

EUREKA CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
February 18, 2009

The February 18, 2009 regular meeting of the Eureka Charter Township Planning Commission was called to order by Chairman Duane Putnam at 7:02 p.m. Roll call found Putnam and Commissioners Michael Blanding, Shawn Decker, Lee Gilman, Candace Larkin and Joyce Sage present with Rodney Roy absent. Thomas Faussett, Township Planning Advisor, was also present. There were four audience members in attendance.

Minutes of the January 21, 2009 regular meeting were reviewed. Motion by Gilman, supported by Sage, to approve the minutes as submitted, motion carried.

In the time set aside for public comment on non-agenda items, Mark Wilkin, 11629 W. Wise Road, said that he has volunteered to serve as a grant writer for the township. He would like to look for available grants to build a playground/recreational facility either at the township hall or on township-owned property on River Road. Another grant possibility would be a water tower west of Greenville. Supervisor Laura Shears said that the cost of writing grants needs to be determined. Wilkin will present his ideas to the Township Board.

At 7:10 p.m., Putnam opened a Public Hearing on proposed amendments to Chapter 3, Section 3.14, of the Zoning Ordinance, which would be renamed Seasonal Sales. Putnam pointed out that seasonal sales would include locally-grown produce, flowers and Christmas trees with a permit required for gross annual sales over \$1,000. Non-profit and bona fide agricultural operations would not require a permit. Seasonal sales of fireworks are also included in the amendment; the township's insurance carrier has suggested that such sales should only be permitted in Commercial zoning and that is written into the amendment. Putnam closed the Public Hearing at 7:20 p.m. Commissioners discussed the proposed language; Blanding suggested that the baseline for needing a permit be increased to \$2,000 and there was no objection to that change. Larkin suggested that the Purpose section reiterate that fireworks sales would only be allowed in Commercial zoning and there was no objection to that change. Motion by Blanding to recommend approval of amended Chapter 3, Section 3.14, Seasonal Sales, to the Township Board, supported by Gilman, motion carried.

At 7:25 p.m., Putnam opened a Public Hearing on adding New Retail Merchandise Sales as a Special Land Use in Rural Commercial Zoning Districts. Putnam said that such sales had not been allowed in the past because of concerns about traffic and maintaining the rural character of this zone; such businesses had been directed toward other Commercial areas. Faussett pointed out that used merchandise sales are currently a permitted use in RC.

Putnam said that as a Special Land Use, each application would be evaluated to see if it is an appropriate use in RC. Shears asked if each SLU applicant would have to pay a \$200 application fee. Faussett replied that since a permit would be required, the fee would need to be paid. Putnam closed the Public Hearing at 7:33 p.m. Commissioners discussed the proposed change. It was pointed out that Cory Velting was given a temporary permit for sales of new merchandise in a building across from the Township Hall and this has not created any traffic problems. Blanding said he felt that new retail merchandise sales should be a permitted use in RC and not a special land use. He said that large businesses would go where traffic volume is high and wouldn't be interested in more rural areas. Motion by Sage to recommend that New Retail Merchandise Sales be added as a Special Land Use in the Rural Commercial Zoning District in Chapter 8, Section 8.3, Permitted and Special Land Uses, Item #35. Supported by Larkin, motion carried.

At 7:37 p.m., Putnam opened a Public Hearing on amending Chapter 19 of the Zoning Ordinance, Administration and Enforcement. Putnam said that Faussett rewrote the chapter to more accurately describe the duties of his office; he is now writing Zoning Permits, not Building Permits, and the Permits and Enforcement sections were updated. Faussett said that the new language states that the township has adopted all current construction codes. Shears said that the County is working toward Certificates of Occupancy being available online. Putnam closed the Public Hearing at 7:45 p.m. Commissioners discussed the proposed amended language. Motion by Gilman to recommend adoption of amended Chapter 19, Administration and Enforcement, supported by Sage, motion carried.

