

MONTCALM TOWNSHIP PLANNING COMMISSION PUBLIC MEETING MINUTES

July 15, 2025

Call to Order and Roll Call:

Meeting called to order at 7:01 p.m. with Pledge of Allegiance.

Members Present: Richard Palmer (Chair), Karon Baird (Vice Chair), Richelle Lentz (Secretary), Christine Foley (Twp Board Liaison), Bob Hemmes, Recording Secretary-Barb Prah. There is a quorum.

APPROVAL OF AGENDA:

Chair stated that there are two items to add to the Agenda under “New Business”. 2) Appeals of Special Land Use Decisions, and 3) Special Land Use Procedures-- Statutory and Zoning Ordinance.

Motion to Approve Agenda as written with approved two additions to New Business by R. Palmer, **Supported** by R. Lentz. No discussion. Aye-All; Nay-None; Abstain-None. **Motion passes.**

PUBLIC HEARING – PRELIMINARY SPECIAL LAND USE APPLICATION SUBMITTED BY APPLICANT SARA McCALLUM FOR A PUBLIC ASSEMBLY FACILITY FOR FOOD AND CLOTHING DISTRIBUTION AT THE PROPERTY COMMONLY KNOWN AS 8900 WEST COLBY ROAD, GREENVILLE, MI 48838, AND AS PERMANENT PARCEL NO. 014-010-032-02.

Opening of the Public Hearing and Opening Information by Chairperson

R. Palmer/Chair provided opening information and procedures regarding the Public Hearing rules/guidelines and regarding Special Land Use Application. Stated there are two components required; 1) Site Plan Review approval (Section 14.4), and 2) Special Land Use Determination (Section 15.6 of Zoning Ordinance) and other applicable laws.

Written Questions and Comments from the Public

Twp Clerk indicated that she has received no written questions or comments. Also, no comments regarding compliance with publication. Chair indicated he did not receive any written questions or comments.

Presentation by Applicant and Answer Questions from Commissioners

By Sara McCallum-Sharon Drive: Represents Barrie’s House, Inc. (formerly under Settlement Church). Received 501c to operate separately and serve the community. Have served community for 30+ years. Purchased property of Turk Lake Methodist Church and will convert to a food pantry and clothing distribution.

R. Palmer: Inquired nature of traffic in/out (how routed, how much expect, when throughout week) and building usage. *Answer: Anticipating using further north as*

entrance then come around and use kitchen window as drive-up window, then go to door to pick up. Go back out through the south. Maybe 15-20 cars in line at a time. They anticipate many of same customers. Operate from 11 AM-3 PM. Usually people in line before 11 AM. Parking lot situation will be navigated by staff. If more than lot can handle, may pull off on grass on Oak St. Will try to avoid going out on Colby. Some customers may leave if too many cars, and come back later. This is the plan. Food customers come once a month. If coming for clothing, they can park and come in main entrance. Sanctuary will be clothing distribution. Food will be in other part of building. Have an agreement with EightCap that they have the option of limited spaces on north end of parking lot and they provide snow removal and pay them for use. Agreement that Thursday works for both. Donations are recommended to come on Thursday. Customers can only come once per month for food. Food and clothing will be inside building. Food delivery is typically on Wednesday (Feeding America, Meijer program, and Walmart). They would be open to allow building for other uses (card club, support group). Does not anticipate more than 20 people at a time.

K. Baird: Asked if they anticipate an expansion of delivery services for food and clothing. *Answer: They do some emergency meet-ups. Feeding America encourages pantries to expand, maybe another day for people to come in to shop. First set up is to replicate what they are currently serving. At Christmas they do offer gifts for purchase prior. A busy week is approximately 40 households.*

C. Foley: Asked if there is anything special for holidays (Thanksgiving). *Answer: Typically, they have not, but if they are able to get food items, they will do that, but nothing specifically scheduled.*

