

Crockery Township

## **Special Planning Commission Meeting**

**April 23, 2019**

**Approved Minutes**

Chairman Bill Sanders called the meeting to order at 7:32 P.M. Roll call was taken with Commissioners Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, Mike Munch, and Roy Holmes present. Z.A. Robert Toland was also present for this meeting.

There were five persons seated in the public gallery.

### **Agenda Item 2. Approval of the Agenda**

Action Items 7B, 7C, and Discussion Item 9E added to the agenda.

### **Agenda Item 3. Approval of Minutes**

The Commission reviewed the minutes from the April 16, 2019, Regular Planning Commission Meeting. A **motion** was made to approve the minutes, as written, by Commissioner Roy Holmes. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved.

### **Agenda Item 4. Announcements**

None.

### **Agenda Item 5. Communications**

None.

### **Agenda Item 6. Public Comment**

None were offered at this time.

## **Agenda Item 7. Action Items**

### **A. Site Plan Review – River Flats AG., LLC – 500 Plant Grow Facility.**

The Planning Commission has received a request from River Flats AG., LLC, to renovate one-half of an existing 12,000 square foot industrial building on parcel #70-04-16-400-020, located at 16962 Woodland Drive, and to add one 338 square foot condenser canopy on the northside of the building and one 81 square foot condenser canopy on the westside of the building. This property is proposed to be operated as a medical marijuana growing facility for up to 500 plants.

Documents received by the Commission for this review include; (1) a site plan by Dryer Architectural Group, 220.5 Washington Street, Grand Haven, Michigan, dated October 4, 2018, by BSW, Project# 18-312, amended March 25, 2019, (2) a Planning and Zoning Review by Z/A Toland, dated April 16, 2018, discussing this site plan, (3) a review by Kevin S. Kieft, P.E., of Prein & Newhof, Engineers for the Township, dated April 9, 2019, discussing this site plan, (4) a review by Scott Hemmelsbach, Fire Inspector, SLFD, dated March 29, 2019, discussing this site plan, and (5) a copy of Cannabis Environmental Best Management Practices, Draft Section for Review: Air Quality, dated August 9, 2018, by Denver Department of Public Health & Environment.

Present on behalf of River Flats AG., LLC, were Mr. Chris Bade, and Architect Dennis Dryer.

This issue was tabled by the Commission on April 16, 2019, until the Master Deed and Condominium agreement could be further studied.

**A motion** was made by Commissioner Ryan Arends to un-table this issue and continue the review. A 2<sup>nd</sup> was offered by Commissioner Rich Suchecki. The motion was unanimously approved by the Commission.

Mr. Toland advised Mr. Ronald M. Redick, Attorney for the Township, had reviewed the Master Deed and Condominium Agreement (Eagle North Condominium) and determined the documents were sufficient to allow this project to proceed.

The Commission, Mr. Toland, Mr. Dryer, and Mr. Bade entered into a lengthy discussion regarding odor control of the proposed facility. Mr. Bade advised the interior walls would be sheet steel, sealed with epoxy, to provide a surface that could be sanitized and trap odor. Mr. Dryer further discussed air filtration, citing a range of air change-out from 8 to 12 times per hour. Mr. Bade indicated River Flats AG LLC may employ a weather station to record specific data, and also a Nasal Ranger to measure odor (as part of an odor complaint control system).

The Commission recognizes the emerging nature of the Medical Marijuana business does not allow sufficient history to necessarily define best practices and standards for business operation, however, the Commission suggests River Flats AG LLC employ any and all methods necessary to meet the Township's zoning ordinance regulation regarding odor control.

After all discussion was complete and all interested parties heard, Commissioner Jon Overway made a **motion, via resolution**, to approve the site plan for River Flats AG LLC, with the condition that site plan approval does not constitute final approval to construct or operate a medical marijuana grow facility on the premises. Such activity cannot be undertaken on the premises unless and until (1) a grower license has been obtained from the Township Board under the provisions of the Township Medical Marijuana Facilities Licensing Ordinance, and (2) the use of the storage area in the northwest corner of Unit #1 for growing medical marijuana plants shall be immediately discontinued upon approval of the River Flats AG LLC site plan by the Crockery Township Planning Commission, and (3) comply with the Township's zoning ordinance odor control regulation regarding Medical Marijuana Facilities. A second was offered by Commissioner Rich Suchecki. The Commission unanimously approved the motion.

B. Wolters – Rezoning R-2 to R1A – Resolution of Intent to Hold a Public Hearing.

The Planning Commission has received a request from Mark and Kimberly Wolters to rezone Parcel #70-04-30-400-029 (10.05 acres), located at 13875 Garfield Street, from R-2 Medium Density Residential to R-1A Rural Estates. This request is consistent with the Township's Master Plan for future land use.

Commissioner Mike Munch made a **motion, via resolution**, to hold a public hearing regarding this matter on Tuesday, May 21, 2019, at 7:30 P.M., at the Township Hall. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved by the Commission.

