

Hayes Township Planning Commission Regular Meeting
April 18, 2017

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HAYES TOWNSHIP PLANNING COMMISSION
Northstar Development-Charlevoix LLC
Special Use Permit & Site Plan Review
April 18, 2017

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The regular meeting of the Hayes Township Planning Commission was called to order immediately following the Northstar Development-Charlevoix LLC Special Use Permit & Site Plan Review, at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were Marilyn Morehead, Matt Cunningham, Bob Jess & Cliff Biddick. Steve Wilson, Ed Bajos and Pat Phillips were absent. Also present were Marlene Golovich, secretary and Larry Sullivan, zoning administrator. Paul Hoadley, Roy Griffitts, Ben Whitley, Jim Malewitz, and Jean Musilek were present.

Public Comments: The old ordinance had 1 boat per 100' of waterfront and the PC is now considering increasing the number of boats. The 1 boat per 100' was an anti-funneling provision and has saved the township in the past. There are lots of jets skis now and would like to see a standard developed for large boats and small boats. Currently the PC is considering 2 jet skis equal 1 boat.

Marilyn Morehead made a motion, supported by Cliff Biddick to table ordinance updates until the joint meeting scheduled with the Board of Trustees on May 4, 2017.

The Planning Commission members reviewed the minutes from the March 21, 2017 regular meeting. Cliff Biddick made a motion, supported by Marilyn Morehead to approve the minutes as written. Motion carried.

Matt reported on Township Board (BOT) activities. The Board authorized the Road Commission to put out bids for road work in Bayshore and on Quarterline Rd. There will be duel park hosts at Camp Sea-Gull this summer and they will be arriving in May. Jim Rudolph was appointed to the ZBA and Frank Shepherd and Paul Ivan were appointed as alternates to the ZBA. Roy Griffitts was appointed as a Board of Review alternate. There is a special BOT meeting scheduled for April 26 and a joint meeting scheduled for the BOT and PC for May 4. There is a budget work meeting scheduled for May 8 immediately following the regular BOT and a budget public hearing scheduled prior to the regular BOT meeting on June 12.

Zoning Administrator, Larry Sullivan presented a written report with an oral overview

Cliff Biddick made a motion, supported by Marilyn Morehead to cancel the May 16, 2017 regular meeting and schedule a meeting for May 4, 2017 immediately following the joint meeting with the Board of Trustees. Motion carried.

No public comment.

Cliff Biddick made a motion, supported by Marilyn Morehead to adjourn at 8:35 p.m. Motion carried.

Respectfully submitted

Marlene Golovich, recording secretary

Marilyn Morehead Planning Commission Secretary

Minutes approved as written May 4, 2017

HAYES TOWNSHIP PLANNING COMMISSION
Northstar Development-Charlevoix LLC
Special Use Permit & Site Plan Review
April 18, 2017

Chair Bob Jess called this public hearing of the Planning Commission (PC) to order at 7:00 p.m. at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were Marilyn Morehead, Matt Cunningham, Bob Jess & Cliff Biddick. Steve Wilson, Ed Bajos and Pat Phillips were absent. Also present were Marlene Golovich, secretary and Larry Sullivan, zoning administrator. Paul Hoadley, Roy Griffitts, Ben Whitley, Jim Malewitz, and Jean Musilek were present.

Chairman Jess asked to be joined in the Pledge of Allegiance.

The purpose of the hearing is to take public comment on an application from Northstar Development-Charlevoix LLC (applicant) for a Special Use Permit and Site Plan Review for Storage Buildings. The property involved is tax id number 15-007-119-006-50, located at US Highway 31 N., Charlevoix, east of the Americinn Hotel. This parcel was given a conditional rezone from C-1 Neighborhood Commercial to C-2 General Commercial for approximately 10 acres.

Jim Malewitz from Performance Engineering gave an overview of the plan. The presented plan was approved in September 2013. An additional unit has been added to the plan as well as the road location has changed. A property split was approved after the first approval. A retention pond is on site for control of the water runoff and no sewer or water will be provided for these buildings.

Public Comments – Ben Whitley reserved his public comments until the site plan is discussed. His property abuts the property being discussed. Paul Hoadley asked if there had been a determination by the DEQ for wetlands in this area. No. Will these be pole buildings? Yes. Will water and sewer be provided? No.

Chair Jess suggested that because a quorum of the Board of Trustees was present at this meeting that there may be an open meetings act violation if Paul speaks. Paul stated that he is allowed to speak at public comment but not converse or deliberate with his fellow Trustee members.