R. Lentz: Do you do food boxes or meals, what is the food delivery and other questions? *Answer: Do not serve a meal. Offer everyone gets a sheet to explain how things work with a list of what they are offering so they can check off and customize what they are requesting. They serve 30-40 households a week. As to clothing customers, maybe more than half. No limitation on clothing needs per month. Drop off of donations are preferred by appointment and plan to use entry way for initial storage. Mostly done on Thursdays. Will not add additional signage, but use current sign on building by putting banner over and Barrie's House sign from other building will be put over the entry door. Trash is currently being taken home by workers.*

R. Palmer: How many days will people be at building per week and maximum time per day when open? *Answer: Sara is usually there 4 days a week. Thursdays are busiest and people are there from 9 AM until 4-5 PM.*

Oral Questions and Comments from the Public

Paul Houghtaling, Vining Rd., Montcalm Twp: Stated that what they are doing is very Christian is a firm believer that location is everything. Questioned why this was not moved to the City of Greenville. Stated Colby Rd. is a busy road and concerned about

“bottlenecking” and could go issue with road going down to Turk Lake. Suggested may old Meijer store and area is tight. He thinks they could do better.

Response of Sara McCallum: Goal is to continue to serve the community close to where they were. It is the appropriate setting to serve the same people they have been serving and ideal for the goals they have. Consulted with Feeding America and that they discussed a “food desert” in rural area. They had looked at other properties.

Carol Houghtaling, Vining Rd., Montcalm Twp: Agrees with her husband’s statement. She loves what they are doing, but concerned, as a resident of the area, about commercial in a residential area. Does not want commercial activity brought to this area. Current speed limit is 55 MPH and it is too fast. Feels there will be increased traffic and a nightmare for residents.

Pam Hemmes, S. Greenville Rd.: Does not totally disagree with people before her. But feels people served are currently primarily rural. This will be mostly on one day a week. Very little traffic on other days and a church creates more traffic. Support Barrie’s House. Does not see many going in and out at the assisted living place. Does agree the speed limit should be slower going by Vining Rd.

Marie Kutzli, Vining Rd.: Moved to community because of lake and did not expect this type of thing in a community that is residential. Pays taxes to live by the lake. Barrie’s does not pay taxes as non-profit. Some buildings look like they should be condemned. This is a “hard no” for her and said people did not know the meeting existed on that night. Thinks there should be more advertising.

P. Houghtaling: Feels like it is “the cart before the horse”. Who approved them the right to buy the land and then have a hearing on how people feel about it. He still says “no”. This is his last camp before he dies. He does not want this to go to a Walmart. Came for privacy and raise children. What Barrie’s is doing is a good time, but the wrong place. Concerned that it was a church prior and now a “warehouse”. Asked if the Zoning Board has authority.

R. Palmer: As the Planning Commission, there is not control over what property people buy or don’t buy. The decision is for the use of the property, not ownership.

R. Lentz: Township does not have legal authority about what property people buy, regardless of what you intend to use it for. If you intend to use it for something other than what it was, you have to come before the PC.

S. McCallum stated they started the process before they owned the property so they could follow the steps that they needed to do.

Further discussion that Barrie’s are tax-exempt and this is standard for a non-profit organization and these are federal/state rules.

M. Kuenzli: Stated that it was not known by people on the lake. She just received notification yesterday about the meeting. This is in the middle of a huge residential

where people have saved their whole lives to come here and live on the lake. Concerned about upkeep and whether they will do updates/maintenance. People pay lot of taxes to live on lake and they are so close and a non-profit.

R. Lentz: This was published in the newspaper and there are state laws as to what to follow. It was posted on website and sign out front. C. Foley added that the publication was in paper 20 days before meeting, put on the website. Alert for e-notifications went out 48-hours in advance as a reminder that the meeting is coming ups. Posted on boards, including letters to residents within 300' of property.

Board is trying to be more pro-active to advising residents of what is going on.

C. Foley: Asked what there plans are for upkeep of the property.

S. McCallum: Plan to improve the grounds, if anything. Have lawn maintenance set up. Not sure what they will do with portable trailer that is there. It is currently used for storage. They certainly don't plan to bring down the community. Feels that having the building used that is sitting empty will only improve the property. Does not think it is a fair assumption that they will not take care of the property.

