

**Eureka Charter Township Planning Commission**  
Regular Meeting Minutes - Approved  
May 18, 2011

**Agenda Items 1 & 2: Meeting Convene & Roll Call**

Chairman Lee Gilman called the May 18<sup>th</sup>, 2011 regular meeting of the Eureka Charter Township Planning Commission to order at 7:02 p.m.

Roll call found the following Planning Commission members in attendance: Chairman Lee Gilman, Vice Chairman Duane Putnam, Commissioners Michele Bigelow, 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. Three residents were in attendance.

**Agenda Items 3 & 4: April Minutes & Correspondence Received by Secretary**

A motion was made by Blanding and supported by Wilkin to approve the April Planning Commission Meeting Minutes as submitted. Motion carried 7-0.

No correspondence was received by the secretary.

**Agenda Item 5: Audience Comments on Non-Agenda Items**

*During the PH, Chairman Gilman missed Agenda Item 5 and proceeded to Agenda Item 6. (We returned to this item shortly afterward.)*

At 7:13 p.m., Gilman opened up the meeting to audience comments for items not on the agenda.

Fountain expressed her concern about the annual Pet Fest held at Town & Country Animal Clinic on M-91. She feels the high traffic flow between two blind curves on M-91 could lead to someone getting hurt. Fountain would like Town & Country Animal Clinic to consider moving this event to a new location. She also voiced this concern at the May Township Board meeting.

Fountain stated that Eureka Township has sent a letter to Town & Country Animal Clinic congratulating them on the success of its business and the success of Pet Fest. In addition, the letter expresses the township's concern about the safety of the residents who attend the Pet Fest every year, and suggests that Town & Country Animal Clinic consider relocating the Pest Fest to a safer site, such as between Brad's Cleaners and Gratten Academy (with Gratten Academy's permission).

Putnam commented that Town & Country Animal Clinic needs to at least provide security personnel to direct traffic on M-91 during the Pet Fest. Bigelow stated she was anxious about the high traffic flow and the safety of her children when crossing M-91 to attend the event. During the discussion, three new Pet Fest locations were suggested: Gratten Academy parking lot, Brad's Cleaner's property, and the Greenville Community Center property.

Gilman closed public comment at 7:18 p.m. and returned to the Public Hearing for Addition of "Buildable Lot" Definition to Zoning Ordinance 79.

**Agenda Item 6: Public Hearing (PH) for Addition of "Buildable Lot" Definition to Zoning Ordinance 79**

Gilman opened the Public Hearing at 7:07 p.m., and read the "Buildable Lot" definition to audience while commissioners followed along on printed copy.

At 7:11 p.m., Gilman opened PH to public comment. Shears stated DEQ will not issue a permit to put in a septic tank if property is in the wetlands. In addition, they will not issue a permit to open a well if the property is in the wetlands. She thinks Item 3 is redundant and needs to be removed. Faussett stated that you may not

have a wetland and you may still not be allowed to build on the property – he feels it would be safer to keep Item 3 in the “Buildable Lot” definition. Gilman asked for additional audience comments. None were brought forward.

**Note:** After closing public comment, Gilman addressed Agenda Item 5 (which was missed prior to opening PH) and then returned to PH as described below.

At 7:18 p.m., Gilman returned to PH for commissioner comment. Blanding suggested adding the following text to the end of lines 1, 2, and 7: / **or as amended**. Roy expressed concern about number of years listed in line 6. He questioned whether or not it should be increased from 10 years. Per Tom, this number is already listed in our Land Division Ordinance that was approved in 2007, and ordinance 78-A would need to be changed by the board but the Planning Commission could make a recommendation to extend the 10-year moratorium if they wish.

Blanding likes item 5 that states: Existing non-conforming lots for lot area and lot road frontage shall meet at least 75% of the required lot area, lot width and side yard required by that district.

