

MINUTES
LONG LAKE TOWNSHIP PLANNING COMMISSION
LONG LAKE TOWNSHIP HALL
8870 NORTH LONG LAKE ROAD
TRAVERSE CITY, MI 49685

TUESDAY, FEBRUARY 22, 2011 (REGULAR MEETING)

1. CALL TO ORDER – 6:00 P.M.
2. ROLL CALL: Present were Witkop, Marsh, Tobin, Cuthbert, Humitz, and Hoffman. Verschaeve was excused. Also present were the Township Planner and the Zoning Administrator.
3. APPROVAL OF AGENDA: Moved by Hoffman supported by Humitz to approve the agenda as presented. Motion carried.
4. CONFLICT OF INTEREST STATEMENT (Declare and cite agenda item.) None stated.
5. APPROVAL OF MINUTES: JANUARY 25, 2011 (REGULAR MEETING) Moved by Hoffman supported by Marsh to approve the minutes of the January 25, 2011 meeting as presented. Motion carried.
6. BRIEF PUBLIC COMMENT (Any person may speak for up to 3 minutes.) There was no public comment.
7. POSTPONED BUSINESS: None
8. PUBLIC HEARINGS:
 - A) SPR12-11-01 CLU 2-11-01 – CHERRY REPUBLIC (OWNER), 6026 S. LAKE STREET, GLEN ARBOR, MI 49636, HALLMARK CONSTRUCTION (APPLICANT), 1874 CASS HARTMAN COURT, TRAVERSE CITY, MI 49684. REQUEST FOR A CONDITIONAL LAND USE AND SITE PLAN APPROVAL TO ESTABLISH A COMMERCIAL BUILDING OVER 20,000 SQUARE FEET, PER THE REQUIREMENT OF ARTICLE 17 – GENERAL BUSINESS DISTRICT, SECTION 17.2.4, CONDITIONAL USES, ARTICLE 19 – CONDITIONAL USES, SECTION 19.11.2, BUILDING WITH EXCESS FLOOR AREA, ARTICLE

24 – SITE PLAN REVIEW, OF THE LONG LAKE TOWNSHIP ZONING ORDINANCE #109.

PROPERTY DESCRIPTION: PROPERTY ID. NO. 28-08-003-004-30, T27N R12W, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, COMMONLY ADDRESSED AS 5110 E. TRAVERSE HWY, TRAVERSE CITY, MI 49684. THIS PARCEL IS LOCATED IN A GB-GENERAL BUSINESS DISTRICT.

OPEN PUBLIC HEARING:

- 1) **PRESENTATION OF REQUEST, AS RECEIVED BY STAFF** The Township Planner stated that this property is located off M-72 and is not easily visible from the road. She stated that the applicant will be using all four existing buildings on the site and wishes to build a fifth building to connect them all. These buildings will be used for the purpose of processing, packaging and fulfillment of mail and internet orders. The applicant will increase the number of employees to forty, and during the peak season will employ up to ninety. The applicant has proposed enlarging the parking area to accommodate the additional employees and wishes to use a grass parking area for the peak season parking.
- 2) **REVIEW AND RECOMMENDATION BY PLANNER** The Township Planner stated that the use is permitted in the General Business District, however the total size will be just over 20,000 square feet, making it a conditional land use. She reported that the use will have very little impact on the area as the site is heavily wooded and not visible from M-72. She also stated that there are roof height variations. The Planner recommended approval of the site plan and the conditional land use with conditions:
 - a) that a note be added to the site plan stating that there will be no materials, equipment, or anything stored outside.
 - b) that the applicant will address the inconsistency regarding the fencing around the dumpster.
 - c) that the applicant update the site plan to better accommodate pedestrian access to the two “people” doors on both sides of the building.
 - d) that this approval is subject to review from outside agencies and any conditions, including adding a water storage tank for fire suppression or putting monies into the fire suppression fund.