Shelly Ramirez, Sidney Rd.: Familiar with Barrie's House as a member of Settlement Lutheran Church. It has been very effective and contributing ministry in our township for over 30 years. She understands the concerns for the neighbors, but states we are fortunate to have someone found a purpose for a building that was deteriorating and wants to do something good and serve our community. We can think it is only in the cities with this problem, but it is everywhere and people rural areas need it as much as anyone. Commends Sara and everyone who is keeping Barrie's House alive and ask the Board to consider this request and do what is right for the overall community.

Dorothy Sprague, Gowen: Member of Settlement Lutheran Church for 28 years. Devastating to see the church close. The people that come to Barrie's are a majority from Trufan and Gowen, rather than drive to Greenville. This is once a week to help clothe and feed people. They have a place to go and don't have to drive into Greenville. She recommends you consider letting this go to help people once a week. No different than going to church. Ministry is about everything.

Richard Karnatz, Fitzner Rd.: As to property taxes, the church did not pay property taxes on this parcel—nothing changing. There are a lot of empty buildings in the Township that deteriorate from not being used. This could turn in to one of them. It is going to be used for a very good purpose in helping people. Has driven by prior location many times on business days and it was always orderly—no chaos and it was quiet. It is once a week and people are going to change if causing a problem. The owners have already expressed to keep it clean and want to improve. If a problem with traffic, they will address it and figure it out. It is not ever day the Township can do something to help people. He would encourage the application be approved. How many people within 300' have complained as they all got letters?

C. Houghtaling: Why wasn't Settlement property purchased? If traffic is a problem, they will address it. So, what is addressing it? Will it be from one day a week to two days. Does not feel that this belongs right there within our community. That's not what the people purchased their property for and she strongly ask that this is denied.

S. McCallum: Settlement chose to sell property which included the food pantry that was there. They did not have the option to buy it. Proceeds from sale was given to Barrie's house to purchase another property. They would have like to stay there.

K. Baird stated that first thing done was to determine if the intended use for the property fit in the zoning and it did. Determined that in residential zoning there is zoning for social-centered organizations and this is what it is.

M. Kuenzli: This is not a social, it is a gathering. People are coming to gather to buy things, not a social gathering and this could be disputed in wording.

K. Baird: In discussions it was decided that this is allowed because the church is a social-centered organization also, and there is no definition beyond that.

Diane Fountain, Sidney Rd.: Commends Sara for all the work she has done for the Commission to look at this. She appreciates everything the neighbors has said, but things changed and she remembers EightCap was Turk Lake School. There were buses and congestion as it was a school. That was traffic. This community needs this and Sara should be commended for all she has done, including taking trash, which shows she will take care of everything that happens over there. We should be thankful for Sara and her group. As to neighbors, if you lived there or not before EightCap, those situations did exist before know. Please go ahead and approve this.

S. McCallum: Point of verification, Head Start does still operate there next to EightCap.

R. Palmer asked S. McCallum if she feels she has responded to all you heard sufficiently. S. McCallum feels that she has and asked if there are any more questions.

No further discussion.

B. Hemmes **motioned to close the discussion and Public Meeting. Second** by C. Foley. No discussion. Roll Call Vote: R. Lentz-yes; K. Baird-yes; B. Hemmes-yes; C. Foley-yes; R. Palmer-yes. **Vote unanimous. Motion passes.**

APPROVAL OF MINUTES FROM June 17, 2025 Meeting:

Motion To Approve Minutes from the June 17, 2025 Meeting by C. Foley; **Second** by B. Hemmes. No discussion. Aye-R. Palmer, K. Baird, C. Foley, B. Hemmes; Nay-None; Abstain-R. Lentz (not present). **Motion passes.**

COOMENTS FROM ZONING ADMINISTRATOR

Not present for meeting. C. Foley stated that he had a medical procedure yesterday and advised not to go out/make decisions.

COMMENTS FROM PLANNING COMMISSION MEMBERS.

R. Lentz: There are a lot of people here and appreciate people coming and voicing both sides of their concerns. It is important to be involved in their local government. Although we don't always agree, it is important that people show up. Thank you for being here.