C. Swears – Private Street – Resolution of Intent to Hold a Public Hearing.

The Planning Commission has received a request from Greg and Jamie Swears for a new private street on Parcel #70-04-19-400-016 running west off 136<sup>th</sup> Avenue north of Leonard Road. This property is currently zoned R-2 Medium Density Residential.

Commissioner Dave Meekhof made a **motion, via resolution**, to hold a public hearing regarding this matter on Tuesday, May 21, 2019, at 7:30 P.M., at the Township Hall. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved by the Commission.

**Agenda Item 8. Presentations**

None.

## **Agenda Item 9. Discussion Items**

### **A. Willis – Zoning Amendment – Accessory Building Size Limit.**

A continuation from the April 16, 2019, Regular Planning Commission Meeting.

The Commission has received a request from Mr. David Willis to remove the maximum square footage limitation of accessory buildings in residential zoning districts. Mr. Willis owns three parcels of residentially zoned land, totaling approximately 17 acres, at and adjacent to 17477 136<sup>th</sup> Avenue.

Documents received by the Commission for this hearing include; (1) a Planning and Zoning Review by Z/A Toland, Dated April 16, 2019, discussing this proposal, (2), a copy of the Township's Zoning Ordinance, Accessory Buildings in Residential Zone Districts, (3) a copy of Polkton Township's Zoning Ordinance, citing ZBA authority to address accessory buildings as a matter of policy, provided by Mr. Willis, (4) a Table by Z/A Toland, listing Mr. Willis' properties as Parcel(s) A, B, and C, including the acreage, number of accessory building present, aggregate square footage of the accessory buildings, conformity, and dwelling status, (5) a color photograph of one of Mr. Willis' accessory buildings, (6) a sketch drawing of parcels A, B, and C, showing location of the present accessory building and dwelling home, provided by Mr. Willis, and (7) a survey of Lot A by Driesenga & Associates, Inc., dated November 3, 2004, by MAD, showing a proposed expansion of an existing accessory building.

Mr. Willis was present for this discussion.

Mr. Toland provided a lead-in to this matter, discussing the non-conformity of the parcels (width/length ratio, and lack of primary use), and the number of accessory buildings present, including their aggregate square footage.

Mr. Willis addressed the Commission, indicating he felt the current limitations for residential accessory buildings was too restrictive, and there was little recourse available for residential property owners who had sizable acreage. Mr. Willis felt eliminating the maximum cap and allowing the percentage scale to remain would resolve the issue.

After a lengthy discussion, the Commission was not convinced the maximum cap should be removed, however, did recognize there is little recourse for residential property owners, who own acreage, to make a reasonable request for a larger accessory building (outside the standards set by the ZBA). Although the Commission is not inclined to grant Mr. Willis' request to remove the maximum cap for residential accessory buildings as a resolution to his individual circumstance, the Commission would support an avenue, via developing a special land use request, to exceed the maximum cap if a reasonable argument could be made to do so.

Rock and Connie Wilson, residents of State Road, asked if this potential resolution would increase the base square footage allowance for accessory buildings, apart from sliding percentage scales and maximum caps. They were advised this potential resolution does not address that issue.

After all discussion was complete and all interested parties were heard Commissioner Mike Munch made **a motion** to deny Mr. Willis' request to eliminate the maximum square footage cap for accessory buildings within residential zoning districts, and that the Planning Commission will investigate the use of a Special Land Use request as an avenue to exceed the maximum cap when a reasonable argument can be made to do so. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends. The motion was unanimously approved by the Commission.

B. Nunica Main Street Overlay.

Mr. Toland advised Mr. Mark Schroeder is preparing a plan for consideration and may be able to present at the May, 2019, meeting.

C. Separation requirements on all types of medical marijuana facilities.

Presently being addressed.

D. Design Standards for Service Drives.

Mr. Toland advised there have been inquiries recently related to service drives.

E. Increase the Base Allowable Square Footage for Accessory Building within Residential Zoning Districts from 1000 SF to 1200 SF.

**A motion** was made by Commissioner Ryan Arends to add Discussion Item E., to Increase the Base Allowable Square Footage for Accessory Buildings within Residential Zoning Districts, from 1000 SF to 1200 SF. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

The Commission believes the present base allowable square footage of 1000 SF is too restrictive. The commission believes 1200 SF is a reasonable allowance and better conforms to building design and standard material usage.

Commissioner Roy Holmes made **a motion**, to hold a public hearing regarding this matter on Tuesday, May 21, 2019, at 7:30 P.M., at the Township Hall. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

**Agenda Item 10. Adjournment**

**A motion** to adjourn was made by Commissioner Mike Munch at 9:50 P. M. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved.

Respectfully Submitted,

Jon C. Overway, Secretary  
Crockery Township Planning Commission

Next Regular Meeting - May 21, 2019

Next Special Meeting - TBD