

EUREKA CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES Approved
December 15th, 2010

Chairman Duane Putnam called the December 15th, 2010 regular meeting of the Eureka Charter Township Planning Commission to order at 7:03 pm. Roll call found Chairman Duane Putnam and Commissioners Michael Blanding, Shawn Decker, Mark Wilkin, Rodney Roy and Joyce Sage. Commissioner Lee Gilman arrived after roll call. Township Zoning Administrator Thomas Faussett, Township Supervisor Laura Shears and Township Secretary Renee Fountain were in attendance. Approximately ten residents were also in attendance.

The minutes from the November Planning Commission meeting were reviewed. At 7:05 pm a motion was made by Blanding and supported by Wilkin to approve the minutes. Motion carried.

The meeting was opened for Public Comment to receive comments on subjects not included on the agenda at 7:06 pm. Hearing none, the Public Hearing was closed at 7:07 pm.

At 7:08 pm, the Public Hearing to discuss the rezoning of several parcels in Section 11 from Suburban Residential to Industrial was opened. Dave Robertson spoke and explained why he feels all parcels identified in the Public Hearing notice should be rezoned to Industrial. He explained that he wanted to use his property located at 7344 South Backus Road for storage purposes and needed his parcel (59-008-420-007-00) to be rezoned to Industrial from Suburban Residential. He needs to construct a road to access his parcel that is zoned Industrial (59-008-011-016-70) through the parcel presently zoned Suburban Residential.

Scott and Sheri Crystal voiced their opposition to the rezoning. They are residents of 7362 Backus Road and want the parcels to remain unchanged. They voiced concern about a negative impact on traffic, property resale and unsightliness of industrial use.

Jim Barens of 7480 Backus Road, expressed his desire to be zoned Commercial or Industrial. Tom Lindeman of 8060 Backus Road expressed his opposition to the rezoning to Industrial on the grounds that it would undermine the current use of the property and its resale value.

At 7:28 pm the Public Hearing was closed. The Planning Commission discussed varying opinions. Blanding wanted to keep the zoning as is because he doesn't want the residential properties to be negatively impacted. Putnam explained that he felt the best use for the land is Industrial and the Master Plan's future land use intends for the property to become Industrial. Additionally, it has a road that could be converted to the proper class needed for industrial purposes and is already next to established industry.

At 8:08, Gilman made the motion that agenda item five be tabled until the January meeting so additional information could be gathered. Motion supported by Wilkin. Motion carried.

At 8:12 pm a motion was made by Wilkin and supported by Roy to table the Public Hearing for a Special Land Use Permit for warehousing and outside storage of equipment vehicles located at 7344 South Backus Road until the January, 2011 Planning Commission meeting. Motion carried 7-0.

A public hearing to receive comment on the Wind Energy Ordinance was opened at 8:13 pm. Hearing no public comment, the public hearing was closed at 8:14 pm. At 8:18 pm, Blanding motioned and Gilman supported that the Planning Commission recommend to the Township Board the addition of Chapter 18, Wind Energy Systems, to Zoning Ordinance 79. To be included in Chapter 18 are the additions of Item 8 to Section 18.7 on road repair and Section 18.8 "Severability Clause." Motion carried.

At 8:21 pm a Public Hearing was held to receive public comment on changing the Kennel Ordinance. Julie Boni expressed her desire to open a "doggie daycare." The item will be addressed as a separate issue at a later date.

Township Supervisor Laura Shears read a letter from Rick Snow, a township resident that is a kennel owner. His letter states:

"Kennel Licenses – rules and regulations are governed under Montcalm Co. Issue of barking dogs or dogs \$250 fine Montcalm animal control. What if it were a single dog chained. Do you want to build a berm or make any land owner have property enough under the same laws you want to place on kennel owners. You have 2 vet clinics in this township and they have kennel licenses to board dogs and their dogs bark. So they need to be under the same stupid rules you propose on land owners. If a single person comes to the township about a barking dog, the township might consider sending a certified letter to the dog/dogs owner explain the problem or grow some stones and knock on the persons door and have a face to face with them letting them know the next step is calling Montcalm animal control to issue the \$250 fine. If it is only about barking dogs what about chickens or cows or mowing your lawn? They all make as loud of noise as a barking dog. They make bark collars for dogs."

Dated 12-13-10 and Signed Rick Snow.

The public hearing was closed at 8:28 pm. Faussett explained that residents have limited leverage in getting dogs to stop barking because law enforcement officials are hesitant to penalize kennels. Duane Putnam reviewed a few neighboring townships ordinances on kennels.