C. Foley: Agree with R. Lentz comment. At some of these meetings there are only two or three people. It is nice to see more involvement and hope to keep this going so we can see the evolution into the public.

R. Palmer: Would like to report that at the last Twp Board Meeting the Board approved the rezoning of two parcels in Section 25 from C2 to A1 that was recommended by PC. Also that Trustee Brian Cousineau will be replacing C. Foley as the Twp Board liaison to the PC, as of right after this meeting.

R. Palmer also read his letter he read (addressed to Supervisor and Board) at the Twp Board Meeting, which stated that, although it was a difficult decision, he has decided to retire from the PC at the end of his term. It has been an honor to serve and thanked the PC members from working with him. Also, to the township residents for their support and his wife, for her attendance at meetings and working on township matters.

Supervisor announced at last Twp Board meeting that he is taking applications for the PC Chairperson until 5:00 PM on August 4, 2025. C. Foley stated that it is already posted on the webpage.

PUBLIC COMMENT CONCERNING OLD BUSINESS ITEM:

No comments.

OLD BUSINESS:

PRELIMINARY SPECIAL LAND USE APPLICATION SUBMITTED BY APPLICANT SARA McCALLUM FOR A PUBLIC ASSEMBLY FACILITY FOR FOOD AND CLOTHING KNOWN AS 8900 WEST COLBY ROAD, GREENVILLE, MI 48838 AND AS PERMANENT PARCEL NO. 014-010-032-02

Chair stated that Twp Atty sent an email to the Chair for information as to approval, based on the approval standards in Sections 15.6 and 14.4 of the Zoning Ordinance.

Section 14.4: Site Plan Approval Standards

C. Foley stated that after going through each section in this, she does not see any site plan violations. Chair indicated that the attorney recommended that each item to be gone through separately. As to Section A (Lot area, setback, etc.). There are no violations in that paragraph—all agree.

Other articles (specific land uses concerning public assembly facility)—no violations agreed.

Signs: Sign is not changing, as it has been there. No problem. Agreed by PC.

Off street parking and loading: This would be involved in this proposed use. Comply with required parking spaces. Only possible concern was screening for delivery and pickup, but not mentioned as an issue. Members agreed no issue.

Landscaping/screening: No issue.

Environmental protection: No concern what will be that was not there before. See no problems.

Supplemental provisions: Nothing that will relate to the intended use of the property.

Re General Site Plan Approval Standards (read by PC Secretary)

- 1) Property is currently zoned medium density Residential (R3). Formerly a church and located by EightCap and Head Start. Does fall within the uses with what will occur.
- 2) Article 3-Zoning Tables (3-2). Previously discussed as public assembly facilities. No provisions re food pantries/clothing pantries. Discussion of PC decided it is a public service facility and supports the purpose of the district in which it is zoned and was discussed extensively and nothing else it would fit under. There has been discussion about R3 use. Use compatible with residential district.
- 3) Site Plan not to impede (visual, lighting, storage). The lighting and signage, parking, etc., and will be no different than what it has been.
- 4) Preserve environmental character. Environment will not change and is preserved as it was and is now. Keeping it from becoming a vacant property.
- 5) Site Plan provide for removal of storm water/drainage. Will be kept up and not change what is already there. No problems noted prior.
- 6) Provide vehicular parking to be safe, and have emergency exits. Traffic pattern to be used was explained and no more traffic than prior church. If does not work, it will be adjusted to accommodate the provisions. If there is difficulty with parking on Thursday, and will need to be parked on side of road, what would be done?
S. McCallum: Have discussed with husband and may consider to change times, considering opening more days or splitting time on a day to spread out more. Due to volunteers, more days would be harder to function. Requires 10-12 volunteers on site during distribution. More efficiently the way currently set up.
- 7) Provide location for utilities/underground facilities. This is existing so nothing changes.
- 8) Site Plan conform to Twp Planning documents (goals and objective of Master Plan, other applicable Ordinances and State/Federal). This does apply to residential as in Master Planning and Zoning documents. Previously dissected and agreed it meets this.

