

Eureka Charter Township Planning Commission
Regular Meeting Minutes - Approved
December 21, 2011

Agenda Items 1 & 2: Meeting Convene & Roll Call

Chairman Lee Gilman called the December 21, 2011 regular meeting of the Eureka Charter Township Planning Commission (PC) to order at 7:00 pm.

Roll call found the following PC members in attendance: Chairman Lee Gilman, Vice Chairman Duane Putnam, Secretary Michele Bigelow, and Commissioners Mike Blanding, Rodney Roy, Joyce Sage and Mark Wilkin.

Township Zoning Administrator Thomas Faussett, Township Supervisor Laura Shears, and Township Secretary Renee Fountain were also in attendance. Kelly from The Daily News, and approximately eighteen residents were in attendance.

Agenda Items 3 & 4: November Minutes & Correspondence Received by Secretary

Mr. Blanding moved, with a second by Mr. Wilkin to approve the November PC Meeting Minutes as submitted. Motion carried 7-0.

Secretary did not receive any correspondence.

Agenda Item 5: Audience Comments on Non-Agenda Items

Chairman Gilman opened the meeting to public comment. Upon hearing none, Chairman Gilman closed public comment at 7:03 pm.

Chairman Gilman thanked Mrs. Sage for her years of service on the Planning Commission and other committees, and presented her with a card. Fellow PC members thanked Mrs. Sage for her service.

(Linda Weger was appointed to fill the position on the Planning Commission with term beginning January 1, 2012 and expiring on December 31, 2014.)

Agenda Item 6: Public Hearing: To Gain Public Comment on Rezoning Parcels Across from Klackle's Pavilion from Suburban Residential to Office Service Commercial 1 (OSC-1)

In November, Mr. David Fielding attended the PC meeting to express an interest in rezoning his property (located south of Klackle's Pavilion) as OSC-1. He is having trouble selling his property as suburban residential and he feels rezoning may draw potential buyers. Also, Mr. Fielding is frustrated with the Pavilion noise and lighting.

The purpose of this Public Hearing (PH) is to listen to the public comment on rezoning the following parcels (south of Klackle's Pavilion) from Suburban Residential to Office Service Commercial 1 (OSC-1):

Parcel #	Address	Owner
Parcel 59-008-018-009-00	11461 West Carson City Rd.	Alvin Robert Maxon
Parcel 59-008-050-001-00	11481 West Carson City Rd.	David Fielding
Parcel 59-008-050-002-00	11491 West Carson City Rd.	Patricia Mayhew

Parcel 59-008-050-004-00	11499 West Carson City Rd.	David Fielding & Penny Pressnell
Parcel 59-008-050-007-00	11507 West Carson City Rd.	Richard & Joyce Rees
Parcel 59-008-050-009-00	11517 West Carson City Rd.	Gaylord & Shirley Hansen
Parcel 59-008-050-010-00	11527 West Carson City Rd.	Kenneth Rasmussen
Parcel 59-008-050-011-00	11707 West Carson City Rd.	William & Lucille Patterson, Patterson Living Trust
Parcel 59-008-018-008-30	11707 West Carson City Rd.	Steven Patterson
Parcel 59-008-050-013-00	11729 West Carson City Rd.	George & Marsha Sylvester
Parcel 59-008-018-027-00	11707 West Carson City Rd.	William & Lucille Patterson
Parcel 59-008-050-015-00	11737 West Carson City Rd.	Alice McMeeken & Gilbert, Rasmussen & Ingersoll
Parcel 59-008-050-016-00	11761 West Carson City Rd.	Justin & Kirsten Telder
Parcel 59-008-050-017-00	11763 West Carson City Rd.	Joshua Husar
Parcel 59-008-050-018-00	11781 West Carson City Rd.	Philip Cartensen
Parcel 59-008-050-019-00	11791 West Carson City Rd.	William & Dawn Lowry
Parcel 59-008-050-021-00	11805 West Carson City Rd.	David & Janice Rydahl
Parcel 59-008-050-025-00	11811 West Carson City Rd.	David & Janice Rydahl
Parcel 59-008-050-027-00	11823 West Carson City Rd.	Terry & Laura Shears
Parcel 59-008-050-028-00	11843 West Carson City Rd.	Jaimes & Cynthia Rodrigo
Parcel 59-008-670-001-00	11845 West Carson City Rd.	Liberty Baptist Church
Parcel 59-008-018-007-25	11857 West Carson City Rd.	Shelly Lillie
Parcel 59-008-018-008-20	8116 Ride All Drive	David & Janice Rydahl
Parcel 59-008-050-020-00	8116 Ride All Drive	57 Development LLC
Parcel 59-008-670-003-00	11847 West Carson City Rd.	James Elkins
Parcel 59-008-018-007-32	11845 West Carson City Rd.	Liberty Baptist Church
Parcel 59-008-670-004-00	11857 West Carson City Rd.	Shelly Lillie
Parcel 59-008-670-005-00	11859 West Carson City Rd.	Harriet Lillie
Parcel 59-008-670-006-00	11989 West Carson City Rd.	Gerald Collins
Parcel 59-008-018-007-12	11782 West Carson City Rd.	Harriet Lillie
Parcel 59-008-670-007-00	11995 West Carson City Rd.	Shana Christensen
Parcel 59-008-670-009-00	8051 South West County Line Rd.	Rose Acceptance Inc.
Parcel 59-008-670-010-00	8101 South West County Line Rd.	Martin Roger G Trust
Parcel 59-008-018-009-00	11461 West Carson City Rd. S.	Alvin Robert Maxon
Parcel 59-008-018-008-15	11707 W. Carson City Rd.	Steven Patterson
Parcel 59-008-018-007-20	11977 W. Carson City Rd.	Leslie & Cindy Lillie
Parcel 59-008-018-008-30	11707 W. Carson City Rd.	Steven & Michael Patterson

