

**ROSE TOWNSHIP PLANNING MEETING
REGULAR MEETING
October 7, 2021**

DATE: Thursday, October 7, 2021
TIME: 7:00 p.m.
PLACE: 9080 Mason St, Holly, MI 48442

PRESENT: Darlene Stanczyk
Mark Bolan
Maura Jung
Glen Noble, Trustee
Theresa Lynn, Co-Chair

ABSENT: Jim Holton (excused)
Michael Brooks, Chair (excused)

OTHER(S) PRESENT AND GUESTS SIGNED IN:

Brian Borden (Township Planner)	Dave Plewes (Zoning Administrator)
Debbie Miller (Township Clerk)	Renee Kraft (Recording Secretary)
Michael Pifer, P.E. Kraft Eng.	
Donna Boshell	Julius Stern
Alexandra Stern	Kyle Allen
Trevor Allen	Heather Allen

1. CALL TO ORDER:

Co-Chair Lynn called a regular meeting of the Rose Township Planning Commission to order at 7:00 p.m.

2. ROLL CALL:

Board Members Present: Bolan, Jung, Lynn, Noble, Stanczyk
Board Members Absent: Holton, Brooks (excused)

3. APPROVAL OF AGENDA:

Motion by Noble to approve the agenda as submitted. Seconded by Bolan.

VOTE: YES: Jung, Lynn, Noble, Stanczyk, Bolan
ABSENT: Holton, Brooks
NO: None

4. APPROVAL OF MINUTES:

Motion by Jung to approve the minutes as submitted. Seconded by Bolan.

VOTE: YES: Lynn, Noble, Stanczyk, Bolan, Jung
ABSENT: Holton, Brooks
NO: None

5. BRIEF PUBLIC COMMENTS – AGENDA ITEMS ONLY: (limit comments to 3 minutes)

None

6. COMMUNICATIONS:

Three communications: email from Holton, email from Brooks, letter via email from NOCFA, Assistance Fire Chief Matt Weil.

7. COMMITTEE REPORTS:

None

8. PUBLIC HEARINGS: (Notification as required by State law)

None

9. NEW BUSINESS:

A. Site Plan for Seasonal Property Maintenance at 690 Rose St, 06-02-101-002

A tree company wishing to build a 40x80 foot pole barn on 40 acres.

Question by Jung asking if the septic and dosing tank was because it couldn't be gravity fed to the field? Allen responded that it didn't perk since the water table is about six feet below.

Allen explained that due to fire suppression system needed for buildings over 5,000 square feet, they are removing one of the lean-tos to get under the 5,000 sq. feet. Engineer Michael Pifer of Kraft Engineering spoke on behalf of Seasonal Property Maintenance, explaining the details of the drawings for the landscaping, building and parking. This business will have no customer's that will come to the building, only employees. Kieft Engineers recommend approval of the proposed Site Engineering Plans with revisions, as stated in the letter.

Brian Borden explained that the Planning Commission has the approval authority over the site plan since it is zoned M-1 which is a by-right use so a site plan review is the only zoning process needed. It will not be a recommendation to the Rose Township Board, the Planning Commission is the approving body for this particular plan. There is some non-compliance, but the Planning Commission has discretion. Bolan questioned if the buffer was trees or just brush in the northwest corner. Plewes explained there are some open spots but not many. Allen stated it is solid woods. Bolan questioned if they plan on an expansion or if they use dyes. Allen stated no to both.

Borden explained the areas not compliant with current ordinance are: 1) building materials-metal buildings can only be 25% so needs to be revised or waived. 2) the parking lot-ordinance requires they be paved, but can be waived. 3) landscaping buffer, with approval can remain as existing vegetation. The Planning Commission has the discretion on these three items. If the Planning Commission moves this forward tonight, Borden would like to see a condition that we receive details of the proposed wall mounted light fixtures, to make sure what they propose meets ordinance.

Bolan questioned bringing in concrete forms for the parking areas. Allen explained that wood ones will be about 3.5 feet above the ground.

Noble proposed the Commission waive the tree replacement along the west property line, except where growth is less than five feet high. He also proposed to waive the asphalt concrete pavement surfacing and allow crushed concrete, aggregate or crushed asphalt millings. Also waive the siding material requirement.

Jung stated the vegetation was dense, even in the wintertime, to provide a buffer. Also suggests to keep the driveway gravel. Agreed with letting the water drain naturally. Would prefer only 25% metal on the building, but because of the location of the building, would waive it. Suggests we get the revised plan, without the lean-to, the details of the lights, and the contours for the pipe. She would like to hear more about the wood boiler.

Bolan explained the boiler is a self-contained unit that would be at least 50-100 feet away from the building, and 500-1,000 feet away from the wood chips and not inside the building, which was the concern from NOCFA.

Lynn stated she wanted to get everyone's consensus on three items if moving forward:

- 1) The building as it is proposed: it is a pole barn constructed of all metal, when our ordinance states 25% metal. All in agreement what is on the plan is acceptable.
- 2) Parking lot: our ordinance states concrete/asphalt, but drawing requests gravel. All in agreement to keep it gravel.
- 3) Landscaping: Should additional vegetation be required? If existing growth is less than 5 feet, put up additional buffer.

