

Eureka Charter Township Planning Commission
Regular Meeting Minutes - Approved
April 20, 2011

Agenda Items 1 & 2: Meeting Convene & Roll Call

Chairman Lee Gilman called the April 20th, 2011 regular meeting of the Eureka Charter Township Planning Commission to order at 7:00 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.

New Commissioner, Michele Bigelow, was welcomed. She will serve the remainder of Shawn Decker's term, which expires in December. (Shawn turned in his letter of resignation, he is moving out-of-state.)

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

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

No correspondence was received by the secretary.

Agenda Item 5 & 6: Resignation of Shawn Decker as Planning Commissioner & Appointment of Michele Bigelow to Fill the Vacancy of Shawn's Term

As mentioned earlier, Shawn Decker (secretary) is moving out-of-state and turned in his letter of resignation. It was with great regret that his resignation was accepted by the commission. A motion was made by Sage and supported by Roy to appoint Michele Bigelow as Planning Commission secretary for the remainder of Shawn Decker's term. Motion carried 7-0.

Agenda Item 7: Audience Comments on Non-Agenda Items

At 7:08 p.m., Chairman Gilman opened up the meeting to audience comments for items not on the agenda. Patricia Stewart of 11228 Station Road brought forward a request to adopt a residential chicken ordinance that would allow her to keep chickens on her residential property. She would like to have backyard chickens and do some organic farming. Patricia provided an example of the Thornapple Township Zoning Ordinance regarding the keeping of chickens on a residential lot, and she will send additional examples to the township for review.

Gilman asked for additional audience comments. None were brought forward and the item was closed at 7:10 p.m.

Agenda Item 8: Putnam on Conditional Zoning

Putnam stated he could not forward conditional zoning email to commissioners for review due to computer problems. He will forward message when he recovers necessary information.

Agenda Item 9: Decks Built Too Close to Lot Line

Faussett has received complaints about decks being built too close to property lines and violating zoning ordinances. Per Faussett, the year in which the deck was built determines which zoning ordinance applies. Faussett also stated a lot of decks do not require building permits, such as those less than 30" in height and less than 26' long. New decks cannot be built within 10' of property line.

The complaint discussed last month involved a sea wall built on a Burgess Lake property. The sea wall encroached 6 inches onto the neighbor's property. The owner removed the 6 inches and the issue has been resolve.

Agenda Item 10: Public Hearing (PH) to Allow Dave Robertson a Special Land Use Permit for Warehousing and Outside Storage of Equipment and Vehicles

The PH was opened at 7:14 p.m. to receive comment on allowing Dave Robertson a Special Land Use Permit for warehousing and outside storage of equipment and vehicles at 7344 South Backus Road, Parcels 59-008-420-007-00 and 59-008-011-016-70. No public comments were brought forward.

At 7:34 p.m., Gilman closed the PH and reopened the regular meeting to comments from commissioners. Gilman stated he received information from the township attorney stating the commissioners need to approve Robertson to use the front parcel (zoned SR) to access the rear parcel (zoned IND). Commissioners expressed concerns about buffers and how they will be implemented in front of the neighbor's property. Roy expressed concerns about heavy use of driveway.

Fausset requested that the Off-Street Parking Requirements stated in Zoning Ordinance, Chapter 12, Section 12.9 be waived due to the size and purpose of the business.

At 7:53 p.m., Wilkins motioned to allow Robertson to install driveway on SR property, meeting the requirements of the Montcalm County Road Commission, to access the IND property. Sage supported the motion. Motion carried 7-0.

At 7:55 p.m., Putnam motioned to grant Robertson a Special Land Use Permit if Robertson meets the criteria listed below, with the 32 parking space requirement being waived and set at only 3. Blanding supported the motion. Motion carried 6 -1 (Roy).

- Buffering requirements described in the Zoning Ordinance 79, Chapter 14, Section 14.2, Letter F: Buffer Zone Development Standards.
- Landscaping requirements described in the Zoning Ordinance 79, Chapter 14, Section 14.3, Letter A: Minimum Plant Material Standards.
- Storage requirements as described in Zoning Ordinance 79, Chapter 11, Section 11.4, Letter N: Outside Storage Businesses.

Agenda Item 11: New Definition of a Kennel & Proposed Language for a Change to Our Zoning Ordinance

Faussettt provided handouts of the following for review:

- 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

Renee likes Tom's wording, but expressed concerns about the suggested wording for Special Land Uses items U4 and item V1.

