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

The March 18, 2009 regular meeting of the Eureka Charter Township Planning Commission was called to order by Chairman Duane Putnam at 7:04 p.m. Roll call found Putnam and Commissioners Michael Blanding, Shawn Decker, Lee Gilman, Candace Larkin, Rodney Roy and Joyce Sage present. Thomas Faussett, Township Planning Advisor, was also present. There were six audience members in attendance.

Minutes of the February 18, 2009 regular meeting were reviewed. Motion by Sage, supported by Roy, to approve the minutes as submitted, motion carried.

There were no public comments in the time set aside for comments on non-agenda items.

At 7:10 p.m., Putnam opened a Public Hearing on moving Chapter 18 of Ordinance Number 79, the Township Zoning Ordinance, to a separate regulatory ordinance. Putnam explained that this is being considered because the Zoning Ordinance primarily addresses land use issues and as a regulatory ordinance, the regulations would require all residents with home-based businesses to comply; no one would be grandfathered in. Faussett said that it is difficult for him to determine who had a home-based business prior to adoption of these regulations and that makes Chapter 18 problematical to administer. Scott Luce, owner of Luce Plumbing, 7781 County Farm Road, asked if there have been any residents in violation of these regulations. Faussett said that one resident is refusing to apply for an HBB permit and he expects this case to go to court. Faussett said that the township attorney and an attorney at the Michigan Townships Association have reviewed Chapter 18 and brought up the need for language regarding grandfathered businesses. Faussett said a third option is to not have any regulations addressing home-based businesses. Brian Zayler of Zayler's Plumbing and Heating, 7011 County Farm Road and a Township Trustee, asked if the intent of the ordinance is to generate revenue or control nuisances. Putnam said the regulations are not designed to collect revenue, but to provide minimum standards to protect all township residents, especially the neighbors of home-based businesses. Zayler said there are other ordinances that address nuisances, but Putnam said they do not specifically pertain to HBBs. Randy Beard, 435 Burgess Lake Road, asked what is unique about a business that would require these regulations. Larkin said that we need to keep in mind that these are businesses allowed to operate in residential and agricultural zoning and neighbors must be protected from excess traffic, parking concerns, etc. Luce said that there is no traffic at his business and he does not affect anyone; he leaves the premises to conduct his business. Blanding felt that the regulations in Chapter 18 are simply minor controls, although he does question assessing permit fees.

Faussett said that as a township resident with a home-based business, he has gotten an HBB permit since 2005. He does bookwork in his office and submits a Schedule C to the IRS. He is personally relieved about the HBB controls in place because they protect him

against what could come in next door to his home. He said it is the best of both worlds—residents can get a homestead exemption and still be allowed to operate a business As the Zoning Administrator, he has had trouble enforcing the current language because he is forced to determine when a person went into business. His opinion is that home-based business regulations belong in a separate regulatory ordinance. Zayler stated his opinion that the regulations should stay in the Zoning Ordinance because they really are about land use, and that only new businesses should pay a permit fee.

Putnam closed the Public Hearing at 7:52 p.m. Putnam said that in his opinion, HBB regulations are about land use and therefore should remain in the Zoning Ordinance. He was not in favor of requiring a permit fee. Putnam pointed out that as a home-based business owner, he will not vote on this issue. Decker said that he would also abstain from voting because his wife runs a day care business in their home. Larkin said that it takes time for Faussett to determine who is exempt from needing a permit (grandfathered) and it seems most fair to everyone to require that all HBBs comply. Gilman felt that if the ordinance is regulatory, everyone would be treated the same. Blanding felt that the HBB regulations should be left in Chapter 18 with no fee or permit needed for Type I businesses and a one-time fee for Type II. Sage thought that the fees are not exorbitant, that everyone should be treated the same by placing the regulations in a separate ordinance. Roy felt that a separate ordinance would be fairer to everyone and wouldn't place a burden on new businesses. Motion by Gilman to allow Putnam and Decker to abstain from voting, supported by Roy, motion carried. Motion by Gilman to recommend removing Chapter 18 from the Zoning Ordinance and adopting it as a separate regulatory township ordinance, supported by Larkin, motion carried (4-1 with 2 abstentions).

