

Little Traverse Township Planning Commission
Tuesday, June 7, 2022 7:00PM
Township Hall

Minutes

Chairman Van Berlo called the meeting to order at 7:00 PM.

Roll Call: Present: Martin Van Berlo - Tom Fairbairn - Joe Chattaway - Shirley Snyder & Chip Radle

Absent: None

Also present: Bill Dohm, Jake Myers, Consultant & 19 visitors (*see attachment page 7*).

Agenda: Chairman Van Berlo asked if there were any additions or deletions to the agenda. There were none. Upon a motion by Mr. Radle, with support by Mr. Chattaway, the agenda was unanimously approved as submitted by voice vote. (*see attachment page 8*)

Minutes: Upon review of the minutes of the regular meeting of May 4, 2022, a motion was offered by Mr. Fairbairn to approve as corrected by changing paragraph 2 on page 2 from “Rural Zoning Act” to “Michigan Zoning Enabling Act (PA 110 of 2006 – MCL .101)”. Following support by Mrs. Snyder, the motion was unanimously approved by voice vote.

Public Comment: Chairman Van Berlo then opened the meeting to public comment.

Mr. Hoffman wanted to go on record as being concerned about traffic on restricted access drive to M-119.

Chairman Van Berlo responded that the subject could be brought up during the public hearing on the subject case.

Chattaway advised he had a conflict of interest in the following case, and asked to be recused. Without objection, Mr. Chattaway took a seat with visitors.

Case #B-02 2022

Chairman Van Berlo introduced the case as a review of a revised site plan for Pure North Investments based on input from a Public Hearing held on May 5th., and 9 criteria required by the Planning Commission. Consideration is for a CONDITIONAL USE AUTHORIZED BY SPECIAL PERMIT for commercial retail storage at 566 West Conway Rd. Consideration, and review of this case are found in the Little Traverse Township Zoning Ordinance, Article IX, Section 901, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, and

Article XIII Sections 1304, CONDITIONAL USE AND APPROVAL USE REVIEW STANDARDS.

He asked Mr. Myers to present his fact finding on an updated site plan and the 9 items requested of the applicant as follows:

1. Provide additional details on planned retaining wall, including wall locations, wall height, material being used for construction
2. Additional details on private access easement - where does it start/stop
3. Where is the gate to be located in conjunction with its current location
4. What limitations apply to use of the easement
5. Include planned driveway and road access revisions
6. Provide engineer's written verification that the drainage plan shown will control site water and not create runoff onto neighboring properties or provide a design that will provide proper water control methods
7. Indication of the types of materials intended to be stored on site
8. Submitted plans shall be stamped, sealed and signed by the engineer of record.
9. Any other details that can be provided that will provide information and clarity on how this parcel shall be used.

Mr. Myers advised that the applicant had provided a revised site plan, and a copy was distributed to the Board. He then described his fact findings of the 9 items requested by the PC at the previous meeting. *(copy on file)*

Dave Russel, representing, Pure North Investments, responded in kind to each point.

Mr. Fairbairn & Mr. Van Berlo commented on the gate issue. Mr. Russell advised there would be less traffic.

Mr. Hoffman wanted to go on record making sure the heavy truck restrictions on the M-119 access were adhered to. Mr. Russell advised his truck traffic would use the West Conway Road access.

Mr. Jorgenson expressed his concern about water runoff and heavy truck traffic effect on the driveway. Mr. Russell advised there were water retention provisions depicted on the site plan.

Mr. Radle questioned where the vehicles would be serviced. Mr. Russell advised there is a proposed future shop indicated on the site plan. In the meantime, they would be serviced off site.

Mr. Dohm indicated that #6 of the above list was not complied with regarding an Engineer's written verification that the drainage plan shown will control site water and not create runoff onto neighboring properties.

Chairman Van Berlo asked if there were any further public comments.

Chairman Van Berlo made the following list of issues that needed further material, or input, before a decision could be made:

1. #6 from the May meeting list of required submittals – Provide engineers written verification that the drainage plan shown will control site water and not create runoff onto neighboring properties or provide a design that will provide proper water control methods. The letter needs to be sealed and signed by the engineer of record.
2. The site plan shall include all existing buildings within 100 feet of the subject property, including the building on the neighboring property to the west.
3. Written information detailing control measures for air and water pollution, noise control and dust control.
4. Written support for the request to waive the requirements of 901.4 (d).
5. Type and planned location of machinery, vehicles and/or equipment to be stored on site.
6. All submittals shall be provided to the township well in advance of the next Planning Commission meeting so that sufficient time can be available for review of the submittals by the zoning consultant, the township supervisor and the planning commission.

A motion was made by Mr. Radle, to table the case again until the next regular meeting to allow for compliance with the list of 6 items stated by Chairman Van Berlo. Following support by Mr. Fairbairn, the motion was unanimously carried by voice vote.

Chairman Van Berlo declared the motion approved.

Mr. Dohm pointed out that a deadline needs to be determined for zoning compliance so that the surrounding property owners would not have to continue dealing with, particularly, dust, water and traffic detriments.

Mr. Chattaway then rejoined participation in the meeting.

Case #B-03-2022

Chairman Van Berlo introduced the case as Site Plan Review for Todd Swanson to modify a previously approved site plan to add land and storage, and to modify existing storage buildings. He asked Mr. Myers to present his fact finding on the site plan.