At 8:54 pm, a motion was made by Blanding and supported by Wilkin to recommend to the board that future dog kennels be located on a minimum of 5 acres, located 200 feet from any lot line or road right of way, and have a six foot privacy fence surrounding the perimeter of the kennel. Motion carried 7-0.

A public hearing was opened at 8:56 pm to discuss the rezoning of the Chapin property at 9352 Wise Road to Suburban Residential. Laura Chapin expressed her desire that the Manufactured

Housing Residential and General Commercial be rezoned to Suburban Residential. The Public Hearing was closed at 9:09 pm. A motion was made at 9:13 pm by Gilman and supported by Roy to recommend to the Township Board that parcel 59-008-004-002-42, 125 acres owned by Laura Chapin be rezoned to Suburban Residential. Motion carried 5-2 (Putnam & Sage).

At 9:13 pm, Wilkin made the motion that a Public Hearing be held to rezone parcel 59-008-004-002-70 from General Commercial to Suburban Residential. Motion carried.

A discussion on medical marijuana was continued from the November meeting. An individual from Chicago expressed an interest in putting a medical marijuana co-op in Eureka Township. The Planning Commission determined that the issue will be addressed once a co-op is formally requested.

A discussion on political signs was continued from November. Regulations exist that require political signs to be taken down following an election and commissioners expressed concern about limiting the freedom of speech of township residents. The Planning Commission came to a consensus to remove the item from the agenda.

Agenda item 12, structures in water front zones, was tabled to the January, 2011 Planning Commission meeting.

At 9:40 pm, Gilman made the motion that a Public Hearing be held in January to receive public comment on changing the Minimum Front Yard Setback on all Residentially zoned properties from 35' to 60'. Motion supported by Sage. Motion carried.

Committee Reports were given as follows:

Zoning Administrator - The city of Greenville will be sending their Master Plan to Eureka Township once the draft copy is completed.

Annexation Committee – None

Township Board – The Township Board approved the definitions for accessory buildings and setbacks. Everything sent was approved. Including the chart but there was a typo error in the table. The 1 acre needed to be changed to $\frac{3}{4}$ acre. The Board approved the Sackett property rezoning changes. A new budget was approved for 2011. The dates for 2011 Board meetings were set for the 2nd Monday of each month at 7 pm. The Board approved attorneys, audit firms, banks, and janitor services. An annual permit to allow M-DOT to do work in the road right of ways was issued by the Township. The Planning Commission members remain unchanged as the board reappointed Gilman and Blanding. The Zoning Board of Appeals has added Linda Weger. Michelle Bigelow has been added to the Board of Review. The dates were set for the Board of Review in the months of March, July and December. The permit was renewed for AT&T. Sunday liquor sales will be left alone. Tom made a "Request for Proposal" to legal advisors on the Dry Hydrants.

Roads – No comment from Blanding. Roy informed the Planning Commission that \$50,000 is presently contained in the contingency budget that could be allocated towards road projects.

Additional Commissioner Comments

Duane Putnam stated that the item of doubling of fees assessed on residents who conduct an activity without first getting a permit needs to be added to the January Planning Commission Agenda.

Duane Putnam reinforced his concerns regarding the Chapin property being classified Suburban Residential. He feels it should be Agricultural because it more closely reflects the landscape.

Joyce Sage noted that the Planning Commission needed to elect officers for 2011.

Blanding nominated Lee Gilman to be the Planning Commission Chairman in 2011. Support for the vote was provided by Sage. Vote was 5-1 (Decker) in support of Gilman becoming Chairman.

Sage nominated Duane Putnam for Planning Commission Vice Chairman in 2011. Support for the vote was provided by Gilman. Vote was 6-0 in support of Putnam becoming Vice Chairman.

Nomination made by Wilkin and supported by Roy to make Shawn Decker the Planning Commission Secretary for 2011. Vote was 6-0 in support of the nomination.

Meeting adjourned at 10:03 pm.

Items for January Agenda

- Public Hearing on a Special Land Use Permit request from Dave Robertson to allow Warehousing and Outside Storage of equipment and vehicles located at 7344 S. Backus Road on parcels 59-008-420-007-00 and 59-008-011-016-70.
- Public Hearing on re-zoning parcel 59-008-004-002-70 located at 9147 W. Wise Rd. from General Commercial (GC) to Suburban Residential (SR).
- Public Hearing on changing the Minimum Front Yard Setback on all residentially zoned properties from 35' to 60'.
- Continued discussion on rezoning Dave Robertson's parcel from Suburban Residential to Industrial.
- Discussion of structures in water front zones extending into waterways.
- The doubling of fees for residents who do not acquire a permit prior to conducting an activity that requires one being issued.

Respectfully submitted,

Shawn C. Decker
Planning Commission Secretary