elected accepted their respective offices and thereafter J. Bellor presided at the meeting as Chairman, and D. Darland acted as Secretary of the meeting.

Public Input

Chairman J. Bellor opened public comment at 7:04 p.m.

K. Malkin, Township Supervisor, stated he would need to leave early but wanted to offer input on three items that will be covered under Zoning Ordinance Review.

**Percentage of Building Area:** Realizing there was previous agreement that 35% of the building site area was acceptable, soon after the meeting, Don Scherzer of the Spicer Group mentioned that subdivisions are designed based on 25% to allow ample room for the storm water so an increase to 35% we may overload the storm water system. K. Malkin suggests that an easy fix would be to add “except for plated subdivisions which shall be at 25%”.

**Zoning Ordinance Cross-Index:** K. Malkin stated that cross-indexing the Ordinance would be a separate document and not part of the Ordinance. In order to save the Township money, he could develop this document, but not in time for the Zoning Ordinance approval. If this is something that the Planning Commission desires to be completed at the time of Ordinance approval, the Planner, McKenna Associates should be employed to complete.

**Clear Vision Complaint:** Recently, we had complaints with regard to clear vision problem due to overgrown pine trees on E. North Union and 4 Mile Road. The trees are not in the road right-of-way so the Road Commission is unable to take care of and it does not meet the definition of our Ordinance for enforcement. It is impossible to solve every problem, but feels that the Planning Commission should be aware of this.

Janet Behmlander of Wellston, Michigan spoke asking the Commissioners if there has been any comment or action taken on the rezoning of parcels on Fisher, and Mackinaw and 4 Mile of farm land owned by John Burk. The Commission stated that they are unaware of any rezoning application being submitted. P. Lippens inquired as to how she was notified of the rezoning. J. Behmlander stated that she is aware of it as she is a member of the Oswald family. J. Frank asked if she was also aware of what would require the need to rezone the parcel or parcels. J. Behmlander responded that she was not sure. She stated that she does have an interest (with seven others) to the 40.0 acres on the east side Fabiano Brothers. [Note: Parcel ID: 09-100-027-100-060-00 Kathleen Oswald c/o Janet Behmlander, 16091 Pine Lake Road, Wellston, MI 49689] J. Behmlander asked if the Oswald parcel is projected to become light industrial under the future use land map of the Master Plan. R. Sheppard stated that the 40.0 acre parcel that she has an interest in, under a 20 year growth pattern, does show the future land use as light industrial.

Chairman J. Bellor closed public comment at 7:10 p.m.

### **Items for Consideration**

#### **Public Hearing: The Pines Self Storage of Bay City LLC.: Chad Adams**

Chairman Bellor opened up the public hearing.

C. Adams began stating that per the Commission's recommendation has worked with the Township Planner, P. Lippens to cover and take care of the various issues on the plans. Since that time, modifications have been made; the use and security issues on the property, in addition to minor modifications and landscaping, have been addressed. C. Adams hopes that with these amendments that the special use permit will be issued and approval on the site plan be considered for his location at 6008 Westside Saginaw Road. It is C. Adams intention to build on the back half of the property of the storage and as discussed in the December 2017 meeting they are looking to put an office building towards the front of the property within the next 12-15 months at the most.

P. Lippens, Planner inquired if there was anyone present who wished to comment. P. Lippens added that the site is familiar as the Planning Commission did a comprehensive review a year ago. At that time there were some sections of the Zoning Ordinance that were not met. The revised plan has substantially addressed the needed requirements to comply, including providing landscaping, refuse disposal, and site screening by way of a wooden fence between the property and the adjacent property. The revised plan also shows a potential development in the front lot on Westside Saginaw

Road. The site arrangement is appealing. We have reviewed the site based on special land use and zoning standards and recommend approval of both the special land use and site plan. Although we have continued to recommend that a brick or higher-quality façade be placed on the front of the structures for roadside viewing, but realize that if a building is constructed in the front that screening would suffice.

B. Reder inquired as to why a wood fence would be required on north and west side of the property as this is agricultural.

P. Lippens stated that the requirement is to screen with either a greenbelt or a plank fence between commercial and agricultural property. The applicant has chosen the fence to meet that requirement.

D. Darland asked if the fence requirement could be deferred until the adjacent property is changed from farm or agricultural use to another use.

R. Sheppard noted there is no provision in the Ordinance to defer screening requirements.

B. Reder disagrees with this requirement in addition to requiring a facade citing the added costs to the property owner.

Paul Begick of Begick Nursery and Garden Center, 5993 Westside Saginaw Road, inquired to the location of the structures.

C. Adams stated there is 223 feet from the rear property line to the front.

J. Frank asked if the brick façade requirement was eliminated could the Planning Commission address the façade requirements when the front building is constructed.

T. Miller stated that it is the job of the Planning Commission to prepare and plan developments in the best manner and interest of the Township.

C. Adams inquired if the Ordinance has a revision is it possible to obtain administrative approval to make a screening change.

R. Sheppard stated that at the time of completion, the screening would have to meet the current Ordinance standards.

There was discussion regarding parking requirements.

R. Sheppard read a memo that was submitted from the neighboring agricultural property owners, Robert and Donna Harken of 6010 Westside Saginaw Road inquiring if there would be any adverse affect on their property if approval is granted for self storage unit project.

Other than making sure that the screening is suitable facing the Harken residence, there appears to be no negative impact to the property surrounding the project.

Chairman Bellor closed the public hearing.

