

**Planning Commission Meeting
And Public Hearings
January 8, 2018**

Present were, Dean Schmaltz, David Schultz, Tom Shafer, Wendie Shafer, and Patrick Freehling. Also present was Zoning Administrator Jim Pheifer along with fifteen audience members. Absent were Ed Heyn and Peter Van Vooren.

Chairman David Schultz called the meeting to order at 6:37 p.m. in the Baroda Township Municipal Building Meeting Room at 9091 First Street, Baroda.

The minutes of the December 11, 2017 Planning Commission meeting were discussed. Tom Shafer moved, seconded by David Schultz to approve the minutes of the last meeting. Vote, All yes. Motion carried.

Wendie Shafer reported that in December seven Building Permits and one Zoning Permit had been approved. She reported the Zoning Administrator had worked with and approved action on applications for a special Use Permit, a Private Street Application and an application for a Variance to be sent to the ZBA. She reported that the first residential solar array in the Township was being installed on Gray Rd.

Chairman David Schultz reported the Public Hearing on Resorts is postponed to clear up some ongoing issues with the ordinance language.

At 6:43 p.m. Chairman David Schultz closed the regular meeting and opened the public hearing on the Special Land Use application submitted by Barbara Antonucci for a Bed and Breakfast on 1950 Plantation Row. Mrs. Antonucci briefly reviewed her application and answered questions from the Planning Commission. Mr. John Baird, neighbor to the subject property, said his only concern would be if the Bed and Breakfast were to generate loud noise. Mrs. Antonucci assured him that her guests would make no more noise than the neighborhood children playing in her swimming pool. She assured the group that quiet hours would start between 10:30 and 11:00 p.m. She mentioned that the Bed and Breakfast ordinance prohibits amplified music. It was noted that the B&B would be subject to an annual review and the business could be shut down if the Township received complaints. At 6:50 David Schultz closed the public hearing.

The Planning Commissioners discussed and followed the terms of the Basis of Determination as follows:

- A. General Standards - The Township Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

2. The special land use shall not inappropriately change the essential character of the surrounding area.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

3. The special land use shall not interfere with the general enjoyment of adjacent property.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

5. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

6. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

7. The special land use shall not place demands on public services and facilities in excess of available capacity.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

8. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

B. Conditions – No further conditions were added to the permit beyond those required in Section 13.26 Bed and Breakfast Establishments.

David Schultz, Planning Commission Chairman declared the Special Land Use Application for Barbara Antonucci to Establish a Bed and Breakfast at 1950 Plantation Row approved. A brief recess was taken so those who wished to could leave the meeting.

Chairman David Schultz introduced Mike Rose who briefly described his reasons for requesting a permit to build a private drive on his property. AT 7:00 pm. David Schultz opened the

Public hearing for the Private Street Application. There was no public comment. Chairman Schultz closed the public hearing at 7:10 pm. The Planning Commissioners discussed and followed the Basis of Determination as follows:

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1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

2. The special land use shall not inappropriately change the essential character of the surrounding area.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

3. The special land use shall not interfere with the general enjoyment of adjacent property.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

5. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the production of traffic, noise, smoke, odor, fumes or glare.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

6. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

7. The special land use shall not place demands on public services and facilities in excess of available capacity.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

8. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.

Voting to approve – Patrick Freehling, Wendie Shafer, Dean Schmaltz, David Schultz and Tom Shafer.
Voting against approval – None.

B. Conditions – No further conditions were added to the permit beyond those required in Section 1:15 Private Street. Chairman David Schultz declared the Private Street application approved to Mike Rose to construct a private Drive on his commercial property at 2000 W. Shawnee Rd.

Patrick Freehling presented a document containing several proposed points defining and regulating Agritourism. There was much discussion on the issue. No action was taken.

Zoning Administrator Jim Pheifer presented a site plan provided by a company intending to construct a Family Dollar Store on Cleveland Ave. north of A&J Hardware. He explained that a variance has been applied for requesting to have the number of required parking spaces decreased from 48 to 30. Wendie is in the process of scheduling a ZBA meeting and Public Hearing.

Chairman David Schultz adjourned the meeting at 8:05 p.m. The next Planning Commission meeting with public hearings is scheduled for Monday, January 8, 2018.

The Commissioners briefly discussed whether the Township should adopt policy on Wind energy in the Zoning Ordinance. There was much discussion regarding whether an activity is prohibited if it is not addressed in the Ordinance.

The Commissioners received recommendations sent from Charlie Ammeson regarding the proposed Resort Ordinance language and are to be prepared to discuss the subject at the February meeting. Charlie Ammeson is to be invited to attend he meeting.

Annual Reviews - The Commissioners discussed and reviewed the Worthenbury Special Land Use – Tourist Home. No reports of complaints have been received. Wendie Shafer moved, seconded by Partick Freehling to approve the continuation of the Worthenbury Tourist Home Permit for 2018.
Vote – All Yes. Motion Carried

The Commissioners discussed and reviewed the NIMBY Pond Special Land Use for Water Cross Snowmobile Racing. No reports of complaints have been received. David Schultz moved, seconded by Partick Freehling to approve the continuation of NIMBY Pond Racing Permit for 2018.
Vote – All Yes. Motion Carried.

Zoning Administrator Jim Pheifer reiterated that the Zoning Ordinance needs to be amended deleting references to the Township dealing with drain issues since this is a function of the County Drain Commission.

Wendie Shafer,
Baroda Township Planning Commission Secretary