Faussett said that he received a Special Use Permit application from the Greenville Family Worship Center, 6540 S. Greenville Road, to operate a church in a General Commercial district. The County Building Department has done a code review of the building and issued an occupancy permit for the front portion of the building only with a maximum occupancy of 25; that could be increased to 200 with building improvements (bathrooms and egress) according to the county. The building is 58' x 110' in size (6,380 square feet). Putnam pointed out that the church would need to provide a site plan including future use of the entire building. (Commissioners also viewed photographs of the property and noted numerous drums in the back of the property that would need to be removed.) Motion by Sage to set a Public Hearing for the April 15, 2009 meeting, supported by Roy, motion carried.

Commissioners reviewed drafts of the Master Plan cover page, table of contents and Appendices A, B and C submitted by Mark Eidelson of LandPlan, Inc. Suggested corrections were made and Faussett will forward them to Eidelson. The next revised chapters are due from Eidelson by the end of the month. Commissioners noted that Eidelson is recommending that inventory maps be procured as soon as possible. Faussett will research the cost of maps. Motion by Gilman to recommend that the Township Board

purchase inventory maps at a reasonable cost to be determined by Faussett's research, supported by Larkin, motion carried.

Faussett distributed copies of an amendment to Township Ordinance Number 25, the Fire Prevention Ordinance (Article VII, Sections 1-11). He will be reviewing burn permits obtained from the City of Greenville to see if tickets need to be issued for recent fires in the township. Three building permits have been issued in March for new construction. Faussett received a site plan for Greenville Steel; curbing and gutters will be postponed until the parking lot is upgraded, which was approved by the Planning Commission previously. A temporary occupancy permit was issued on March 17 with all construction required to be up to code standards by June 1, 2009 except curb and gutter.

Committee reports were given as follows:

- Annexation Committee - No report.
- Township Board - Roy reported that the Township Board approved all three recommendations from the Planning Commission sent to them in March. Grattan Academy is requesting MDOT directional signs that would include arrows for the township hall and the school. A municipality must request these; the township agreed to do the paperwork if the school pays for the signs. Mark Wilkins is interested in grant-writing for the township; that is on hold for now. The Board is adopting a policy for rental of the township hall and will set amounts for security deposit and rental fees. A hazardous materials pickup is scheduled for April 25 at the Montcalm County Fairground.
- Building Committee - Roy said that Dan Kent was paid all monies due him for the township hall addition except for $6,000 that is being withheld until uncompleted work is finished.
- Drain Committee - No report.
- Roads Committee - Road contracts will be discussed at the April Board meeting, according to Roy. Putnam suggested that the Committee look at Stakes Road to remove excess banking on the curves, especially at the Baldwin Road intersection.
- Zoning Board of Appeals - No report.

Items for discussion at the April 15, 2009 meeting:

- Public Hearing on Special Use Permit for Greenville Family Worship Center.
- Chapters 3 and 4 of the revised Master plan if received from Mark Eidelson
- Consideration of writing Wind Power Ordinance.

The Chairman adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Candace W. Larkin

Candace W. Larkin,
Planning Commission Secretary

EUREKA CHARTER TOWNSHIP PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

The Eureka Charter Township Planning Commission will hold a Public Hearing during its regular meeting on Wednesday, April 15, 2009 beginning at 7:00 p.m. at the Eureka Charter Township Hall, 9322 S. Greenville Road. Purpose of the Public Hearing is to receive comments on an application for a Special Use Permit from Greenville Family Worship Center, 6540 S. Greenville Road, to operate a place of worship in a General Commercial Zoning District.

Candace W. Larkin
Planning Commission Secretary

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