At 7:23 p.m., Duane made a motion to accept “Buildable Lot” definition (with / **or as amended** added to end of lines 1, 2, and 7) and to pass it to the Township Board for approval. Sage supported the motion. At 7:25 p.m., motion carried 7-0.

Duane commented that adding the “Buildable Lot” definition to the Zoning Ordinance will provide clarification on what a buildable lot is. Faussett commented that the “Buildable Lot” definition lists all necessary information in one section, making it easier for everyone to locate.

### **Agenda Item 7: Public Hearing (PH) for Special Use Permit for Indoor Gardening Business in All Commercial Districts**

The Public Hearing was opened at 7:26 p.m. to receive public comment on issuing a Special Use Permit for new retail merchandise sales allowed as a special use in Z.O. 79, Chapter 8, Section 8.3-35. Robert Allers wishes to start up a new business (Greenville Garden’s) in an office service commercial-2 district requiring a special use permit.

Fountain asked why you wouldn’t allow an indoor or outdoor gardening business in a commercial district. Sheers agreed. Putnam stated you need to make sure your clients and business are a good fit. Bob Allers commented that his first month went really well, and they’re very happy in their location.

Fountain asked for clarification on meaning of OSC-2 zoning classification. She is concerned that all new businesses will need to attend PC meetings to request a Special Use Permit. Putnam stated zoning classifications (such as OSC-1 and OSC-2) prevent the wrong businesses from starting in the wrong locations.

Shears listed the stores she sees west of town, and she doesn’t see anything out of place. She thinks the indoor gardening business would be a compatible fit. Faussett commented that the Commercial Districts list may need to be consolidated in the near future. Shears agreed and stated there are many diverse businesses in Greenville.

Gilman closed public comment at 7:38 p.m., and then opened to commissioners for discussion. Roy feels the indoor gardening business is a good fit in item #35 (new retail merchandise, etc.) for OSC-2.

At 7:42 p.m., Blanding motioned the following and Roy supported the motion:

1. To recommend to the Township Board to include “New Retail Sales conducted entirely within an enclosed building and limited to new merchandise” with a Special Use Permit for OSC-1, OSC-2, and RC. (Previously the board had approved this use in only GC.)
2. To approve a Special Use Permit for Robert Allers to run his Greenville Garden’s business in OSC-2, contingent on Township Board approval.

At 7:45 p.m., motion carried 7-0

Gilman asked if there was further discussion. Putnam would like to justify why we made a motion. He stated the business is exactly what it is, an indoor gardening business. It won't be a nuisance to other businesses in the area.

### **Old Business**

#### **Agenda Item 8: Consideration of New Definition of a Kennel and Proposed Language to Change Zoning Ordinance 79**

At 7: 46 p.m., Gilman asked for comments on the following:

- New definition of a Kennel - to be added to Zoning Ordinance 79, Section 2.11
- Suggested wording for Keeping of Animals - to be added to Zoning Ordinance 79, Section 3.19.
- Suggested wording for the following Special Land Uses – to be added to Zoning Ordinance 79, Chapter 11:
  - (U) Kennels
  - (V) Keeping of More than 5 Pets of One Type

Faussett would like to change the wording (as proposed) to make it more compatible with the county's definition and to prevent conflict and confusion.

Fountain disagrees with number U4. She feels using a solid fence to encompass the kennel is cruel to animals. Faussett pointed out that he proposed this to create a barrier to prevent barking. Fountain stated that the potential barking issues are addressed in U5.

Faussett stated Section V is not finished. Faussett suggested forming a committee to review and complete Sections U and V.

At 7:52 p.m., Gilman asked commissioners if we should set up a committee as Faussett suggested. Wilkin offered to visit a few vets to gather their input about this matter and Faussett offered to call MTA to find out how other townships handle the number of pets for safety and sanitation. Both will bring information to the June PC meeting.

#### **Agenda Item 9: Discussion on Rezoning Small AG Parcels on Harlow Road**

Putnam stated the ZBA recommended rezoning the small Agricultural parcels on Harlow Road to Suburban Residential. This recommendation results from the request for a garage on the Taylor property.