Zoning administrator Larry Sullivan reported that this property was given a conditional rezone to C-2 Commercial for a special use of storage buildings only in 2013. All meeting notices have been published and sent. The planning commission must decide if the use is compatible, and may want to address lighting, screening, signage, hours of operation and garbage removal and screening.

The applicant stated that some natural screening existed on the west side of the property. Marilyn asked about the other three sides. The applicant also stated that the units will all be of similar construction and it will be stated in the master deed.

The Planning Commission reviewed Section 6.02, 4, A-H

Ben Whitley stated the property was very wet and someone had dug drainage ditches on his property prior to his purchasing it and does not want the construction of the storage buildings to cause a problem with water on his property. He asked if ground level on the project property will be raised.

The drainage will be ½ foot at the lowest level of the retention pond.

Chair Jess read the **Special Use Permit Section 6.01 Purpose** It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Chair Jess read Section 6.02 4. Standards for Granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **The property was given a conditional rezone to C-2 for storage buildings only – no commercial uses allowed in the storage buildings.**

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. **It is compatible with American Waste and the Americinn, neighboring businesses. There are no conflicts with residential properties that cannot be addressed with approval conditions.**
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person. **It is not that type of project.**

- 3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses. **Should the hours of business be limited? The nature of the business is quiet most of the time and no commercial uses are allowed so no hours of operation will be imposed.**

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity. **This is not an issue.**
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services. **There will not be water, sewer or septic on site.**

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

Ben Whitley is worried about the impact on his property by disrupting the flow of water. Give approval condition that they must maintain the natural flow of water. Ben asked if consideration would be given to maintain the natural flow of water.

Jim Malewitz asked if Ben had an easement to drain water to the applicant's property. Jim stated that the applicants property will be approximately 1/2 foot higher in some places than Bens property but the applicants plans does not deny Bens water. Marilyn stated that it appears there may be undesignated wetlands in the area. The PC stated it will not be detrimental to the economic well-being.

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. **It will not have a negative impact on natural resources or environment.**

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance. **It does comply.**

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to Section 9.03 of this Ordinance. **No conditions.**

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to Section 9.06 of this Ordinance. **No performance guarantee required.**

Marilyn Morehead made a motion, supported by Cliff Biddick to approve the special use permit for storage buildings on based on the findings of fact of Section 6.02, 4, A-H.

Yays: Matt Cunningham, Cliff Biddick, Bob Jess, Marilyn Morehead

Nays:

Motion carried.

The PC reviewed the Section 5.03, 5 A & B

Chair Jess read **Site Plan Review Section 5.01 – Purpose** The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statues and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Chair Jess read Section 5.03 5 Standards for Granting Site Plan Approval

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.
- 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance. **The site elevation is only being raised six inches and the trees on the west side will remain.**
 - 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **The PC agrees with this.**

- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **There is no restriction of water flow from one property to another.**
- 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **There are no dwelling units on this site. The PC asked what type of plantings exists on the property. Cedars. How large are they? Size is unknown, it is current vegetation. The site is located next to a landscape supply business. There are existing trees on the west side. The north side will have a vegetative buffer next to the landscaper. The east and south side will have no buffer as approved on the previous plan.**
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **Ok with what is presented on the plan.**
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **Ok with what is presented on the plan.**
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **Where will trash be stored? No trash service will be provided and no trash will be stored on site. No outside storage of any kind will be permitted.**
- 8) Exterior lighting shall be arranged as follows:
 - a) It is deflected away from adjacent properties.
 - b) It does not impede the vision of traffic along adjacent streets.
 - c) It does not unnecessarily illuminate night skies.**All lighting must conform to these conditions.**
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way. **The plan shows this and the plan will not impede the future bike trail.**
- 10) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **The Township does not have private road standards.**

11) Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **All permits must be in order.**

Marilyn Morehead made a motion, supported by Cliff Biddick to approve the site plan for Storage Buildings on property located at US Highway 31 N., Charlevoix, and east of the Americinn Hotel, with property tax id number 15-007-119-006-50. All standards of Section 5.03, 5, A, 1-11 must be met.

Yays: Matt Cunningham, Cliff Biddick, Bob Jess, Marilyn Morehead
Nays:
Motion carried.

Respectfully submitted

Marlene Golovich, recording secretary

Marilyn Morehead Planning Commission Secretary

Minutes approved as corrected May 4, 2017