



Meeting called by: Vice-Chair Sevey @ 7:33 PM

Members Present: Vice-Chair Sevey requested Member Roll Call

Al Myers X

Hal Babcock X

Keith Sawade X

Ellen Moore AB

Rick Sevey X

Jon Tilburt X

Mark Hoskins X

Others present: Attorney – Leisman, Engineer – Gritters, Zoning Administrator - Gross, Supervisor – Ellick

Pledge of Allegiance:

Approval of Minutes:

Sevey: Called for motion to accept August minutes. Motion by Tilburt, second by Sawade; all Ayes, Motion Carried.

Approval of Agenda:

Sevey: Called for motion to accept Agenda as written. Motion by Hoskins, second by Myers; all Ayes, Motion Carried.

Public Comment - Matters not the Subject of Public Hearing/Agenda Items:

Sevey: With no public comment, public comment closed

Agenda Items to be reviewed by the Planning Commission:

Agenda Item #1: Marijuana Growing Establishments – Derrin Leigh

(Sevey) Due to Derrin Leigh absence, referred to written request to be put on agenda for October meeting.

Discussion: (Sawade) Since determined by Twp Board before what does PC do? (Leisman) Can decide to address and/or have a public hearing; can ask Township Board what they want PC to do. (Babcock) Previously sent medical marijuana approval to Board, is their responsibility.

Conclusion: (Sevey) Called for motion to submit a request to the Township Board asking if they want the Planning Commission to pursue. Motion by Sawade, second by Tilburt, all Ayes, Motion Carried. Zoning Administrator Gross will advise Leigh of PC decision.

Agenda Item #2: Rezone/SPU Application – Dexko – 17 MI Storage, Jason Dexter

(Sevey) Called for presentation and recognized Kyle Viskers, engineer, and Jason Dexter, applicant, representatives.

(Viskers) Plans/proposal presented: Two properties (810 & 862 17 Mile) now zoned AR, requesting HC; will keep sites separate properties – 810 = 6 self-storage units w/entrance from Olin Lakes; 862 = office/construction warehouse building w/parking and access from 17 Mile; retention basin for stormwater; well and septic for 862 only; landscaping on back residential side; building mounted lighting downward.

PC Discussion/Questions: (Gross) Larger percent of coverage on parcel with driveway so creates more drainage but believes compliant. (Leisman) Ordinance isn't clear but consistent in interpretation not to overcrowd site.

(Gritters) Adequate retention pond, stormwater will be managed. (Hoskins) Office in storage building? Whse building dimensions? (Sawade) Privacy fencing? Illuminated signage? (Sevey/Myers) Concerned for drive onto 17 Mi – MDOT study? (Gross) Should do prior to construction. (Tilburt) Type of construction? Review both rezone and SPU applications now? (Leisman) Can do at same time after public hearing...is applicant's choice. (Babcock) Rezone to HC? (Leisman) Yes. Office building needs SPU and rezone due to size. (Sevey) What's in whse building? Building being done inside? (Sawade) Blacktop surfaces? Issue with retention pond for separate buildings?

(Leisman) Presentation is together – intent to keep separate parcels? (Gritters) Recommendation for two parcels in case of future sale. (Tilburt) Any exterior storage of materials? Recommend more landscaping between neighbors. (Gross) Number of employees – sufficient parking? (Babcock) Are we prepared for HC from there to the east eventually? (Tilburt/Sevey) Anything NC can be HC – not vice versa; master plan set up to end of township. (Leisman) Re: 810 parcel – motion to hold public hearing in October to rezone is necessary; Re: 862 parcel – nothing required for public hearing, only need site plan approval.

Applicant Response: (Dexter) No office space in storage building; MDOT not addressed yet; Sign will be illuminated; post-frame construction with stone on office area; grocery shelving in warehouse – may fabricate cabinetry for their projects; surfaces are blacktop; wants to keep parcels separate; outside trailers in fenced area covered by tree line, security chain-link around storage building; 20 – 25 employees in office, others on job sites.

Conclusion: Zoning Administrator Gross will determine ordinance requirements on privacy fencing, i.e., tree growth to shield neighbors. (Sevey) Called for motion to hold public hearing in October to rezone parcel 810 from AR to HC. Motion by Sawade, second by Myers; all Ayes, Motion Carried. (Sevey) Called for motion to hold public hearing in October to rezone parcel 862 from AR to HC. Motion by Hoskins, second by Tilburt; (Myers/Sevey) Applicant needs to discuss with MDOT – this could change plans; October site review for parcel 810 Depends on MDOT findings. (Gross/Tilburt) Could possibly do service drive; master plan recommends service drive. (Leisman) Would do resolution to make contingent. Vote - all Ayes, Motion Carried. Attorney Leisman will prepare public notice.