- 3) COMMENTS AND EXPLANATIONS BY APPLICANT Scott Jozwiak from Jozwiak Consulting, representing Cherry Republic presented the Site Plan stating that they are well on their way to getting all needed permits. He spoke regarding the grass parking area for seasonal employees and how that would be addressed and stated that the pedestrian access had been addressed. He also reported that there is a question as to whether the existing signage along M-72 is conforming or not. To conform with the ordinance the sign would be hidden by trees so the applicant is hoping that the commission will work with them on a solution. Mr. Jozwiak explained what each building would be used for and explained employee entrances and parking surfaces. He stated that they will add a new drain field system, and a tank system for waste water. The existing well will be used and they added a gravel drive to satisfy fire lane issues. The Township Planner stated that notices had been sent to property owners within 300 feet. One call inquiring about the project was received.
- 4) QUESTION/DISCUSSION BY COMMISSIONERS There were questions from the commission regarding peak season, snow removal, lighting, grass parking area, storage, sidewalks, the truck bay, railings, and storm drainage.
- 5) OPEN PUBLIC HEARING TO PUBLIC COMMENT (Any person may speak for up to 3 minutes) Opened Public Hearing at 6:30 pm. There was no public comment.
- 6) CLOSE PUBLIC HEARING TO PUBLIC COMMENT Closed public hearing at 6:31 pm.
- 7) DELIBERATION BY COMMISSIONERS Commission member Witkop stated that this will be a great improvement to the site.
- 8) DISPOSITION BY THE COMMISSIONERS; APPROVE, APPROVE WITH CONDITIONS AND/OR RECOMMENDATION, POSTPONE, DENY. ALL STATED WITH FINDINGS OF FACT, CONDITIONS AND RECOMMENDATIONS.

The Planning Commission having considered the Application, and Exhibits, and the Planning Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The property is located in the C-2 General Commercial zoning district.
2. Site plan and conditional land use approval is required for the construction of any building in the C-2 General Commercial district over 20,000 square feet as required by Section 17.2 of the Long Lake Township zoning ordinance.
3. Processing, assembly and manufacturing is a use permitted by right in the C-2 General Commercial district.
4. The Planning Commission finds that all dimensional standards of the C-2 General Commercial district are met under the proposal.

Moved by Witkop supported by Humitz to approve the General Findings of Fact. Motion carried.

FINDING OF FACT - STANDARDS FOR GRANTING SITE PLAN APPROVAL

Each Site Plan shall conform to the applicable provisions of this Ordinance and the standards listed below:

1. Arrangement of Structure. Site Plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties.
 - a. The Planning Commission finds that this standard has been met in that the new building is interior to the parcel relative to the existing buildings.
2. Natural Features. Site Plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.
 - a. The Planning Commission finds that this standard has been met, as the excavation and tree removal necessary for the extension of the parking area and the expanded septic disposal is limited and will still allow for natural buffers between this site and adjacent properties.
3. Vehicular and Pedestrian Traffic. Site Plans shall fully conform to the driveway and traffic standards of the Michigan Department of

Transportation and the Grand Traverse County Road Commission. Further, the Site Plan shall demonstrate that there is proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured. Manufactured housing communities, multifamily developments, shopping centers and/or office parks are not exempt from providing interior roads for vehicular and pedestrian access to abutting properties.

- a. The Planning Commission finds that the applicant has submitted the site plan to the Rural Fire Department for its review of emergency access.
- b. The Planning Commission further finds that both the visitor and employee pedestrian accesses to the building are blocked by proposed parking spaces; this standard can be met if these spaces are removed or reconfigured.

4. Public Safety. Site Plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the Grand Traverse County Construction Code.

- a. The Planning Commission finds that the applicant has submitted the site plan to the Rural Fire Department for its review of emergency access and subject to their final review, this standard has been met.

5. Drainage. Site Plans shall fully conform to the Grand Traverse County Drain Commission standards.

- a. The Planning Commission finds that this standard is met because the applicant has provided on site storm retention and has indicated that all applicable standards have been met subject to final approval by the Drain Commissioner.

6. Erosion. Site Plans shall fully conform to the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance.

- a. The Planning Commission finds that this standard is met because the applicant has indicated that all standards of the soil erosion control ordinance are met, subject to obtaining a final soil erosion permit.

7. Hazardous Waste Management. Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.

a. The Planning Commission finds that this standard is met because no hazardous substances will be used in conjunction with this use.