At 8:10 p.m., Putnam motioned to hold a public hearing in June to rezone properties on north side of Harlow Road from Agricultural to Suburban Residential. Wilkin supported the motion. Motion carried 7 – 0.

<b>Parcel #</b>	<b>Address</b>	<b>Owner</b>
59-008-005-031-50	10990 W. Harlow Rd.	Steven & Theresa Zank
59-008-240-011-00	11032 W. Harlow Rd.	Clara Salak
59-008-240-012-00 59-008-006-027-60	11160 W. Harlow Rd.	Eric Eagles
59-008-006-027-10	11180 W. Harlow Rd.	Garriel Pabst & Michelle Roberts
59-008-006-027-30	11184 W. Harlow Rd.	Brian & Nancy Oliveri
59-008-006-027-91	11192 W. Harlow Rd.	Justin Taylor
59-008-006-027-93	11200 W. Harlow Rd.	James & Helen Whitmer
59-008-006-027-94	11230 W. Harlow Rd.	Thomas Salisbury
59-008-006-023-20	11266 W. Harlow Rd.	Dave Hart
59-008-006-028-10	6649 S. Johnson Rd.	James & Joann Shapton
59-008-006-023-50	11304 W. Harlow Rd.	Gerald Bolster

## **New Business**

### **Agenda Item 10: Request to Allow New Car and Truck Parts Sales in OSC-2**

Mike Clark, who owns and rents commercial property located on 11159 W. Carson City Road, did not obtain proper approval before renting to Auto Value business. Auto Value currently sells automobile and light truck parts, which is not permitted in OSC-2 (line 21). Mike would like PC to consider allowing new car and truck parts sales to be permitted in OSC-2.

Blanding asked for clarification on what the procedure would be to change line 21 to P to permit new car and truck parts sales. Putnam stated we would need a public hearing.

At 8:20 p.m., Blanding made a motion to have a Public Hearing to change the commercial district OSC-2, Item 21, (automobile and light truck parts sales, not including salvage yards), as a permitted use. Motion carried 7-0.

In the next newsletter, Faussett will be reminding people who are renting out commercial property to get zoning changed when a new business moves in.

### **Agenda Item 11: Dave Robertson is Requesting Permission to Install an 8-foot Chain Link Fence on West Side of His Property**

Gilman stated that our zoning ordinance does not permit the installation of an 8-foot chain link fence, as Dave Robertson is requesting.

Prior to the meeting, Robertson also contacted the city to learn about its ordinance. It states that “fences in the IND (Industrial) district which enclose storage lots of other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height of the fences in the IND District shall not exceed (8) feet, including the barbed portion.

Gilman reviewed 14-4, C1, of Zoning Ordinance 79, which states “chain link and barbed wire fences are not permitted.” Putnam reviewed 3-6 Section 3.9, D, which states “fences in Commercial and Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence is no closer than six feet from the surface to the ground.” Tom Faussett noted that Chapter 11-9 Section 11.4N 1(outside storage businesses) states: “sight-obscuring fencing must be installed outside the storage area.”

At 8:42 p.m., Putnam moved to allow Robertson to use 6-foot high chain link fence on west side of his property line abutting the city industrial park. Blanding supported the motion. Motion carried 5 -2 (Gilman and Wilkins).

### **Agenda Item 12: Patricia Stewards' Request to Change Zoning to Permit Chickens in Residential Neighborhoods**

Patricia Stewards prepared packets of information for our review. Gilman suggested setting up a committee to study this information and all related documentation that Faussett has collected. Sage and Putnam agreed to serve on this committee and to come to the July PC meeting with their recommendation.

### **Agenda Item 13: Clarification of Pool Ordinance 46**

Conflict between what the Township Board suggested for the fence requirements around a pool in Pool Ordinance 46, (minutes of June 14, 2010) and what the PC reported in the minutes of July 21, 2010.