Agenda Item #2: SPU Application – HW Horsesports – 17 MI, Hanna Walter

(Sevey) Called for presentation and recognized Hanna Walter, owner/operator.

(Walter) Proposal presented for a riding/training facility on her current residence with no more than nine horses; no revision to existing building(s) – repurposing; having some small shows – 30 or less in attendance for 1 day, no overnight; hopes for additional land and horses eventually.

PC Discussion/Questions: (Gross) Timeline for shows? Addressing this proposal now, any additions will require return to PC. (Babcock) 9 horses on 7 acres? (Gross) Is okay. (Myers) Arena expansion? (Sawade) Adjoining property w/buildings? (Sevey) Event parking? (Myers) Type of trailers being used and how dispersed in intersection? (Sevey/Gross) Waste management? Need to check with KCHD on restrooms/septic allowance. (Leisman) According to standards for riding stables, appears applicant can do; requirements should include: waste management narrative w/plans to screen from view; parking areas indicated on site plan; event space indicated on site plan; all horse stalls need to be 10' x 10' – has 7 now, needs 2 more. (Hoskins/Gross/Sevey) Hours/day of operation and events? Vendors at events? Any overnights? (Leisman) 9 horses max – 4 boarded, the rest yours? (Gross) Resolution language could be “nine (9) boarded or personal.”

Applicant Response: Plan for events is probably 2 years out; no overnights; 1 additional barn building – don't know size; site map shows flat land for parking; trailers are 4 horse trailers – no residential trailers; traffic directed out onto Olin Lakes to Solon; property has 2 septic tanks, bath in bunkhouse; plan for porta-jons for events; hours of operation 9:00 AM – 9:00 PM, same for events – no vendors; composting animal manure – if large amount will haul away; has total of 9 horses – 4 boarded.

Conclusion: (Sevey) Called for motion to hold public hearing in October. Motion by Tilburt, second by Sawade; all Ayes, Motion Carried. Applicant will contact Zoning Administrator Gross with further input. Attorney Leisman will prepare public notice and resolution.

Agenda Item #3: SPU Application – SPU Application – Pinnacle Construction – Cedar Animal Hospital Addition

(Sevey) Called for presentation and recognized James Lewis, Pinnacle, Jeffrey Brinks, Venture Eng., and Larry and Judith Nauta, owners/operators.

(Lewis) Prepared for 2-story expansion – 8000 sq. ft. on main floor, 3000 sq. ft. on second floor; has 35' setback to north; planned new driveway for ER cases – keeping as simple as possible; Interior additions: procedure room assessable from 2 areas; surgery suite. (Nauta) Cases have doubled in last 2 years – Covid related closings in area; only animal ER in Midwest; need expansion for separate ER entrance and overnight facilities for additional staffing; want to ease stressful situation now; want to help with education.

PC Discussion/Questions: (Tilburt) With Covid decline will others re-open? (Gross) Second story function? (Sevey) 60 employees max? (Myers) All small animals? (Babcock) 3 driveways – specific destinations? (Tilburt/Gross) In/Out drive – crossing lane? Cross traffic could be a conflict. (Leisman) Didn't see where PC can amend setbacks; ordinance contradictions are: 35' setback – proposed building 4' into that; can have more than one drive but must be 85' apart; HC doesn't allow parking in setback. (Gross) Original plan proposed was to be split which never happened; private roadway will probably never happen; parking does not meet 50' required setback; if a variance request to ZBA, certain criteria need to be met; originally granted private road – Gentle Way; (Hoskins) Easement approved in previous SPU? (Gross) was approved for cul-de-sac but not completed. (Tilburt/Sevey) Need to re-present; clear up first then move forward. (Leisman) Can go to ZBA and return with new site plan or PC approve site plan contingent on variance; could recommend to township board to amend ordinance; can't see PC approval as is; need to “undo” private road. Suggests new proposal prior to public hearing.

Applicant(s) Response: (Nauta) 80% of clientele plan to stay; closest animal ER moving; currently working around the Clock; taking in vet students from outside areas; 2nd story offices and lounge – no sleeping quarters, not housing; Employee number could double – possible 150; a lot of carried small animals – reptiles, birds, etc.; drives are needed for day practice and general care staff; main difference is for ER; drivers need to be on side on building for greeters; were part-time prior to Covid – now 50-60 hrs/wk.