Motion by Jung to approve the site plan review for 690 E. Rose St, Seasonal Property Maintenance, with conditions: approving the building as all metal as proposed, gravel surface/parking area as proposed, landscaping with the appropriate trees where not 5 feet tall with evergreens at the west property line. To have the details of the lighting and revised plan submitted showing the removal of the lean-to, and revise the slope of the culvert as asked for by Kieft Engineering company. Seconded by Noble.

VOTE: **YES:** Noble, Stanczyk, Bolan, Jung, Lynn,
 ABSENT: Holton, Brooks
 NO: None

10. Unfinished Business:

A. Caregiver Ordinance

Lynn discussed changes made-draft #3:

-Page 1, (b)1) 2nd paragraph: Added “and/or accessory building.” Deleted “parcel, or site condominium”

-Page 2, 2) 3rd paragraph: Typing correction, changed from “form” to “from” on second line. Borden will expand on *Enclosed locked facility*.

-Page 2, 2) 7th paragraph: *Qualifying patient* is cleaned up a little bit. Added that they must possess a registry identification card under the Act.

-Page 3, 1)a.: added “on a conforming lot and within a conforming building (principal or accessory)”

-Page 3, 1)b.2.: deleted “lot parcel or site condominium unit.”

-Page 3, 1)b.6.: deleted “waste water” and added “water discharge.”

-Page 3, 1)b7.: added #7 in full as “Demonstrate that the applicant holds a valid registry identification card.”

-Page 3, 1)b8. (formerly 7): Bolan questioned what this means, Borden stated it is a catch-all and means anything the township wants to require and should stay in the ordinance. Bolan feels it is too broad for the elected officials of Rose Township to make changes. There is a consensus to get input from the public.

-Page 4: 2.a. & d.: states “no more than five qualifying patients.” “not more than 12 marihuana plants” Jung suggests changing it to refer to the act instead. Plewes stated we can remove the number and refer to the act. Plewes stated that if the act changes, then the ordinance changes. Borden will get rid of the numbers and put in references as allowed by the statute. Jung stated that in d. or f., “not visible to the outside.” Borden stated it is in the definition so not needed . Ancillary products were removed. 2.b.3.-went from 500 to1,500 feet. 2c. & 2d.-added “approved accessory building.”

-Page 5-j.: deleted naming DTE and Consumers.

-Page 6-no changes from draft #2.

MOTION by Lynn to set a public hearing for November 4, 2021 on the medical marihuana home occupation zoning regulation. Seconded by Stanczyk.

VOTE: **YES:** Noble, Stanczyk, Bolan, Jung, Lynn,
 ABSENT: Holton, Brooks
 NO: None

11. Tabled Items:

None

12: Discussion Items:

None

13. Announcements:

A. Rose Township Board Report-Glen Noble: Questioned why Oak Wilt Tree wasn't on the agenda tonight. Plewes stated it will be in November meeting.

B. Comments by Township Planner-Brian Borden: None

C. Next Regular Planning Commission Meeting: November 4, 2021, 7:00pm Rose Twp Offices

D. Next Regular N.O.C.F.A. Meeting: November 16, 2021, 3:00pm at NOCFA Station #1

E. Next Regular Township Board Meeting: October 13, 2021, 7:00pm

F. Zoning Board of Appeals: November 2, 2021

14. Open the Meeting to the Public:

Julius Stern – Complimented the Board for a good job with the landscape company- Questions the data point for the berm. He spoke with the tree cutters, and they told him they never had plans to cut oaks until after November. Feels it is just making a big deal for certain board members. He feels the board is wasting their time making the ordinances; they should be using an existing ordinance from another township.

Glen Noble – stated he hopes the ordinance is a compilation of other local community documents.

Debbie Miller – Marihuana Ordinance Page 3, 1a. states “permitted on a conforming lot and within a conforming building (principal or accessory) in the AG/RP agricultural and rural preserve district subject to the terms and conditions set forth in this section.” Questions how you pick and choose who is a caregiver? Plewes responded-under every ordinance, rule, zoning restriction, and guideline there are restrictions on the use of their property. In AG, the residential district, you can’t have a car repair shop, so you are restricted to the use of the property in that way. We are not restricting anyone from being a caregiver... we’re saying if you want to be a caregiver here are the rules and requirements, just like if you want to create a wedding barn, you have to have 20 acres and live on the property. If you have a 5 acre parcel you can’t do that, but if you find a 10-acre parcel and you create an accessory building or a building that meets the standards then you can do it. An argument would be “I have an acre and its zoned agricultural.” But the restriction is 20% coverage on the lot. These are things the Planning Commission determine is appropriate use for the land. Under state law you have the right to regulate the use of property in the township. Any ordinance created takes away a property owner’s rights. We are not restricting anyone from being a caregiver, you just have to follow the rules.

15. Adjournment: 8:53pm

Motion to adjourn by Lynn. Seconded by Stanczyk. All said aye.



Debbie Miller, MMC, MiPMC II
Rose Township Clerk

Approved/~~Corrected~~