8. Public Health. Site Plans shall fully conform to the requirements of the Michigan Department of Public Health and the Grand Traverse County Health Department.

a. The Planning Commission finds that this standard has been met, as the applicant is working with all impacted agencies in the design of the water and septic systems.

9. Statutory Compliance. Site Plans shall fully conform to all applicable state and federal statutes.

a. The Planning Commission finds that this standard is met, subject to receipt of copies of permits and reviews by all affected agencies.

10. Conformance with Township Master Plan. Site Plans shall fully conform to the land use policies, goals and objectives of the Long Lake Township Master Plan.

a. The Planning Commission finds that this light industrial use is consistent with the policies for the area as stated in the Long Lake Township Master Plan.

Moved by Witkop supported by Tobin to approve the Findings of Fact - General Standards for Granting Site Plan Approval. Motion carried.

FINDINGS OF FACT - General Standards for a Conditional Land Use Under Section 19.01.3

1. A Conditional Land Use shall be harmonious with and in accordance with the goals, objectives and policies of the Township Master Plan.

a. The Planning Commission finds that this standard is met as the proposal is consistent with Goal 15 of the Master Plan, "*businesses in the Township will be clean and economically viable corporate citizens located in well defined commercial areas and the village centers in support of the Comprehensive Plan goals.*"

b. The Planning Commission finds that this standard is met as the proposal is consistent with Goal 16 of the Master Plan, *“M-72 will be characterized by sustainable light industrial growth which is integrated into the area’s natural features, aesthetically attractive, and supported by necessary utilities.”*

2. A Conditional Land Use shall be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

a. The Planning Commission finds that the uses in the vicinity include commercial business and vacant farmland; the use is along M-72 and within the General Business district. The Planning Commission finds that the use is consistent with the character of the general vicinity and will not change the character of the area.

3. A Conditional Land Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

a. The Planning Commission finds that there are no noises, activities, or processes that will be conducted on site that are disturbing to the existing or permitted uses in the vicinity.

4. A Conditional Land Use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

a. The Planning Commission finds that the use proposed will not require public services, schools, or roads in excess of that associated with other uses in the area.

b. The Planning Commission further finds that the use proposed is provided with adequate water and sewer and refuse disposal.

5. A Conditional Land Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

a. The Planning Commission finds that the use will have negligible fiscal or economic impact on the Township or the community.

6. A Conditional Land Use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

a. The Planning Commission finds that the proposed use will not involve any activities or materials that will be detrimental to the general welfare due to excessive traffic, noise, vibration, smoke, glare or odors because almost all activities will be conducted off site and the on site activities are not associated with these impacts.

7. A Conditional Land Use shall be designed, constructed and maintained so as to ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

a. The Planning Commission finds that this standard is met because the applicant proposes limited tree removal in order to maintain a natural tree buffer around the perimeter of the site.

b. The Planning Commission further finds that this standard is met because the applicant has limited non porous parking area to the extent practical by using a grassy parking area for seasonal employee use.

Moved by Witkop supported by Hoffman to approve the Findings of Fact -General Standards for a Conditional Land Use Under Section 19.01.03. Motion carried.

Standards for a Building with Excess Floor Area under SECTION 19.11.2

1. Buildings in excess of twenty thousand square feet may be subject to additional screening and/or setback requirements to relieve the impression of excessive mass for the immediate vicinity.

a. The Planning Commission finds that due to the natural buffering around the property and the lack of visibility of the site from M-72, compliance with additional setbacks or buffering is not necessitated.

2. The Planning Commission may require the preparation of accurate perspective renderings and sight-line cross sections into and through a prospective development to provide an accurate impression of the scale and compatibility of the proposal with existing structures and within the context of existing development in the vicinity.

a. The Planning Commission finds that the applicant has provided building elevation drawings and additional site renderings [Attachment A, Page 6].

b. The Planning Commission further finds that due to the variation in roof lines and heights, and the breaking up of the building facades with windows and doorways, the impact of the large building is minimized.

c. The Planning Commission further finds that the building will not be easily visible from adjacent properties or from M-72, minimizing the potential impact of the expansive building.

Moved by Witkop supported by Humitz to approve the Findings of Fact –Standards for a Building with Excessive Floor Space under Section 19.11.2. Motion carried.

