

Eureka Charter Township Planning Commission
Regular Meeting Minutes - Approved
November 16, 2011

Agenda Items 1 & 2: Meeting Convene & Roll Call

Chairman Lee Gilman called the November 16, 2011 regular meeting of the Eureka Charter Township Planning Commission (PC) to order at 7:00 pm.

Roll call found the following PC members in attendance: Chairman Lee Gilman, Vice Chairman Duane Putnam, Secretary Michele Bigelow, and Commissioners 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. Two residents were in attendance.

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

A motion was made by Wilkin and supported by Roy to approve the October PC Meeting Minutes as submitted. Motion carried 7-0.

Secretary delivered a CMDA Law brochure addressed to Duane Putnam.

Agenda Item 5: Audience Comments on Non-Agenda Items

Gilman opened meeting to public comment. Upon hearing none, Gilman closed public comment at 7:03 pm.

Agenda Item 6: Public Hearing: Revision of Chapter 11 - Special Land Uses, Section 11.4 - Specific Standards for Special Land Uses, J - Mining and Related Activity

Gilman stated the public hearing is being held because the Township Board (TB) asked the Planning Commission (PC) to bring Chapter 11 up to compliance with statutes MCL 125.3205(5) and MCL 125.3205(6).

Gilman opened public hearing for public comment. Shears asked PC to consider residences surrounding the Greenville gravel pit during this discussion.

Faussett stated the information concerning the meter was removed because nobody knows about it and nobody is using it.

Upon hearing no further comment, Gilman closed public comment.

Putnam moved that PC submit the presented revisions to the TB for its approval. Sage supported the motion. Motion carried 7-0 at 8:07.

Agenda Item 7: Public Hearing: Revision of Chapter 3 - General Provisions, Section 3.8 - Accessory Buildings, Structures and Uses

- To increase the allowable square footage of accessory buildings on properties from 1 ½ to 5 acres

Gilman opened public hearing for public comment.

Shears stated that 5 acres is a lot of property for 2,000 square feet of accessory buildings. The allowable square footage of accessory buildings could be increased without looking out of place on a lot this size. Another resident commented that packages for accessory buildings are sold in 24, 32 and 40 foot increments - so it would be good to consider these sizes when determining allowable square footage of accessory buildings.

Upon hearing no further comment, Gilman closed public comment.

Roy suggested adding another acreage increment between 1.5 and 5 acres, such as from 2 – 5 acres. Putnam commented that the residential property purpose should be considered when reviewing these sizes. The intention of a residential property is to be lived on, it is not a place to be overloaded with buildings.

Roy motioned to recommend to TB to add another increment of 1.5 acres – 2.5 acres (originally 1.5 acres – 5 acres) and increasing square footage as follows:

- 1.5 acre - 2.5 acres = 2,000 square feet
- 2.5 acres – 5 acres = 2,600 square feet

Wilkin supported the motion. Motion carried 6 – 1 (Putnam). Putnam doesn't know if PC can add another line item and consider this less restrictive. He is concerned others might be opposed.

Agenda Item 8: Public Hearing: Revision of the following:

- Chapter 2, Section 2.16 - Definitions – P to add a Poultry definition
- Chapter 3 - General Provisions, Section 3.19 - Keeping of Animals under 3 acres
- Chapter 3 - Agricultural Zoning District (AG), Section 6.6 - Animals and Poultry - Number of chickens allowed on lots under 3 acres

At 7:40 p.m., Gilman opened public hearing for public comment.

Faussett pointed out that chart in Section 3.19 Keeping of Animals needs to be considered. Putnam suggested clarifying animal type under Minimum Acreage column, such as changing "animal" to "horse/cow/pig/sheep" in first row and changing "animal" to "poultry" in second row.

Upon hearing no further comment, Gilman closed public comment.

Putnam motioned to pass the recommended revisions to TB for approval. Roy supported the motion. At 7:46 pm, motion carried 7-0.