Mr. Putnam explained that OSC-1 is a little more restrictive than OSC-2 and would not permit car lots and larger developments. OSC-1 would be a better fit for residential areas being reviewed.

At 7:12 pm, Chairman Gilman opened the PH to receive public comment.

Mr. Tom Faussett introduced himself and explained that the PC is seeking comment from residents living south of the Pavilion. There may be some residents who want to have their property rezoned and there may be some who don't.

During the PH, residents expressed frustration with the Pavilion noise, especially during cage fights and wedding receptions. They are also frustrated with the Pavilion lighting.

Mr. Les Lillie believes the noise is an issue for the Zoning Administrator and the Sheriff Department to enforce. He also feels rezoning goes against the Master Plan.

Mr. Faussett stated there were no restrictions put on the use of Klackle's Pavilion when it was rezoned as OSC-2. Mr. Faussett explained that this issue isn't going to go away and he wanted to give residents directly south of the Pavilion an opportunity to speak.

Mr. Putnam said the lighting meets the site plan requirements, but the lighting could be checked to see if it needs to be tipped.

Upon further discussion, some residents expressed their concerns about rezoning the property as OSC-1 because doing so may make it more difficult for future buyers to obtain a loan. Chairman Gilman and Mr. Faussett explained that you can rezone properties that are linked together (cluster zoning), but you can't rezone properties that aren't (spot zoning).

When Chairman Gilman asked for residents who are opposed to rezoning their property as OSC-1 to raise their hands, the majority raised their hands. Also, all residents raised their hands when asked if they were opposed to the noise level.

When a resident expressed concern about how close his home is to M-57 (now that it has been widened in front of his home), Mr. Tom Lindeman explained that this is urban sprawl and further widening of M-57 will probably be happening in future. He will talk to Sheriff Barnwell about better coverage and response to noise complaints.

Chairman Gilman stated that it appears that the majority of the residents do not want to rezone as OSC-1. The first four properties (directly across from the Pavilion) could be rezoned as OSC-1 and that wouldn't be spot building. The fifth property owner asked for time to consider rezoning as OSC-1.

Chairman Gilman asked if anyone from the public hasn't had an opportunity to say anything. Upon hearing no further public comment, Chairman Gilman closed PH for public comment at 7:55 pm.

Mr. Wilkin stated the PC needs to do more thinking and research on the complaints – with the most common complaints being lighting and noise.

Mr. Putnam isn't convinced rezoning is the answer to the problem. He believes adding decibels to the noise ordinance would give more strength to the ordinance and would give the Sheriff Department more authority to write tickets when Klackle's Pavilion is in violation. Mr. Putnam feels midnight should be cut-off time for loud noise.

Mrs. Sage thinks the PC should write a letter to Mr. Barnwell expressing the PC's concerns about the complaints against the Klackle's Pavilion noise and lighting. The PC is here for our people and residents; the residents don't deserve what they're getting. We all need to work together.

Chairman Gilman asked Mr. Lindeman to have discussion with Mr. Barnwell. The PC and residents are fed up with issue and want it enforced.

Mr. Faussett said township could purchase meter for police to use when measuring noise.

Mr. Roy agrees that Mr. Fielding has a valid point. If three or four properties want to rezone as OSC-1, PC should allow them to do so. Mr. Putnam would want the four or five property owners' agreement to rezone as OSC-1 in writing.

Chairman Gilman would like to table this issue so PC can review it in further detail. The PC has the ability to rezone the first four or five properties as OSC-1 if owners agree. He sees the major concern is noise and lighting.

Chairman Gilman closed the public hearing at 8:10 pm. Mr. Putnam moved to table final decision until the next PC meeting. Mrs. Sage supported the motion. Motion passed 7-0.

Chairman Gilman suggested that Mr. Faussett draft a letter to the Sheriff's Department asking for better ways to handle the noise issue.