Commissioners discussed Chapter 18 of the Zoning Ordinance, Home-Based Businesses. Putnam read an e-mail communication from Trustee Brian Zayler to Supervisor Shears expressing his concerns over HBB requirements, certain businesses being exempt, and permit fees. He said he knows of no complaints registered against any HBBs in the township and felt they should be handled on a case-by-case basis. Zayler felt that that far too much time is being spent on this issue. Putnam read his own response to Zayler's concerns, saying that the township must look out for all residents and not just those with HBBs. He suggested that larger businesses should not exist in residential areas, but need to go into Commercial zoning. Putnam did not feel that the HBB requirements should be eliminated, but maybe further refined. Faussett has had conversations with the township attorney and an MTA attorney about this issue; both felt that a grandfather clause for non-conforming uses needs to be added if HBBs remain in the Zoning Ordinance; Faussett said that 80% of the current HBBs would be grandfathered. The township attorney said the language would be defensible in court, but not without a grandfather clause stating that non-conforming uses could continue to operate if they have no changes in use or size. Other options are to either create a separate regulatory township ordinance for Home-Based Businesses or to repeal Chapter 18 and have no ordinance addressing these

businesses. Gilman felt that HBB regulations are needed, but they should be in a separate ordinance and not a part of the Zoning Ordinance. Faussett said that HBBs can remain in the Zoning Ordinance if businesses in existence before adoption of the regulations are allowed to continue as long as they don't increase in size or change in use. Faussett said that he requested permit applications from 36 home-based businesses; he has issued 35 permits with one refusing to comply. Putnam felt that HBBs are a land use issue and as such, should remain in the Zoning Ordinance. Gilman pointed out that under a regulatory ordinance, no one is exempt and everyone would be treated the same. Les Lillie, 11977 W. Carson City Road, said that Type II HBBs with outbuildings would definitely be a land use issue. Blanding suggested eliminating fees for Type I HBBs and reducing the fee for Type II; Shears pointed out that, in that scenario, Faussett would still be completing paperwork and issuing permits without any fees being collected. Motion by Gilman to hold a Public Hearing at the March 18, 2009 regular meeting to receive public comment on removing Chapter 18, Home-Based Businesses, from the Zoning Ordinance and rewriting it as a separate township regulatory ordinance with a request to the Township Board that HBB regulations not be eliminated entirely, supported by Decker, motion carried.

Election of officers for 2009 was held. Motion by Blanding to nominate Duane Putnam as Planning Commission Chairman, supported by Sage. There being no other nominations, Putnam was elected. Motion by Sage to nominate Lee Gilman as Planning Commission Vice Chairman, supported by Blanding. There being no other nominations, Gilman was elected. Motion by Putnam to nominate Larkin as Planning Commission Secretary, supported by Gilman. There being no other nominations, Larkin was elected.

Faussett reported that the Township Board accepted the Planning Commission's recommendation for Chapters 1 and 2 of the updated Master Plan. Chapters 3 and 4 will be coming from Mark Eidelson within a couple of weeks and another workshop will be scheduled for March. Faussett has received an article regarding a recent court ruling that cities can not charge township residents more than their regular rate for water and sewer services. Faussett said that a Burgess Lake resident on a non-conforming property wants to add attic trusses to his home, which would raise the roof. Faussett is not sure if this would be considered enlarging the structure, which would not be allowed on a non-conforming use. Faussett will check with the Assessor, Linda Miller, to see if this would add square footage or add to the SEV and if so, he will refer the resident to the Zoning Board of Appeals. Faussett reported that Wonderland Tire, 6472 S. Greenville Road, has a 6 x 8-foot stand-alone sign on four wheels that they would like to use on a permanent basis. The township's temporary sign permits are only for 21 days and the ground sign limit is 32 square feet. Faussett will refer them to the ZBA if they want to continue to use the sign.

Committee reports were given as follows:

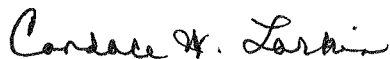
- Annexation Committee - No report.
- Township Board - Faussett read Roy's report. A Public Hearing has been set for March on the township's Burning Ordinance, Ordinance 25. The Planning Commission's recommended changes for real estate and political signs were approved. (Putnam has since learned that the township can regulate the size of political signs but not what they say or when they must be removed.) The Board sent the Home-Based Business issue back to the Planning Commission. Chapters 1 and 2 of the updated Master Plan were approved by the Board. The Clerk has asked for exact wording to publish when ordinance changes are approved; Larkin will comply with that request.
- Building Committee - Faussett said that the Building Committee will meet with Dan Kent on February 19th regarding the punch list for the township hall addition.
- Drain Committee - No report.
- Roads Committee - No report. Lillie said that road contracts for 2009 projects will be coming in 2-3 weeks.
- Zoning Board of Appeals - No report.

Items for discussion at the March 18, 2009 meeting:

- Public Hearing on removing Home-Based Businesses from the Zoning Ordinance and making it a separate ordinance.
- Chapters 3 and 4 of the revised Master plan.

The meeting was adjourned by the Chairman at 9:07 p.m.

Respectfully submitted,



Candace W. Larkin,
Planning Commission Secretary