Section 15.6 Special Land Uses: Approval Standards, General Standards

- 1) Be harmonious with Twp Master Plan. No issues with this.
- 2) Harmonious with general objectives and purpose of this Ordinance. Board is trying to follow it "to a T".

- 3) Be compatible with adjacent conforming uses of land. No new construction and nothing changing, all is fine as it was a church, and EightCap and Head Start are there.
- 4) Be appropriate in appearance (designed, constructed and maintained) in harmony with existing character of surrounding facility. Standards seem to be met.
- 5) Not be hazardous or disturbing to existing or future uses in same general facility: The requested use does comply. Only possibly disturbance could be traffic.
- 6) Be served adequately by essential public facilities and services and minimize traffic on adjacent properties. This has been discussed previously in detail. Existing usage prior had 50 parking spaces and not what they are expecting with new usage.
- 7) Not involves uses that will be detrimental to any person, property or general welfare by excessive traffic production of noise, glare, odors: Meets the standard as no different than prior.
- 8) Not involves uses, activities, process, material, equipment or conditions of operations detrimental to natural environment: This is an "inside" operation basically and will not affect external environment.
- 9) Not create excessive additional requirement at public cost for public services: This does not apply.
- 10) Comply with Site Plan approval standards in Section 14.4, which was just done.

K. Baird stated that this meets all standards. Agreed by R. Lentz and further read that this must apply standards as identified in Article 7, which was identified there are none.

Chair indicated Twp. Attorney prepared proposed Resolution, which was provided to PC members. R. Lentz stated it is in best interest to use this Resolution.

Discussion as to what needs to be included on or with Resolution, such as statements by commissioners in support and public comments. After Resolution approved, PC will recommend it to go to the Twp Board. R. Lentz read proposed Resolution to all and further discussion to fill in the blanks. Currently have a preliminary Site Plan Review and final must be submitted. Concern of traffic and suggestion of traffic pattern review by Barrie's House and to bring it back to PC. Approval with consideration for a final report on traffic situation. B. Hemmes stated that this has already been done and building has a history and has been no problem. Feels no need for restrictions or revisions and this should be grandfathered and they should not be bothered with this.

B. Hemmes **motioned to proceed without restrictions. Seconded** by R. Lentz. Discussion: K. Baird thinks our comments about traffic are already in the meeting minutes and thinks if it is not in motion, something would be missing.

R. Palmer **motioned to amend the motion with the condition that the traffic concerns on Colby Road and Oak Drive will be taken under consideration prior to a final permit be granted. Supported** by R. Lentz. Discussion: B. Hemmes thinks we should deny his motion and the second. It is permissible by Robert's Rules. Must vote on amendment first. S. McCallum has stated that they will monitor the traffic and the PC is trying to reach a happy medium as there are concerns about this and would like to monitor.

Roll Call Vote: R. Lentz-yes; K. Baird-yes; R. Palmer-yes; B. Hemmes-no; C. Foley-yes. 4-1 vote. **Amendment Motion passed.**

Statement by R. Lentz that there has been a lot of discussion around this. The community has a lot of people that are struggling and thinks that it is the right thing to do to help provide for them. K. Baird agreed.

Roll Call Vote on Amended Motion: R. Lentz-yes; K. Baird-yes; R. Palmer-yes; B. Hemmes-yes; C. Foley-yes. Unanimous vote and **motion passes.**

The small change will be made to the resolution. This will be **Resolution PC25-06.**

Master Plan Amendments

R. Lentz stated that she needs to make updates to zoning changes from last meeting and new maps are made.

Township Zoning and Planning Maps

C. Foley questioned as to when new maps will be available as residents are asking about the maps.

R. Lentz indicated that the Mapper can make updates in a couple weeks. Changes and updates have been given to the Assessor so the mapper can use it. Assistance is need to contact Assessor to move forward on the updates and C. Foley will contact her. In further discussion, it was stated that the Supervisor must approve the changes to go forward.

Zoning District in the Turk Lake Area

The Section 25 changes and the incorrect zoning parcels have been updated. Assessor does have the changes and has to update in software.

