

Waverly Township
Planning and Zoning Minutes
42114 M-43 Hwy.; Paw Paw, MI 49079
May 10, 2010

Chairman Tom Fleetwood called the meeting to order at 7:00 p.m. and asked the Planning and Zoning members to introduce themselves; Anne Giles, Tom Fleetwood, Tony Millek, LOUIE BARKOVICH, and Mike LaPine. Also present were; Audience 8. Board and audience said the Pledge of Allegiance.

ABSENT: Julien and vacant position on board.

AGENDA:

Agenda amendments: Under New Business; add b) S.W. Michigan Indoor Garden Center, which rennumbers Medical Marijuana #c and Don Mastenbrook #d. Also, move New Business #8 before number #7 Unfinished Business.

MOTION: Millek moved to approve the agenda as amended. Second by Giles. Voice vote, all yes, motion carried.

MINUTES APRIL 2010:

Supervisor Tomlinson requested that the April minutes indicate that he had accepted the resignation of Bernard Wilcox from the Planning and Zoning Commission.

MOTION: Millek moved to accept the April 5, 2010, minutes as amended. Second by Giles. Voice vote, all yes, motion carried.

MINUTES MARCH 2010:

MOTION: Millek moved to accept the March 8, 2010, minutes as presented. Second by Giles. Voice vote, all yes, motion carried.

TOWNSHIP BOARD REPORT:

Millek summarized the Township Board meeting on May 6, 2010,: Doug Harrington is running for State Representative 80th District; Road Commissioner Greg Kenny gave an update on the drainage on 24th Avenue; Waverly's share of the new Paw Paw fire truck is \$57,880.40; and indicated the proposed 2010 road maintenance projects, which are detailed in the Township Board minutes on-line at www.waverlytownship.com

NEW BUSINESS:

a. Re-appointments to Planning and Zoning Commission: Millek reported the Township Board unanimously approved three-year re-appointments for Julien, Giles, and Barkovich, which expire May 2013.

b. Southwest Michigan Indoor Garden Center:

Ronda Green, co-owner and operator of the newly relocated store at 37820 M-40 Highway and 38th Avenue, indicated she is providing free office space to David Frost, the Director of Van Buren County Compassion Club, which provides advocacy to patients, caregivers and the general public regarding medical marijuana.

c. Medical Marijuana:

David Frost, who is working on an Associate's Degree in Construction Management, is serving as the Director of Van Buren County Compassion Club, which is a 501 3C non-profit providing advocacy to patients, caregivers and the general public regarding medical marijuana. Frost indicated that doctors authorize medical marijuana use and State of Michigan law approves registry cards for each individual to carry the possession of 2.5 ounces and the growing of 12 plants of marijuana. Frost indicated that anyone who does not have a felony conviction can become a "care-giver" for anyone requiring medical marijuana, which means the "care-giver" can possess and grow for someone else. State information is at www.michigan.gov/mmp

Zoning Administrator Tasha Smalley indicated the store is in violation of the Zoning Ordinance because they did not obtain a Commercial Change of Use permit, building permit, and site plan review prior to opening business and indicated the township has the authority to force the store's closure until the proper permits are obtained and the Planning and Zoning Commission approves the changes. See Zoning Ordinance Sections 6.03 Zoning Compliance Permit, 3.7 #10 and #19 Commercial Uses, and 5.04 Review Process and Approval #J Site Plan Review.

Some audience members were strongly opposed to this use of the "spot" zoned commercial property.

MOTION: Giles moved to table discussion until June meeting. Second by LaPine. Voice vote, all yes, motion carried.

c. Don Mastenbrook commercial property:

Mr. Mastenbrook is the owner of the property on M-40 and M-43 northwest corner. Mastenbrook has the proper permits and site plan for the construction of a storage room 10x13 to be added to the building rented by the coffee shop. Zoning Administrator Smalley indicated no additional parking is required and the request by Mastenbrook meets all the requirements.

MOTION: Giles moved to accept the permits, site plan, and construction for 34020 M-43 Paw Paw as presented . Second by Millek. Voice vote, all yes, motion carried

Zoning Administrator Smalley indicated that the Zoning Ordinance requires that all commercial structure changes must come before the Planning and Zoning Commission for approval. Smalley indicated that perhaps minor structural changes should not come before the P&Z but receive approval from the zoning administrator only. P&Z requested Smalley to send re-wording suggestions for future consideration.

UNFINISHED BUSINESS:

a. Master Plan Update 2010 legal guidelines:

State law provides that updates be 5-years from date of adoption of the Master Plan, which was November 9, 2006 at Waverly and will require a new review in 2011.

Dave Foerster said the Master Plan needs a Farm Land Preservation map defining the preservation areas. A map is required for individual's applications to the state program. Additionally, Foerster suggested the Southwest Michigan Planning Commission (SWMP) Water Quality Study be addressed at the time of the Master Plan review in 2011.

b. Three-year review of Special Use Permits:

Smalley indicated that she will research files to compile a list for the P&Z and the township clerk could also look for copies hoping that both searches will yield a list that has previously never been used.

Smalley indicated that cell towers require a yearly inspection costing \$100.

c. VBC Representative Request to P&Z:

Van Buren County's Planning and Zoning Commission would like to invite a township P&Z representative to a non-paid position on their advisory committee. Dave Forest FOERSTER will get information.

d. Road Right of Way (ROW) changes continued:

MOTION: Millek moved to change the first paragraph of Section 4.10 "D" by changing "private road" to read "private drive", to eliminate the wording in part "B" and "C". Second by LaPine. Voice vote, all yes, motion carried.

MOTION: Fleetwood moved to change page X-16 by removing the words "paved road or street". Second by LaPine. Voice vote, all yes, motion carried.

MOTION: Fleetwood moved that all the suggested changes to the Zoning Ordinance including Home Occupation and Road Right of Way be typed in a "final" copy edition for commissioner's review at the June meeting, if the township board approves the expense. Second by Millek. Voice vote, all yes, motion carried.

e. SWMP Water Quality Study :

Discussion in 8a above suggested this issue be addressed at the 2011 Master Plan review.

MOTION: Millek moved to table further discussion of all agenda items until the June meeting. Second by LaPine. Voice vote, all yes, motion carried.

PUBLIC COMMENTS:

- Currently, "private drives" have only one per residence but there was discussion to have no limit of residences off one common drive. Land size would determine the limit of residences . There is no definition for "private drive."
- Spot zoned commercial: P&Z should consider making a separate category for commercial zoned property that was historically spot zoned and consider making different principle uses rather than the uses of "ordinary" commercial property.
- Waverly's rules and ordinances should be enforced without exception.

- Last month, Dave ~~Forester~~ FOERSTER requested the commissioners to review the topic of Time Periods on page XIII-3.

P&Z COMMISSIONER COMMENTS:

1. Barkovich suggested the township install a street light at the corner of M-40 and 38th Avenue for improved safety.
2. Fleetwood informed everyone that Roy's Home Center on M-40 will be licensed to sell 5th-wheel and other campers in addition to the model homes they currently sell.

Fleetwood declared the meeting adjourned at 9:52 p.m.

Respectfully,

Fay A. Dorr,
For the Planning and Zoning Commission