Old Business

Agenda Item 9: Medical Marihuana

Township Board approved the following:

- Proposed definition of *Compassion Club or Medical Marihuana Dispensary* to be added to Ordinance 79, Chapter 2 – Definitions, Section 2.3 – Definition – C.
- Proposed revisions to Ordinance 79, Chapter 3 – General Provisions, Section 3.18 – Home Occupations.
- Proposed revisions to Ordinance 80 (Home Based Businesses).

Agenda Item 10: Construction Code Act and Building Permits

Faussett doesn't see a need to change the ordinance. Commissioners agreed.

New Business

Agenda Item 11: Review Farm Animal Numbers listed in Section 3.19 – Keeping of Animals.

PC received a request to consider increasing the number of horses, cows, pigs or sheep allowed on 3 acres. Upon hearing no recommendations from PC for changing these numbers, Gilman suggested we leave them as is.

Agenda Item 12: Request for Public Hearing to gain comment on re-zoning residential properties directly across from the Klackle Orchard and Pavilion to OSC-1.

Mr. Fielding requested a public hearing to re-zone his property and his neighbors' properties to light commercial (OSC-1). Klackle's Pavilion creates a lot of noise, and they are worried about not being able to sell their homes.

Wilkin motioned for a public hearing to gain comment from property owners on south side of M-57 (Satterlee to County Line) for rezoning. Sage supported motion at 8:25 p.m. Wilkin and Sage agreed to amend motion to include properties from the Car Wash to County Line Road. Motion carried 7-0.

Putnam asked about contacting a lawyer for input on what can be done.

PC briefly discussed Right to Farm Act information Faussett handed out. This item will be added to agenda for December meeting.

Agenda Item 13: Faussett Private Road Request

Upon reviewing Faussett's private road request, Putnam motioned for Faussett to move ahead with his proposed plan to create a 66' wide private road off of Fletcher Road to access both of his properties. Wilkin supported the motion. At 8:45 pm, motion carried 7-0. PC will review Faussett's survey next month.

Committee Reports

Zoning Administrator – Faussett:

- Faussett thanked PC for taking the time to review tonight's request for PH.

Annexation Committee – Faussett and Putnam:

- Nothing to discuss.

Township Board – Roy:

- Passed anti-trust and anti-theft policy.
- Working on disaster recovery plan.
- May use money received from Charter to construct a pavilion behind Township Hall, and then build a playground.
- Passed PC recommendations for Animal Keeping and for Medical Marihuana.
- Discussing 2012 budget changes.
- Road millage runs out in 2013. Beginning to work on wording for renewing millage in Fall 2013.
- Discussed Right to Farm Act.
- Appointed new PC members and ZBA members coming on board in January.
- New auditing policy requires treasurer to cut checks the first week of the month.
- Discussing the idea of changing voting boundaries.
- Christmas Party – December 8th.

Road Commission – Blanding:

- Johnson Road is finished.
- Plan to receive costs for materials in February.

Zoning Board – Putnam:

- There will be a ZBA on December 1st at 7 pm.

Comments and Concerns

Renee Fountain mentioned that there is a pine tree blocking the driver's view at W. Baker Road and M-91. Faussett will look at the tree Renee asked about and he will then have Mark look at it. Faussett will also ask about mirror.

Shears asked PC to read, review and sign the Anti-Trust / Anti-Theft Policy before next month. She also asked PC to only state facts on emails being sent out and to copy her on them.

Faussett asked if PC liked receiving packets to review prior to meeting. All members agreed that it would be helpful.

Putnam spoke to Linda Stafford about conservatory. She is fine with identifying it with a different color on map. Wilkin motioned to identify the conservatory with a different color. Putnam supported. Motion passed 7-0.

Wilkin received a book at the Medical Marihuana Seminar and he offered it to PC members who would like to learn more about Medical Marihuana.

Upon hearing no further public comment, Gilman asked for motion to adjourn. At 9:09 pm, Blanding made a motion to adjourn. Wilkin supported the motion. Motion carried 7-0.

Agenda Items for Next Month

- Public Hearing: Gain input on re-zoning residential properties directly across from the Klackle Orchard and Pavilion to OSC-1.
- Survey of Faussett Private Road
- Right to Farm Act

Next meeting will take place on December 21st at 7 pm.

Respectfully submitted,

Michele Bigelow

Planning Commission Secretary