Mr. Myers described his fact findings as outlined in his memo dated 05/31/2022. *(copy on file)*

Chairman Van Berlo asked Mr. Swanson if he wished to add anything, or comment on the Myers report.

Height issue, soil borings, and fire dept. approval.

Mr. Swanson responded to each issue in kind. He stated the height of the new buildings would be 29' as indicated on the application, and will be consistent with the existing structures. Soil borings will be made by the building manufacturer before construction starts, and he will secure approval of the site from Fire Chief Cupps.

Chairman Van Berlo asked if any Commission members had any questions.

Upon a motion by Mr. Radle, with support from Mr. Fairbairn, the site plan was approved subject to receiving soil borings and Fire Department approval by unanimous voice vote.

Case #B-04-2022

Chairman Van Berlo presented the case as an application by Tom Gallagher to rezone the following properties from FF-1 FARM AND FOREST DISTRICTS to B-2 GENERAL BUSINESS DISTRICTS: Properties located at 643 and 707 West Conway Rd., further described in tax parcels #24-08-16-15-200-025 & 24-08-16-15-200-026. A Public Hearing is required. He asked Mr. Myers to present his fact finding on the case.

8:25 PM: Chairman Van Berlo opened the public hearing.

Mr. Dohm advised that the Public Hearing was posted, published and mailed to the adjacent property owners as required. He advised 7 letters of opposition and been received and provided to all PC members prior to the hearing. The letters were entered into the record, and are on file. (see attached pages 9–6)

Mr. Meyers outlined the case using his memo dated May 31, 2022. (*copy on file*)

He pointed out that this case is a rezoning issue at this point, and any reference to the applicant's intended use is not part of this hearing. All uses permitted by right, and special or conditional uses, would be required to be permitted as regulated in the underlying new district if rezoned. The applicant is not bound to any referenced, or perceived, uses as a part of the rezoning process.

8:25 PM: Chairman Van Berlo opened the public hearing on the case.

George Ramey, adjacent property owner containing a multi-apartment complex, commented that rezoning, as applied for, would bring business uses right up to residential uses. Most of those uses, especially the special or conditional uses would not be acceptable to the peace and quiet expected of those residents. Additionally, noise, vibration and dust experienced with the current applicant's gravel operation is a nuisance.

Patricia Schanski, from Pine Meadow, supported the noise nuisance complaint, and asked why it was allowed in the first place. It was explained that the use was grandfathered in from years of use of the property.

Bruce Cartford, from Pine Meadow, displayed an audio-video depicting noise at his porch from the crushing operation. He reiterated the nuisance of noise, vibration and dust. He reflected that he expected a more peaceful neighborhood for residents.

Steve Wolf, from Pine Meadow complained about the noise, vibration and dust.

Ron Lawrason, Graham Reinhart and Tracy Sales, Mink Rd. residents complained about the noise.

Additionally, there was concern for 3 nurses that worked night shifts that had problems sleeping during the day due to noise from the current operation.

9:15 PM: Chairman Van Berlo closed the public hearing.

Following discussion, a motion was made by Mr. Radle to table the case until the next regular PC meeting to be held July 5, 2022.

Following a second on the motion by Mrs. Snyder, the motion was declared by the Chairman as passed by unanimous voice vote.

Case #B-05-2022

Sign Plan review for Munson Healthcare for an exception to sign area at 8881 M-119. The request is to allow up to 75 sq. ft. from the standard 56 sq. ft. for a freestanding sign. Provisions for an exception are found in Section 1308.9 Paragraph B).

Chairman Van Berlo asked Mr. Myers to present his factfinding memo on the case.

Mr. Myers went through his factfinding memo dated 06.02.2022, basically indicating the proposal does not satisfy condition (B) of 1308.9. *(copy on file)*

Chairman Van Berlo asked Ms. Crystal Walkons if she had anything to add, or for comment.

Ms. Walkons responded that Munson Healthcare would like to much information on the sign to fit in 59 sq. ft.

Chairman Van Berlo asked if any commissioners had any questions or comments.

Following discussion, a motion was made by Mr. Fairbairn to deny the application based on the Meyers memo, and that the required standards for an exception under § 1308.9 A) and B) of the zoning ordinance had not been met.

Following a second by Mr. Van Berlo a roll call vote was made as follows:

Mr. Radle, yea
Mr. Fairbairn yea
Mr. Chattaway yea
Mr. Van Berlo yea
Mrs. Snyder yea

Chairman Van Berlo declared the motion passed.

9:45 PM: Chairman Van Berlo declared a 5-minute recess.

9:50 PM: Chairman Van Berlo called the meeting back to order. All Commissioners were present.

Master Plan Update Review

Mr. Myers gave a master plan update, and provided a scheduling plan for public distribution and a required public hearing. It would require special meetings and possibly a joint meeting with the Twp. Board to meet an August deadline for a public hearing.

Following discussion, it was decided by unanimous consensus, to extend the process to allow for more time to work on refining the current draft copy, and holding a Public Hearing in 2023.

Open Discussion for issues not on the agenda:

- a. Correspondence:
- b. Planning Commission Members: None.
- c. Township Board Members: Mr. Dohm distributed a copy of the master plan as updated to this time. The next scheduled PC meeting is July 5, 2022.

Adjourn: There being no further business to be brought before the commission, Chairman Van Berlo adjourned the meeting at 10:10 pm.

Respectfully Submitted,
William P. Dohm
Supervisor

Date Approved 7-5-2022

Secretary 
Tom Fairbairn