Four Seasons Campground

Chair indicated that he reviewed last month's meeting minutes and indicated that PC has received an application for Site Plan Review and a preliminary Site Plan on campground and commissioners need make definitive decision whether to proceed to preliminary Site Plan Review as Zoning Ordinance requires or not.

R. Palmer moves that the Secretary of the Planning Commission invite a representative of the campground to the regular August PC meeting so the PC can begin the process of preliminary Site Plan Review concerning the campground's application and the accompanying preliminary Site Plan. Second by K. Baird.

Discussion by PC: B. Hemmes thinks this has already done as the permits have already been issued. The Zoning Admin has made his decision and PC has no authority to override his decision, even discussing it is objectionable. It stepping over people and should not be treated that way. Thinks PC pressured him too much and Zoning Admin thinks it was grandfathered and he agrees. Thinks it was messed up terribly and there is no need for a Site Plan Review as they already have approval. Also agreed to rezone it

appropriately, which was correcting a mistake. He objects strenuously and thinks it is almost illegal and certainly inappropriate. He is totally against it. Does not think it should be brought up and Chair will not be here to follow through.

K. Baird had asked Zoning Admin if this was two campgrounds, two separate parcels. He confirmed that. It is a new undeveloped parcel.

B. Hemmes stated that it is not PC decision, but it is the Zoning Admin's decision. Cannot tell Zoning Admin what to do. Should not pressure him to make decisions he thinks are incorrect. ZBA supported and told him it was his decision to make. Zoning Admin has declared that it is grandfathered. This is already decided.

K. Baird stated that we need to follow the Order and Rules in Zoning Ordinance, that PC is doing something illegal.

B. Hemmes continued that Zoning Admin has made his decision. Only people that can go over is the ZBA, which is going to them and indicating that he made the wrong decision.

R. Palmer stated that his intention and motion has nothing to do with the Zoning Admin. It has to do with the responsibilities of the PC. At June meeting he read numerous provisions of Zoning Ordinance that conclusively state that a Site Plan Review and a Special Land Use are required for this project. Due process is entitled and has been done as to the campground. The neighbors of the campground, homeowners on the lake and the residents of township, member of PC and member of Twp Board have a right to due process. Zoning Ordinance states what the process is.

C. Foley stated that because it was zoned improperly, PC was not able to move forward. So, the grandfather conversation was to allow the conversation without having to rezone. It would be grandfathered because it needs to be rezoned to move forward. Intention was to have a Special Meeting, but the Zoning Admin signed off on it. This has already been done, can it be undone.

R. Lentz made motion that it could move forward with a Site Plan Review because nothing could be done until it was rezoned and felt it was not giving them the due process. Both parcels were already zoned to be a campground. She was not grandfathering it saying they could do whatever they want. That was not her intent of the motion when she made. It was to allow PC to proceed with Site Plan Review knowing it was currently zoned commercial when it was supposed to be Ag to allow campground. As she was not at the last meeting, but it sounds like a decision was made by the Zoning Admin that the changes to the campground does not warrant a change, so a Site Plan Review was not required.

C. Foley indicated that it is correct. He considered it a minor change and signed off on the site permit. That is what happened.

Commissioners reviewed Section 14.6 regarding changes on Site Plan concerning what is a major and minor change.

R. Palmer indicated that there was no previous Site Plan or previous Use. There is a separate parcel that has not been developed. There are 17 new parking places and this

is a major change. It is the obligation of PC to review a Special Land Use permit. If they do not have one, it could be challenged.

B. Hemmes stated this is not a new campground and that they are extending the existing one. This has been there forever and the Zoning Admin has already made the call and only one that can reverse this is the ZBA.

R. Lentz requested the motion to be reread. R. Palmer read the motion again and said that is all they can do at this time and would request a site plan review, as the Zoning Ordinance requires.

Discussion that we should give them the opportunity to obtain a Special Land Use permit. If they do not show after invite, there is nothing more we can do, but we have an obligation. There is an open application for Site Plan Review and they have not rescinded it. It has gone to the ZBA and they indicated that Zoning Admin has the authority.