Motion by D. Darland, seconded by R. Campbell to approve the special land use for the Pines Self Storage of Bay City LLC., Parcel ID: 09-100-L05-000-001-03 with the following four (4) conditions; of four (4) parking spaces to be deferred until the Township determines that additional parking is required, the screening or fence must comply with the existing ordinance in effect at the time of construction, the recommended brick façade be waived due to the future development plan for the front of the parcel, and require submittal of a final site plan, as constructed, upon completion of the project.

**Roll Call Vote:**

Yes: Campbell, Darland, Frank, Hoyle, Miller, Reder, Bellor

No: None

Absent: None

**Motion carried.**

Motion by B. Reder seconded by T. Miller to approve the Pines Self Storage of Bay City LLC., Parcel ID: 09-100-l05-000-001-03 site plan with the following four (4) conditions; of four (4) parking spaces to be deferred until the Township determines that additional parking is required, the screening or fence must comply with the existing ordinance in effect at the time of construction, the recommended brick façade be waived due to the future development plan for the front of the parcel, and require submittal of a final site plan, as constructed, upon completion of the project.

**Roll Call Vote:**

Yes: Darland, Frank, Hoyle, Miller, Reder, Campbell, Bellor

No: None

Absent: None

**Motion carried.**

**Zoning Ordinance Review**

J. Bellor shared with the Commissioners the synopsis of the January 8, 2018 Special Township Workshop Meeting as he, D. Darland and R. Sheppard were in attendance to address some concerns with the pending changes to the Zoning Ordinance.

R. Sheppard covered the topics of the January meeting which encompassed the last five to eight chapters of the Zoning Ordinance. He referred to memos relating to further feedback received regarding additional technical changes from the November 29<sup>th</sup>, 2017 Joint Meeting.

Vehicle Code Violations: R. Sheppard stated that they will locate the section regarding enforcement of disabled vehicles and where it is written at sixty (60) days, it will be amended to read thirty (30) days for code violation enforcement. Disabled vehicles will also be addressed under the Blight Ordinance. Definition: Inoperable, unlicensed vehicle on a public roadway.

Modifications to Height Exceptions: Section 3.07(a): R. Sheppard stated it currently is written as up to seventy-five feet (75') that was being modified believes that any changes may be subject to Fire Department approval.

P. Lippens, Planner made the amendments as suggested which was to eliminate the seventy-five feet (75'), and replace with verbiage permitting towers if approved by the Planning Commission during site plan review and the Township Fire Department. There will be no specific height limit on the amended section.

J. Frank suggested that grain leg be added to the list of tower descriptions.

Special Land Use Procedures: Section 3.32: The title will change throughout the newly amended Ordinance to read Special Land Use Permits and Procedures.

General Provisions: Residential Accessory Building Conditions and Requirements: Section 3.27: R. Sheppard stated that there was much discussion with the Township Board regarding the clarification for accessory buildings specifically, the number of buildings allowed and the square footage coverage of the lot.

There was considerable discussion with regard to this topic.

T. Miller stated that the Township could do a better job in making the residents aware of what the requirements are for accessory buildings. This could include more detailed information on the website and periodic reminders published in the biannual newsletter.

P. Lippens, Planner believes that there seems to be agreement among all those involved that a maximum of three (3) accessory buildings would be acceptable. The question this evening is related to the maximum percentage allowed. The table has been revised, based on R. Sheppard's recent memo, to read that the maximum accessory building size is the total number of buildings per lot. K. Malkin has recommended allowing for 35% in non-plated lots, and 25% in plated, which is based on feedback received from Spicer Group.

After much discussion regarding the potential for over burdening the storm water system, everyone agreed to allow for a maximum of three (3) accessory buildings but keeping the percentage per lot uniform at 25% for Section 3.27(j).

Modular Homes: There was discussion with regard to updating the definition. Modular homes are designed and constructed in conformity with the State Construction Act and Residential Codes and all Subparts as applicable. Mobile Homes will have a separate definition. Mobile homes contain the HUD certification have federal oversight, while modular homes by definition meet the state code.

#### Wind Turbines

J. Bellor discussed the various problems that have emerged recently in other counties regarding wind turbines. There has been a lack of maintenance and recently a turbine no longer in use has not been properly decommissioned leading up to the costly removal by a local township.

J. Frank offered comment regarding the negative impact of these structures to the residential area.

P. Lippens, Planner stated that the Wind Energy Ordinance currently in effect has been amended to require a cash bond for the complete removal of decommissioned facilities and to return the affected property to its original form.

There was considerable discussion to consider additional setback requirements, decibel limits, and shadow flicker, which is the flickering effect caused when rotating wind turbine blades periodically cast shadows through constrained openings such as the windows of neighboring properties.

It was the consensus to table this matter until more information from surrounding municipalities is obtained to assist with the future development of an amended ordinance regarding wind energy and turbines.

P. Lippens, Planner suggests setting the public hearing this evening with the direction essentially that the Planning Commission would come back in March with revisions for the Wind Energy Ordinance. The notice would contain a description of items for consideration and provide for a document to be available for review at the Township for a period of fifteen (15) days.

The Planning Commission had general discussion regarding whether to set the public hearing for March or April of 2018.

B. Reder provided comment on the January 18, 2018 Midland Daily News Article regarding Medical Marijuana.

**Reports**

P. Lippens reported that Menards Inc. have been approved for their 2<sup>nd</sup> Covered Storage project.

**Communications**

**Motion by B. Campbell supported by T. Miller to acknowledge receipt of Communications.  
Motion carried.**

**Motion by C. Hoyle supported by D. Darland to adjourn.  
Motion carried.**

Meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Dan Darland  
Secretary

DD/blfp