

Pennfield Charter Township

Planning Commission Meeting

Minutes of September 7, 2010

The meeting was called to order at 6:30 pm. Members present were Paul Anderson, Jack Pooler, Joseph Weiss, Curtis Whitaker, Elaine Walter and Jon Bartlett. Brad Messenger was absent. A quorum was met.

Others present: Rob Behnke, Township Supervisor/Zoning Administrator; Russell Wicklund, Township Planner; Sandra Cummings, Recording Secretary; Roger Justice, Alice Godde, and a representative of the Sanctuary of Praise Church.

The meeting opened with the Pledge of Allegiance.

Approval of Meeting Minutes of July 6, 2010

A motion was made by Jon Bartlett, seconded by Elaine Walter, to approve the July 6, 2010 meeting minutes. Motion carried.

Old Business

No old business needed to be addressed.

New Business

a) Special Use Request for Best Choice Fence

A request was presented by Mr. Roger Justice, who resides at 7501 Morgan Road, Battle Creek, Michigan. Mr. Justice wishes to re-locate his fence installation business from its current location on Michigan Avenue to his residence. It should be noted that his residence is now located in the Pennfield Charter Township Capital Business District, referred to as the "CDB". He wishes to retain his residential home, and add a 40' by 60' structure to garage his work truck and fencing materials. A site plan was provided to the Planning Commission showing the proposed building. Mr. Justice needs a Special Use Permit to allow for mixed use of commercial enterprise on a residential property.

The proposed building will include a 20' by 30' office space area, and will need to have 12' high walls to accommodate his work truck. He plans to fence in a storage area behind the building to store fencing

materials, and will use a privacy fence so that no materials will be visible to the public. He also plans to incorporate a greenbelt area of shrubs and samples of his decorative fencing to beautify the area between himself and his neighbor to the east, which is the Sanctuary of Praise Church.

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Mr. Justice will not have a free standing sign to advertise his business. He will have signage on the side of the storage building. He will have very little walk-in retail business, as he takes most of his fencing orders by internet and telephone.

Public Comment

No public comments were received prior to the meeting either by mail or phone. A representative of the Sanctuary of Praise Church was present at the meeting, and indicated that he was not opposed to Mr. Justice's plans. Mr. Justice also indicated that he will still allow the Church attendees to park on his property if needed for Sunday and evening services and meetings.

Commissioners Comments

The Planning Commissioners had a few concerns regarding Mr. Justice's plans. One concern was that the samples of decorative fencing would actually fall under the sign portion of the design criteria, as they would advertise his company. Another concern was that the size of his proposed accessory building exceeds the size limit allowed on a residential property. The size limit will have to be reduced to 1494 square feet. Another deficiency on the site plan was that the proposed landscaping was not shown. Also, the front yard setback of the proposed building was not the required 100', no parking was designated on the site plan according to Chapter 16 of the Zoning Ordinance, nor was the wall sign included on the site plan. One last issue was that the restroom facility will have to be ADA compliant in a commercial business.

If Mr. Justice submits a revised site plan addressing all of the above issues and the Special Use permit is granted, it was pointed out that he can later approach the Zoning Board of Appeals to ask for a variance to allow a larger sized building and reduced setbacks.

A motion was made by Jay Weiss, seconded by Curtis Whitaker, to recommend to the Township Board that Mr. Justice's Special Use Permit be granted contingent upon the submission of a revised site plan to include the following corrections:

1. Include landscape plans according to Section 13A.05C
2. The building should be setback the required 100 feet.
3. The building size be 1494square feet according to Section 13.4
4. The site plan must reflect required parking according to Chapter 16.
5. The wall sign be according to Section 13A.05F (3)
6. The restroom must be ADA compliant.

The motion carried. Mr. Justice will be submitting a revised site plan, which will then be sent to the Township Board of Trustees.

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DISCUSSION WITH RESPECT TO MEDICAL MARIJUANA

A discussion was led by Mr. Russ Wicklund, Township Planner, with regard to Pennfield Charter Township Resolution 10-36 (a Resolution Establishing a Moratorium on the Issuance of Permits, Licenses and Approvals in Regard to Land Uses Associated with the Sale or Dispensation of Medical Marijuana). The main focus of the discussion revolved around definitions of "patient" and "primary caregiver", the size limits allowed for possession of medical marijuana, and the conflicts which may occur if cooperatives and commercial dispensaries are allowed to operate within the township.

It was pointed out that the Moratorium is designed to allow the Municipality time to develop local ordinances associated with Permitted Uses and Licenses.

Also discussed were the conflicts that can occur between the law enforcement agency and Federal, State and Local Regulations.

COMMISSIONER COMMENTS

Paul Anderson commented that Wal-Mart has now deposited their Site Plan review escrow money with the township. Hoping construction will commence next summer.

Next Planning Commission meeting is set for October 4, 2010.

Jon Bartlett made a motion, seconded by Curtis Whitaker, to adjourn the meeting at 8:20 pm. Motion carried.

Submitted by,

Sandra Cummings

Recording Secretary