B. Hemmes made point of clarification that when Zoning Admin presented the plan to the PC, it was not for PC to review, it was a "heads up" about what he was doing. He presented to ZBA the basic response was Zoning Admin had to make the decision and he did.

R. Lentz (liaison to ZBA) stated that at the ZBA it is not their matter to decide with at that time and Zoning Admin has to decide. Proper way to go is to file an appeal to the ZBA for Zoning Admin decision. B. Hemmes stated it must be done within 30 days and that has passed.

Roll Call Vote on Motion by R. Palmer: C. Foley-no; B. Hemmes-no; R. Palmer-yes; K. Baird-yes; R. Lentz-no. **Motion fails with vote of 2-3.**

Chair stated that the PC has nothing further to do on this and he will take off agenda for next meeting. B. Hemmes stated that the only thing that has not been done is being rezoning, but Chair stated that the Board had done that at last meeting.

PUBLIC COMMENT CONCERNING NEW BUSINESS ITEMS

No comments.

NEW BUSINESS

Division of Responsibilities for Mailings for Planning Commission Public Hearings

C. Foley requested this be added to the agenda, as she is very busy as Twp Clerk and would like this to be handled by PC members. C. Foley also resigned from the PC Board as of 7/16. Wants to make sure there is an equal distribution of work for this. She will continue with publications and providing envelopes. She would like proper communication and does not want to be as involved as she is now. K. Baird obtained addresses to assist. R. Lentz will stuff envelopes and drop off at mail as she is secretary and communicate with Twp Clerk, as that is her role. B. Hemmes stated that when he was on ZBA the secretary had these duties, who was the recording secretary. PC secretary and recording secretary will handle mailing duties. No motion necessary, just a common agreement on responsibilities.

Appeals of Special Land Use Decisions

Chair referred to the Michigan Zoning Enabling Act, Section 603 regarding ZBA powers and what they can do, and in Subsection 1 which states that “for special land use and planned unit development decisions, an appeal may be taken to the ZBA only if provided for in the Zoning Ordinance”. In Montcalm’s Zoning Ordinance 16.5.a. states that “however, in no case shall the ZBA hear an appeal of a special land use or planned unit development decision, such appeals shall be subject to Circuit Court appeal only”. Also in Special Land Use Article 15.3, “a person aggrieved in association with a special land use decision, they appeal the special land use application decision to the Zoning Board of Appeals”. The contradict each other. The ZBA Article requires going to Circuit Court, whereas the special land use Article requires going to the ZBA. Asked commissioners to review and this will be added to next month agenda.

Special Land Use Procedures, Statutory and Zoning Ordinances

This was requested by Twp Clerk. She had sent an email to Chair and her concern is that in the conversation with Twp Attorney, regarding the Zoning Ordinance regarding procedure and going from PC to the board and back to the PC. Twp Atty pulled the MCL and that this only should happen once, as in going from PC to the Board. She spoke with R. Karnatz and it was PC for initial approval and then to Twp Board for final approval. Need to look MCL Section 125.3502, Chapt. 125, which is part of the Michigan Zoning & Enabling Act. This would be better aligned with special uses. Thinks PC should review and clean this up a little bit. This needs rewriting and wording from Twp. Attorney. The Special Lan Use Article must be consistent with Site Plan Review Article. This will be added to next month agenda.

PUBLIC COMMENT CONCERNING ALL MATTERS:

S. McCallum (Barrie’s House) requested clarification as to going forward. Asked if Special Land Use was approved? Chair indicated that it is a recommendation to be given to the Twp Board. Will need to go to next Twp Board meeting for consideration. Also asked what they need to go forward to be able to operate and open on August 7th. Commission advised that it must be approved by Twp Board and if approved, it will come back to PC for final approval. Advised they have one year to come back to get final approval, which gives time to see if there is any issues.

ADJOURNMENT:

C. Foley **motioned to adjourn. Second** by K Baird. No discussion. Aye-All, Nay-None, Abstain-None. **Motion carried.**

Adjournment at 9:48 PM.

Respectfully submitted,

Barbara Prah, Recording Secretary