

Hayes Township Planning Commission

Public hearing on a request for a Special Use Permit

September 18, 2018

Ms. Morehead called the hearing to order at 7:07 pm. The purpose of the hearing was to finalize the request for a Special Use Permit (SUP) that was initiated by Mr. Elliot Falls in February 2018. Additional documentation and site plans had been developed and presented to the Planning Commission (PC).

Ms. Morehead asked for a presentation by Mr. Falls on the proposed site plan. Mr. Falls presented the updated drawings for the property located at 1170 US-31N, Charlevoix, MI 49720. The drawings from the engineering firm showed the proposal of three large buildings that will be divided into rental storage units and included the proposed landscaping for the property. Each unit will be insulated, and will have overhead and man doors. The units will vary in size and the proposed usage is storage only.

Questions from the PC started with what constituted storage? Mr. Falls replied that it was what was commonly thought of as mini-storage in larger spaces. People who need to store things like boats, cars, outside furniture etc., which require larger storage space are the primary anticipated users. The business use aspect of the current proposal has been limited to solely storage, a change from the initial proposal.

Utilities in each unit are anticipated to be electricity, heat and water, with sewer lines available to each unit. A restroom facility will be located on the property with keyed entry for use by the renters. A common area for electric meters on each building will be screened by landscaping. There will be no kitchens or clubhouse on the property. There will be no apartment or living quarters permitted in the units.

Mr. Sullivan discussed his review of the documents. The property had been rezoned to C-2 in April allowing rental storage units as a SUP. It is consistent with the standards for a SUP. He listed his suggestions for conditions, no living quarters or storage of hazardous, toxic or explosive materials. Further suggestion on the storage of vehicle fuel followed. Mr. Sullivan also commented that commercial renters are not allowed to start using the units for business activities other than storage of their equipment and any consideration of doing so would require a separate SUP amendment. Mr. Sullivan also addressed the issue of the service drive which currently runs along the front of the properties parallel to US-31. There is a utility easement which runs along the service drive which precludes the building of structures on it. The access road is not required to be made available to all the property owners and it is planned that the road on the front of this property be abandoned. He further suggested that the PC require that no further driveways onto US-31 be allowed and that easements for accessing the existing driveways be required.

Mr. Biddick asked for clarification of the driveway versus the easement road issue. Mr. Bajos asked for further clarification on the number and spacing of access drives on US-31. Mr. Sullivan indicated that there was no maintenance agreement between the property owners for upkeep and also some liability

concerns for shared usage. Mr. Sullivan also described the current access situation and asked that the PC not approve any additional driveways.

Mr. Griffiths asked about the proposed landscaping of the property including the western side bordering the bike path and Americ Inn parking lot. It was suggested that some additional plantings might be considered. Mr. Feliciano asked about potential traffic congestion caused by accessing the property from the driveway. Specifically was the space allowed for driveways sufficient to allow three businesses to safely operate? Mr. Sullivan indicated that this was the preferred design as it limits the access points and channels traffic into manageable patterns. Mr. Feliciano also asked about the trees screening the road front? Mr. Falls indicated that he would maintain existing trees and plant additional ones as required maintaining a positive landscape. Mr. Feliciano asked if they created a street view perspective drawing? It was not.

Public comments. There were comments from the public and one letter supporting the project was received from Haggard Plumbing and Heating.

At this point Ms. Morehead moved the discussion to the determination of whether or not the proposed project met the standards contained in the zoning ordinance section 6.02.4, A-H.

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. **Yes**

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. **Yes**

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. **Yes**

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. **No conditions 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. **Yes** Fire retardant walls in buildings per code and smoke alarms in each unit. Discussion on the amount of gasoline to be allowed in the unit occurred.

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. **Yes**

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. ~~No it~~ **It is not 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. **Yes**

F. Compliance with Specific Standards

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

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. **Conditions imposed are; ~~N~~no residential use, no storage of hazardous, toxic or explosive materials, no commercial activity, no more access driveways to US-31.**

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. **None**

Mr. Griffiths moved to approve the SUP with the above noted conditions. Mr. Biddick supported the motion. Motion passed unanimously.

The PC next moved to the Site Plan review. 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. **Plan meets this standard. Buildings are to be neutral colors only.**

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. **Yes.** Mr. Falls stated that the plan was to not remove any trees that are not in a building location, there are no plans for a fence along the bike path. **No outside storage to be allowed.**

3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **Yes. The west side setback will be replanted in grass after construction and grading will direct water runoff towards the storm water retention area and not towards the bike path.**

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. **Yes**

5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **Yes**

6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **Yes**

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. **Yes. No outdoor storage allowed. If a dumpster is provided a screen approved by the Zoning Administrator must be installed.**

8) Exterior lighting shall be arranged as follows: **Yes, all buildings will be down-lighted, motion sensing lights on doorways and meets the standards below.**

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.

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. **Yes.**

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. **No roads being developed.**

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. **Yes.**

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable. **Yes. Zoning Administrator will confirm Fire Chief's recommendations.**

A motion to approve the site plan with the conditions noted above was made by Mr. Biddick, seconded by Mr. Feliciano. A roll call vote was held, Mr. Biddick-yes, Mr. Feliciano- yes, Mr. Cunningham-yes, Ms. Morehead-yes, Mr. Bajos-yes, Mr. Griffiths-yes. Motion passed.

The hearing was closed at 8:32 pm.

Approved as corrected 10/16/2018 (Bob Jess abstained)

Compiled by: R Griffiths

Submitted by: M. Morehead