DECISION

Upon motion, seconded and passed, the Planning Commission GRANTS the Applicant's requested site plan approval for establishment of a food processing, packaging and shipping facility, with a building in excess of 20,000 square feet, subject to the express conditions specified below.

1. Addition of a note to the site plan stating that no materials, equipment, or product will be stored or displayed outside and all processing will be conducted within the building.

2. Addition of notations/corrections on the site plan addressing the dumpster fencing materials and the entrance driveway surface material.

3. Alteration of the site plan to better accommodate pedestrian access at the two entranceways to the extent practical and possible.

4. Subject to favorable review by all outside agencies and conditions of those approvals.

5. Applicant to pay into the Fire Suppression Fund or provide a water storage tank.

6. Addition of notation to the site plan stating that the asphalt on the side walk is flush to meet ADA requirements and the installation of safety railings in the truck bay and elevated sidewalk.

Moved by Humitz supported by Witkop approve the decision with conditions. Motion carried.

9. PENDING BUSINESS

A) DISCUSSION ON COVERAGE RATIOS

- 1) PRESENTATION BY STAFF : The Township Planner stated that she has checked with other townships that have smaller lot rate coverage and how it is working for them. Acme Township, as an example, does not have an issue with lot rate coverage. She also spoke with Jay Kilpatrick regarding the reason for the percentage stated in the new ordinance. Mr. Kilpatrick stated that the Planning Commission started with 20% that included impervious surfaces and that they told by staff that there would be few non-conforming lots in the township. She also spoke regarding Gross Lot Coverage versus Net Lot Coverage.
- 2) DISCUSSION BY COMMISSIONERS: There was discussion regarding building relief into the ordinance so that if certain conditions are met, applicants may increase lot coverage without having to get a variance. There was also discussion regarding adding an additional burden to the residents, and watching the impact of development on the lake. There was discussion regarding meeting setbacks versus lot coverage rates.
- 3) DECISION AND DIRECTION BY COMMISSIONERS TO STAFF: The Commission would like the Planner to look at using a sliding scale and to get a definition of an impervious surface. The Planner stated that she will do a few sample cases using the sliding scale.

10. NEW BUSINESS

A) DISCUSSION OF TEMPORARY USES

- 1) PRESENTATION BY STAFF: The Township Planner stated that at the January meeting the Commission approved a temporary use for Wilhelm Landscaping and that this particular type of use is not covered in the Zoning Ordinance. She recommended that these uses go to the Zoning Administrator for a permit.
- 2) DISCUSSION BY COMMISSIONERS: There was discussion regarding time limits on permits, traffic control, restroom facilities, and how the primary use will help determine the length of time the temporary use is allowed.
- 3) DECISION AND DIRECTION BY COMMISSIONERS TO STAFF
The Township Planner will work on definitions and standards and bring to the next meeting.

11. PUBLIC COMMENT (Any person may speak for up to 3 minutes) There was no public comment.

12. REPORTS

A) PLANNERS MOMENTS – Technical Difficulties

B) PLANNER: The Planner's report was submitted. The Planner distributed Zoning Ordinance replacement pages for the new amendments that take effect today. She also reported that Cherry Republic will be submitting an application for tax abatement.

C) ZONING ADMINISTRATOR: The Zoning Administrator's report was submitted. The Zoning Administrator reported that land use applications are down, there will be a ZBA case for March and two for April.

D) TOWNSHIP BOARD REPRESENTATIVE: Township Clerk Hoffman reported that the Fire Department transition is going well, and that they are retrofitting the wildfire truck. She also spoke regarding the Community Assist Stewardship Program, Revenue Sharing, Fireworks Displays vs. Laser Light Programs, and stated that there will be no Spring Clean Up this year.

E) ZONING BOARD OF APPEALS REPRESENTATIVE: No meeting in January.

13. CORRESPONDENCE: There was no correspondence.
14. COMMISSIONERS COMMENTS: There were no comments.
15. ADJOURNMENT: Moved by Witkop supported by March to adjourn at 7:54pm.
Motion carried.

JOY TOBIN, SECRETARY
LONG LAKE TOWNSHIP PLANNING COMMISSION

LYNETTE FERMAN, RECORDING SECRETARY
LONG LAKE TOWNSHIP PLANNING COMMISSION

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ADOPTION.

DRAFT