Old Business

Agenda Item 7: Faussett Private Road Request

Mr. Faussett explained that he has completed an easement agreement for the easement, which has been notarized, signed and recorded. He also presented a survey of the easement, and a legal description of the railroad easement that he will need to take to the Zoning Board of Appeals to petition. In Mr. Faussett's legal agreement, he excluded the portion of the easement (100 x 66 foot wide railroad corridor) currently controlled by the Friends of the Fred Meijer Heartland Trail.

Mr. Faussett is seeking PC approval for his private road request. Mr. Blanding motioned to approve Mr. Faussett's private road request (excluding the 100 x 66 foot wide railroad corridor that Mr. Faussett will be discussing with the Zoning Board of Appeals). Mr. Putnam supported the motion. Upon hearing no further discussion, motion passed 7-0 at 8:40 p.m.

Agenda Item 8: Discuss Request to Review M-91 and W. Baker Road Intersection

Mr. Faussett spoke with Mark Christiansen about this issue and shared photos of the intersection with him. Mr. Faussett and Mr. Christiansen are negotiating with the property owner – some pine trees are blocking the view.

New Business

Agenda Item 9: Request for Special Use Permit: R & R Therapeutic Massage & Bodywork

Mr. Faussett stated R & R Therapeutic Massage & Bodywork is interested in renting the building located across from the township hall. This building is zoned rural commercial, and the owner of the therapeutic massage business had planned to attend the meeting to request a special use permit. She did not attend the meeting.

Mr. Faussett asked if the PC would consider adding therapeutic massage as an approved use in rural commercial so R&R Therapeutic Massage & Bodywork can obtain a special use permit. Chairman Gilman tabled the discussion until the business owner contacts Mr. Faussett and shows more interest.

Agenda Item 10: Right to Farm Act

Mr. Faussett asked the PC to consider installing the following rule: Any building permit, whether or not the building is exempt, needs to have a zoning permit prior to construction.

Mr. Putnam motioned to recommend the following to the TB:

- Development of a stronger noise ordinance, either by PC or TB.
- Draft a letter (written by TB or by Mr. Faussett) to send to Scott Menard (County Building Inspector) to identify that all people seeking building permits must obtain a zoning permit first, even if they're zoned AG.

Mr. Blanding supported the motion. Motion carried 7-0 at 8:55 p.m.

At 9:00 pm, Chairman Gilman tabled the Right to Farm Act discussion and asked PC to be prepared to present recommended changes to Ordinance 79 in next month's meeting.

Committee Reports

Zoning Administrator – Faussett:

Mr. Faussett found 3 parcels that people built on without obtaining a permit.

Annexation Committee – Faussett and Putnam:

Nothing to report.

Township Board – Roy:

- Approved the recommendations for chickens and the definition of poultry.
- Approved dates of board meetings, snow removal, lawn service, attorney and auditing firm. These are reviewed and approved each year.
- Reviewing policies for purchasing and bidding.
- Approved disaster plan.
- Mining operation. TB is reviewing Mr. Faussett's draft and discussing if this includes gas.
- Accessory building size restriction – TB approved any size building as long as you own more than 1.5 acres. Mr. Faussett reviewed the ordinance and it states you can build on 30% of a rural residential property, 40% of a suburban residential property, and 45% of a mobile home property. The allowable height was increased to 35 feet.

Road Commission – Blanding:

Nothing to report.

Zoning Board – Putnam:

- Discussed farming operation south of the hall. ZBA granted variance to owners so they could refinance. The owners had wanted to split property.

Comments and Concerns

Mr. Putnam moved to maintain present schedule for 2012 Planning Commission meetings. They will continue to be held at 7:00 p.m. on the 3rd Wednesday of each month at same location. Mr. Blanding supported the motion. At 9:20 pm, motion carried 7-0.

Mrs. Sage noted that the Planning Commission needed to elect officers for 2012.

- Planning Commission Chairman - There was discussion with nominations for Mr. Gilman and for Mr. Wilkin. Mr. Wilkin moved, with a second by Mrs. Sage to approve the nomination of Mr. Gilman for Planning Commission Chairman for 2012. Motion carried.
- Planning Commission Vice Chairman - There was discussion with nominations for Mr. Wilkin and for Mr. Putnam. Chairman Gilman moved, with a second by Mr. Roy to approve the nomination of Mr. Wilkin for Planning Commission Vice Chairman for 2012. Motion carried.
- Secretary - Mr. Putnam moved, with a second by Mrs. Sage to approve the nomination of Mrs. Bigelow for Planning Commission Secretary for 2012. Motion carried.

Mrs. Sage thanked everyone for everything. She will miss serving on the PC.

Agenda Items for Next Month

- Rezoning Parcels Across from Klackle's Pavilion from Suburban Residential to Office Service Commercial 1 (OSC-1)
- Review M-91 and W. Baker Road Intersection – Feedback from negotiations with land owner
- Request for Special Use Permit: R & R Therapeutic Massage & Bodywork
- Right to Farm Act

The next meeting will be held on Wednesday, January 18 at 7:00 pm.

Respectfully submitted,

Michele Bigelow

Planning Commission Secretary