Further Discussion: (Lewis/Brinks) Planning to be able to use road out; easement was for cul-de-sac; if easement eliminated may solve setback – becomes side yard? (Sevey/Myers) Does changing road to drive produce a side yard? Would come out on Solon. (Gross) Is interpretation. (Lewis/Brinks) Come to ZBA? (Gross) Can't be something self-inflicted. (Gritters) Encourages applicant to go through details in his review letter and address sewers plan clearly. (Brinks) They're in discussion with Cedarfield who are planning public sewer extension for them to access; stormwater will be addressed. (Leisman) Would PC consider ordinance amendment? (Sawade/Tilburt) If township board agrees, depending on items.

Conclusion: (Sevey) Should look into township board input for ordinance amendment. Applicants will meet with Zoning Administrator Gross and Attorney Leisman to address issues, then back to PC. (Sevey) Called for motion to table matter for 1 month. Motion by Sawade, second by Tilburt; all Ayes, Motion Carried.

Unfinished Business:

1. Firearm discharges: (Leisman) Ref: September 16th letter to PC Chair, forwarded to members. Refers to shooting complaint brought to PC in July. Option for addressing is through a township noise ordinance. Adoption of noise ordinance went to township board twice before and didn't pass. If PC doesn't want, they could go back to township board. (Babcock) Doesn't want to limit firearms in rural area. (Sevey) Common sense is necessary.

Conclusion: Planning Commission will not discuss any further.

2. HydroVac: (Leisman) Ref: September 16th letter to PC Chair, forwarded to members. Currently, issue is more action by township supervisor and enforcement; not for PC to handle. (Tilburt) Viewed site, doesn't see evidence. (Hoskins) Is there, they doze back – is a variety of dirt. (Gross) Can begin action now based on attorney advice. (Leisman) Legal guidance is confidential at this point; not open for further PC discussion.

Conclusion: Planning Commission will await any direction from township board if necessary.

Open Discussion for Issues not on the Agenda: N/A

1. Correspondence distributed: N/A

2. Planning Commission Members: N/A

Report of Township Board Representative: (Hoskins) N/A

Report of Board of Appeals Representative: (Tilburt) N/A

Report of Zoning Administrator: (Gross) Noted in agenda items discussion.

Additional Public Comment:

(Sevey) Recognized Roni Stout* - wants further comment on marijuana issue. Was told by Chairperson in July meeting the PC would get back to her on how to proceed with her marijuana growing business; offended at lack of response and advice; feels unfairly treated since other agenda items were examined. Perhaps issue is the product is controversial. (Sawade/Tilburt) Chairperson is absent now; other applicant's proposals are within the law. (Babcock) We did forward recommendation to approve earlier to the township board who didn't consider our recommendation; board is different now. (Sawade) Michigan laws always changing – PC cannot advise. (Myers) How many plants do you wish for? (Stout) Very small business; smallest Michigan license is 100 plants; hoping for 50 but is dependent on cloning so can't give number. (Gross) Business not acceptable now; complications because providing for others. (Stout) Wants state license for 24 plants; wants to compensate for expenses but not looking at micro-business. (Tilburt) PC can approve, but only as a recommendation to the board; is not legal now. (Babcock) Solon Township prohibits growing now except for personal use. (Ellick) Even if board had approved as recommended, she couldn't do. (Myers) Is not in a commercial area. (Leisman) Suggests hiring an attorney and send in proposal. (Ellick) Suggests petition. (Gross) Currently outside of what state allows now so township wouldn't allow. (Stout) Same response for growing tomatoes/vegetables? (Sevey) Is covered as agriculture. (Stout) Can you issue variance? Can't get license unless approved by township. (Sawade/Hoskins) Need state license like some others, i.e. breweries/distilleries; state asks for fees; can't grow in neighborhoods. (Babcock) This could affect the election of trustees in the future.

Conclusion: Recommendation is to seek legal counsel.

(Sevey) With nothing further, public comment closed:

Sevey: Called for motion to adjourn: Motion by Babcock, second by Myers, all Ayes, Motion Carried. Adjourned: 10:04 PM.

Next Scheduled Meeting: Wednesday, October 27, 2021

*Roni Stout: 622 Clarkson Ct. NE, Sparta, MI 49345

Roni Stout

10/27/2021

- Secretary
- Date