The PC was supposed to consider wording by the Board that stated “Mr. Zayler moved with a second by Mrs. Ruwersma to send the Swimming Pool Ordinance #46 back to the planning Commission to state that above ground swimming pools 4 foot or higher will either require a secure 4 foot high closing, lockable gate at the entrance of the pool or the ladder must be removed when the pool is not in use.” Approved 5-0.

Minutes of the July 21 PC meeting state “the Board approved changes to Swimming Pool ordinance 46 in Section 1C to state: “Above Ground swimming pools 4’ or higher will only require a secure 4’ high self closing latching gate at the entrance to the pool.” In addition two additional sections were added to the ordinance Section VIII Enforcement and Penalties and Section X Severability Clause.”

Putnam moved that we send the ordinance back to the Township Board as it reads in the minutes of the July 21 PC meeting. (See above for ordinance wording.) PC was unanimous in thinking it would be too easy to forget to take out the ladder and someone could drown. Sage supported the motion. Motion carried 7-0.

### **Committee Reports**

Zoning Administrator – Faussett: Faussett is working on the newsletter. He and Renee Fountain are planning to include a note to commercial property owners, along with information on burning permits, recycling, and the road improvement budget. Blanding may submit an article.

Annexation Committee – Faussett and Putnam: Nothing to report.

#### Township Board – Roy:

- Township clean up day went well.
- Consumers Power will begin replacing burned out light bulbs with high-efficiency bulbs.
- A Dangerous Building Ordinance has been issued to house on Berridge Road. The woman is trying to clean it up.
- Doug Drake is retiring from Baldwin Lake Improvement Board. Drake referred Don Burns as his successor and the board approved.
- Township Board is working on determining how many cremated remains you can have on a burial plot. Per Wilkin, it depends on the mandate of the cemetery. The cemetery says the norm is 2. There are no state regulations. Ashes must go in a vault. You cannot bury the ashes in a wooden box.
- Delivery Inc is leasing an airport building from the city. They owe \$80,000 in personal property taxes. Township Board is working with city's attorney to determine how to resolve.
- Easements are not part of the assessments. Land value shouldn't be taxed. Linda Miller is working on making adjustments. Linda has requested assistance with making these changes so they can be completed by end of the year.

#### Road Commission – Blanding:

Township Board approved list of road repairs at \$108,584 out of the budgeted amount, \$114,195. The approved repairs are as follows:

- Machine wedge and seal Fletcher Road
- Machine wedge and seal Johnson Road, from Dick to County Line
- Pave Palmer Drive to Baker Road
- Finish Johnson Road between Wise and Harlow
- Salt stabilize Berridge Road from South County Line Road to Fenwick Road
- Salt stabilize South County Line Road from M-91 to Berridge Road

Zoning Board – Duane: Nothing to report.

## **Comments and Concerns**

Putnam asked what can we do about safety and appearance of old bird fertilizer plant. Faussett said the business is called Barn Cats, they fix up old barns. Faussett stated he would send a letter requesting they apply for a special use permit to allow outside storage in their industrial zoned property. As part of the special use permit under Chapter 11, Section 11.4N, the business should install a site-obscuring fence. Faussett also suggested that the Planning Commission request a building inspection by the county building department for safety of those working in the business.

Wilkin mentioned that the Township Board is considering installing a sign that states, "Enter at your own risk" near the bridge and river-access property on River Road. The intention is to relieve the township of any liability.

Lee will try to get agenda to Renee earlier so she can prepare packets prior to meeting.

At 9:45 p.m., Blanding motioned to adjourn the meeting. Roy supported.

## **Items for June Agenda**

- New Definition of a Kennel and Proposed Language for a Change to our Zoning Ordinance
- PH: Rezoning Properties on Harlow Road from Agricultural to Suburban Residential
- PH: Changing Commercial District OSC-2, 21, to Permitted Use
- Special Use Permit for Barn Cats

Respectfully submitted,

Michele Bigelow

Planning Commission Secretary