At 8:36 p.m., Gilman asked commissioners if they would like to table the discussion until the May meeting. Commissioners agreed.

Agenda Item 12: Addition of “Buildable Lot” Definition to Zoning Ordinance 79

Faussett provided a handout of the proposed “Buildable Lot” definition to be added to Zoning Ordinance 79.

Roy expressed concerns about number 6 listed under Buildable Lot. Questioned if we can increase the number of years a property is in compliance. The current number is 10.

At 8:49 p.m., Gilman asked if we should schedule a public hearing to discuss in more detail.

- At 8:53 p.m., Blanding motioned to hold a public hearing in May to add “Buildable Lot” definition to Zoning Ordinance 79. Putman supported the motion. Motion carried 7 – 0.

Agenda Item 13: Request for 30-day Temporary-Use Permit

This agenda item was addressed at 8:40 p.m. (prior to Agenda Item 12) to allow Mr. Allers the opportunity to leave early.

Bob Allers requested a 30-day temporary use permit, which would allow him to set up a family-run business. They plan to sell indoor gardening products in the old Sears location. The products come from HydroFarm in California. They would sell products necessary for indoor gardening. Bob clarified that they aren’t intending to sell anything affiliated with medical marijuana.

Faussett stated a Special Use permit is required under the Zoning of OSC-2, as this business fits item #35 (new retail merchandise, etc.) of our uses for this zone.

At 8:07 p.m., Blanding motioned that we grant a 60-day Temporary-Use Permit for the indoor gardening products retail store operation. Wilkin supported the motion. Motion carried 7-0.

At 8:09 p.m., Blanding motioned that we hold a Public Hearing in May to receive input before granting a Special Use permit to this business. Sage supported the motion. Motion carried 7-0.

Committee Reports

Zoning Administrator – Faussett: Nothing to report.

Annexation Committee – Faussett and Putnam: Nothing to report.

Township Board – Roy:

- The Township board had road approval for \$133,137. They brought up that some projects involve other townships, and they asked if these townships are sharing the costs. Waiting for clarification.
- Sheridan dropped police protection for 20 hours. Township picked up those 20 hours and wants to try it for the remainder of the year. We have a surplus of money available for police protection. This gives us 80 hours / week for coverage.
- Blanding asked if our township receives a payout when tickets are issued within the township. Roy will ask.
- Clean-up Day is May 14. A temporary banner announcing this date will be hung on property one week prior to date.
- Contract for 6 dry hydrants was awarded to Grafelli Development in Ionia. Due to small size of project, a bond is not needed. If project doesn’t meet township’s approval, they don’t have to pay company.
- Township denied request for street light at St. Paul’s Lutheran Church on M-91.
- Annual audit is April 25 – 27.
- Paper-supply company will be used for next-day delivery of paper products.
- Board will be sending a letter to Shawn to thank him for his service and to wish him the best.

Road Commission – Blanding: Roy covered everything. No comment.

Putnam asked if Blanding or Roy could ask our township board for permission to discuss Sage Drive entrance with city. He would like it moved from 91 to the truck route.

Zoning Board – Duane: Request for a garage on Taylor property (zoned AG) on Harlow was approved. Although the lot was less than proper size and didn't meet the frontage requirements, they felt every house owner deserves a garage for storage. Owner is to remove temporary structure when garage is completed. The ZBA also asked that the PC reconsider the Ag. zoning to Residential, compatible to those lots to the north.

Comments and Concerns

Renee asked commissioners if they would like to sign a letter for Shawn Decker to thank him for serving on the board and to wish him well. She also passed out a packet with helpful contact information.

Faussett suggested that the following topics be added to next newsletter:

- Commercial property owners: When the people leasing a commercial property changes, please call Township Hall to make sure they meet current requirements for use.
- Residential property owners – When you make a change to your property, please call Township Hall to make sure you are in compliance with the ordinance.

At 9:12 p.m., Roy motioned to adjourn. Wilkin supported.

Items for May Agenda

Putnam on Conditional Zoning

- New Definition of a Kennel and Proposed Language for a Change to our Zoning Ordinance
- PH: Addition of "Buildable Lot" Definition to Zoning Ordinance 79
- PH: Special Use Permit for Indoor Gardening Business
- Residential Chicken Ordinance
- Rezoning of small AG partials on Harlow Road.
- Sidney Township was working on medical marijuana ordinance. Due to large amount of conflict, they went back to state's requirements.

Respectfully submitted,

Michele Bigelow

Planning Commission Secretary