

PLANNING COMMISSION
Minutes for Regular Meeting of
October 5, 2011

PRESENT Chairperson Carol Kooistra, Tom Thompson, Jan Deur, Brian Lernowich Steve Nagengast and Dave Roesler.

NOT PRESENT William Josephson.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 0 interested parties.

CALL TO ORDER Chairperson Kooistra called the October 5, 2011 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by Jan Deur, second from Steve Nagengast, *ADOPTED*, to accept the October 5, 2011 meeting agenda as written.**
6 AYES 1 ABSENT

MINUTES **Motion by Brian Lernowich, second from Jan Deur, *ADOPTED*, to accept the September 7, 2011 regular meeting as written.**
6 AYES 1 ABSENT

PUBLIC COMMENT

None

OLD BUSINESS

1. Article III, General Provisions, Section 3.23 Non-Conforming Buildings, Structures and Uses, B. Expansion and Substitution of Nonconforming Buildings or Structures.
- Response to FT Board of Trustees decision – What next?

Chairperson Kooistra explained that she and Zoning Administrator Sandel met with Planner Tim Johnson on October 4, 2011 regarding Non-Conforming Uses and consensus was to recommend not doing anything with this section after discussing several scenarios.

Commissioner Deur asked if Attorney Even was made aware of this and what had been decided because he had stated previously there was a need to do something with the uses. Chairperson Kooistra asked Commissioner and Liaison Deur to ask Attorney Even at the Board work session about this matter and report back.

2. Review of PC Goals and Sub-Committee appointments.
 - **Study of Gas Exploration Requirements** - Commissioner Lernowich-Chair explained that he met with Planner Tim Johnson regarding this issue and that according to Michigan Laws Relating to Planning, 125.3205 Ordinance subject to MCL 460.561 to 460-575; regulation or control of oil or gas wells; prohibition. Section 205 (2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells. There was discussion about whether the Township could still set standards for roads leading to such properties, and whether Townships can enact ordinances requiring restoration of property after a well has been abandoned.

- **Study of Outdoor Wood-Fired Furnaces** - Commissioner Lernowich-Chair explained that he met with Planner Tim Johnson regarding this issue and that using sample ordinances he received from him will be creating proposed language that will include setback and height requirements for review at the next meeting.
- **Study of Mechanical Appurtenances** - Commissioner Nagengast-Chair explained the biggest concern with these are noise and the only trouble to this point we have seen is with an air conditioner, currently we have no setbacks for these, however; would a setback really matter? Consensus was that it would not and if this becomes a huge problem we can revisit at that time.
- **Low Impact Development** - Commissioner Nagengast-Chair explained he met with Planner Tim Johnson regarding this issue and that Planner Johnson's opinion is that this pertains to how you handle storm water run off and we don't really have a major problem with this because of the sand throughout the township. Consensus was to have the subcommittee meet again to review the current site plan review section, discuss further and to give an update at the next meeting.
- **Medical Marihuana** – Chairperson Kooistra discussed this matter with Planner Tim Johnson who stated that he thought it was good to have a Medical Marihuana Ordinance rather than keep renewing the moratorium, but Attorney Even had told the Medical Marihuana sub-committee that renewing the moratorium was appropriate given so many changes are being made at the state level regarding current law. Consensus was to request that the Township Board of Trustees extend the moratorium until July 31, 2012.

Motion by Jan Deur, second from Dave Roesler, *ADOPTED*, to recommend to the Township Board of Trustees that the Medical Marihuana moratorium be extended until July 31, 2012.

6 AYES 1 ABSENT

- **Neighborhood Commercial uses; Open Space PUD; Pond Requirements and Digital Signs**
Commissioner Thompson-Chair, Zoning Administrator Sandel and Zoning Coordinator Dion have not met yet but will provide update as soon as they do.

NEW BUSINESS

1. Correspondence from Thomas Szczesny regarding request for rezoning of Whitehall Road from Lincoln Golf Course North to Dame Road on both sides from Neighborhood Commercial to Residential.

Chairperson Kooistra stated we never received this correspondence and that Thomas Szczesny was not here to comment during Public Comment; however, because this issue has been discussed in depth in the past with surveys being done she thought it appropriate to do a straw vote to see if Commissioners want to have this become an agenda item for further review without an actual application/request. Consensus was that they do not believe this issue needs further discussion because during the Master Plan Update process they believe the consensus of the parcel owners in this Neighborhood Commercial District was that they were happy with the zoning amendment that allowed single family dwellings existing on or before January 1, 2009 to be uses permitted by right which allows them to do certain things without having to go to the Zoning Board of Appeals. Commissioner Deur stated that we are consistent with the Joint Planning Commission (JPC) which has the Whitehall Corridor zoned as Neighborhood Commercial.

COMMISSIONERS COMMENTS

Chairperson Kooistra stated she discussed Article XIX Board of Zoning Appeals; SECTION 19.07 APPEALS (A) regarding that applications for appeals shall be filed within five (5) days after the date of the decision which is the basis of the appeal with Planner Tim Johnson and he stated that the State Law gives Zoning Administrator Sandel the right to make a decision to allow an appeal even if it is past the five (5) days so we don't really need a number of days listed. Consensus of Commissioners is to request an opinion from Attorney Even and discuss further afterwards.

Commissioner Deur states that the Township Board of Trustees approved the McMillan Road End Ordinance.

PLANNING/ZONING UPDATES - None

ADJOURNMENT

**Motion by Brian Lernowich, second from Carol Kooistra, *ADOPTED*,
to adjourn the October 5, 2011 regular meeting at 8:30 p.m.**

6 AYES 1 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary