

MINUTES
LONG LAKE TOWNSHIP PLANNING COMMISSION
8870 N. LONG LAKE ROAD
TRAVERSE CITY, MI 49684

REGULAR MEETING

TUESDAY, SEPTEMBER 28, 2010

1. CALL TO ORDER: The meeting was called to order by Chairman Cuthbert at 6:00 p.m. at the Long Lake Township Hall

The Pledge of Allegiance was recited.

2. COMMISSIONERS PRESENT: Robert Verschaeve, Mike Witkop, Michelle Marsh, Joy Tobin, Pam Cuthbert, Mark Humitz, and Carol Hoffman.

Township staff present was Leslie Sickterman, Township Planner, Sara Kopriva, Zoning Administrator, and Lynette Ferman, Recording Secretary.

Eight members of the public were present.

3. APPROVAL OF AGENDA: Chairman Cuthbert recommended moving "New Business Item "A" ahead of "Pending Business". Moved by Witkop, supported by Hoffman, to approve the Agenda with the change. Motion carried.

4. CONFLICT OF INTEREST STATEMENT: There was none.

5. APPROVAL OF MINUTES: AUGUST 24, 2010 (REGULAR MEETING)
Hoffman, supported by Tobin, to approve the Minutes of the August 24, 2010 regular meeting with the following changes:

Item 11: Add "One size does not fit all when making regulations." to Public Comment from John Tobin.

Item 12C.: Should read Ron Albers.

Motion carried.

6. BRIEF PUBLIC COMMENT (Any person may speak for up to 3 minutes). There was none.

7. POSTPONED BUSINESS: There was none.

8. PUBLIC HEARINGS:

A) DAN BRADY (OWNER), 2025 E. LONG LAKE ROAD, TRAVERSE CITY, MI 49685. PURPOSE: CLU 09-10-02 AND SPR 09-10-03, REQUEST FOR A CONDITIONAL LAND USE APPROVAL AND A SITE PLAN REVIEW FOR A MAJOR HOME OCCUPATION CONSISTING OF INTERIOR AND EXTERIOR PAINTING OF RESIDENTIAL HOUSES AND COMMERCIAL BUILDINGS WITHIN AN LDR LOW DENSITY RESIDENTIAL DISTRICT, AS PER THE REQUIREMENT OF ARTICLE 10 – LDR LOW DENSITY RESIDENTIAL DISTRICT, SECTION 10.2.4, CONDITIONAL USES, ARTICLE 19 – CONDITIONAL LAND USES, SECTION 19.28, HOME OCCUPATION, MAJOR, AND ARTICLE 24 – SITE PLAN REVIEW, OF THE LONG LAKE TOWNSHIP ZONING ORDINANCE #109. PROPERTY DESCRIPTION: PROPERTY ID. NO. 28-08-023-026-00, THAT PART OF THE SOUTHEAST QUARTER OF SOUTHEAST QUARTER SECTION 23, TOWN 27 NORTH, RANGE 12 WEST, LONG LAKE TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER THEREOF: THENCE WEST ON SECTION LINE, 359.00 FEET; THENCE NORTH 00 DEG 57'45" WEST, 401.72 FEET; THENCE NORTH 89 DEG 47'30" EAST, 359.00 FEET; THENCE ALONG SECTION LINE SOUTH 00 DEG 57'45" EAST, 403.07 FEET TO THE POINT OF BEGINNING, SUBJECT TO HIGHWAY RIGHTS OF WAY ON THE SOUTH 33 FEET AND THE EAST 33 FEET OF THE ABOVE PARCEL, PROPERTY ADDRESS SAME AS OWNER ABOVE. THIS PARCEL IS LOCATED IN AN LDR – LOW DENSITY RESIDENTIAL DISTRICT.

The Township Planner stated that this case falls under Major Home Occupation which is a provision in the new Zoning Ordinance and recommended approval with the following conditions:

- 1.) No outdoor storage.
- 2.) Only one trailer and one other work vehicle to be parked outdoors.
- 3.) No storage of hazardous material.
- 4.) Employee parking and dumpster to stay in their current location.
- 5.) Hours of operation 7:00 am to 9:00 pm.
- 6.) Any other business to be conducted indoors.
- 7.) Additional landscaping and fencing to be added within one year.

There was discussion regarding parking in the front yard setback, screening, and the desire for a more detailed site plan.

The Commission added the following conditions to the Staff Recommendation:

- 1.) No parking in the front yard setback.
- 2.) Fencing shall be in accordance with Section 4.12.

The Public Hearing was opened at 6:33 pm. A member of the public asked whether Mr. Brady will continue to store other work vehicles at a different location. Mr. Brady stated that he will not be storing work vehicles elsewhere. The Public Hearing was closed at 6:35 pm.

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

Moved by Witkop, supported by Humitz, to approve the Findings of Fact according to the Zoning Ordinance. [Findings of Fact is attached to and part of these Minutes] Motion carried.

9. NEW BUSINESS:

A.) REQUEST FOR TAX ABATEMENT CERTIFICATE BY EDWARD GIRRBACH, PROPERTY ID 28-08-002-001-10, COMMONLY ADDRESSED AS 6806 EAST TRAVERSE HWY, TRAVERSE CITY, MI 49685. THIS PARCEL IS LOCATED WITHIN A GENERAL BUSINESS DISTRICT.

The Township Planner stated that this request did not meet the 100 points needed to receive a six year tax abatement, however there is a provision in the Township's tax abatement policy that allows the Township to grant worthy applicants that have not earned 100 points up to a three year tax abatement.

The applicant spoke regarding the local products his company uses.

There was no public comment.

There was discussion regarding granting a one year abatement versus a three year abatement, the point system, and the value of real and personal property.

Moved by Tobin, supported by Witkop, to recommend approval of a three year tax abatement to the Township Board. Motion carried.

10. PENDING BUSINESS

A) ZONING ORDINANCE REVIEW ON LAKEFRONT STANDARDS

The Township Planner spoke regarding Green Lake and East Bay Townships' Ordinances in reference to waterside decks. There was discussion regarding the enforceability of the native vegetation requirement, defining native and natural vegetation, and incorporating the Watershed Plan into this section of the Ordinance. The Planner will bring the revised language to the next meeting.

B) PLANNER'S MOMENTS

The subject of this presentation was affordable housing and the regulatory barriers involved.

11. PUBLIC COMMENT: There was none.

12. REPORTS:

A.) PLANNER report was received. Sickterman reported that the new Zoning Ordinance does not address kennels as part of a veterinary office and recommended amending the Ordinance. The Planning Commission directed the Planner to prepare draft regulations for their review.

B.) ZONING ADMINISTRATOR report was received. Kopriva reported that she has been very busy writing Land Use Permits the past few days. She also reported that there is a new six bed AFC home in the Township and stated that the Township has no control over AFC homes. She stated AFC homes are treated as a single family home.

C.) TOWNSHIP BOARD REPRESENTATIVE report was received. Hoffman reported on the upcoming General Election. She also stated that the parks brochure is in final review and that the Township is reviewing the Parks and Rec Plan.

D.) ZONING BOARD OF APPEALS REPRESENTATIVE Humitz reported that there was no ZBA meeting last month.

13. CORRESPONDENCE: There was none.

14. COMMISSIONERS COMMENTS: There were none.

15. ADJOURNMENT: Witkop, supported by Tobin, to adjourn at 7:45 p.m.

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.

PLANNING COMMISSION

DECISION

Applicant: Dan Brady Painting & Wood Restoration Home Occupation

Hearing Date: September 28, 2010

PROPERTY DESCRIPTION

The property of Dan Brady, described as:

Parcel ID # 28-08-023-026-00 hereinafter referred to as the "property."

APPLICATION

The Applicant seeks approval of the following: site plan approval and conditional land use permit for a major home occupation.

The Planning Commission having considered the Application, having heard the statements of the Applicant, having considered Exhibits including the site plan and the application, 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 Low Density Residential zoning district.
2. A major home occupation is allowed following conditional land use permit approval in the Low Density Residential zoning district.

FINDINGS OF FACT UNDER THE ZONING ORDINANCE

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 can be met with the inclusion of screening as discussed below.
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 no changes to existing natural features are proposed.
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 this standard is met because the site plan provides for adequate circulation and parking for this home occupation.
 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 proposes a use that does not pose a public safety risk and that no hazardous substances will be stored on site.
 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 no changes are proposed to the site drainage patterns.
 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 does not propose any changes that will impact soil erosion.
 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 the applicant proposes the use of no hazardous materials in association 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 because this use is not regulated by the department of public health.
 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.

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 standard is met.

General Standards for a Conditional Land Use Under Section 19.1.3

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.

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 single family residential, and several uses that have higher volumes of visitors such as a church, a legally nonconforming restaurant, and an agri-business currently under construction. Further, the Planning Commission finds that the use is located at the corner of two major county roads. 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.

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.

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.

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.

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 onsite activities are not associated with these impacts.

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 will not be significantly altering the site and any changes in screening to the site will only minimally impact the natural environment.

Standards for a Major Home Occupation under SECTION 19.28 HOME OCCUPATION, MAJOR

1. The operator of a proposed home occupation shall submit an operational plan for the home occupation in conjunction with the application for a Land Use Permit. The operational plan shall provide the following information:
 - The hours the home occupation will operate.
 - A description of employee parking and workforce staging plans.
 - A site plan in accord with Article 24.
 - A description of the shipping and delivery requirements of the home occupation.
 - A description of any material used in the home occupation which will be stored on the premises.
 - a. The Planning Commission finds that this standard is met as all of the information has been provided.
2. The on site activities associated with the home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home occupation or within an outdoor area which is screened from view off site by fencing in accord with Section 4.11 hereof, or evergreen landscaping.
 - a. The Planning Commission finds that this standard can be met if the employee parking area and the vehicle storage area are fully screened with fencing and landscaping.
3. The activities of the home occupation shall be operated in such a manner that normal residential activities of the area, under normal circumstances, would not be negatively impacted.
 - a. The Planning Commission finds that due to the hours of operation, the number of on site employees, the screening of all outdoor vehicle storage and parking areas, and the use of non-hazardous materials, this standard is met.

4. In addition to the occupants of the residence and not more than two (2) nonresident employees, a home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
 - a. The Planning Commission finds that this standard is met because there is one nonresident employee that works on site and the remaining employees work at the customer work sites.
5. The Planning Commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.
 - a. The Planning Commission finds that this standard is met as no outdoor storage of materials or scrap is proposed and conditioned on the limitation and full screening of other storage and parking areas.
6. Not more than one (1) vehicle associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) vehicles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
 - a. The Planning Commission finds that this standard is met because the no new parking areas have been constructed for this use.
7. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation shall not involve the generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 - a. The Planning Commission finds that this standard is met because most of the paints used by the applicant are latex paints. Some paints that are oil-based are used and minimal amounts of solvents for clean up are occasionally stored on the premises and are substances readily available to the general public.
8. Any change in the nature or activities of a major home occupation shall be regarded as a new home occupation and shall require a new application, subject to this Section 19.28.
9. Failure to fulfill the terms of the approved home occupation, the site plan, and its attachments, shall be grounds for revocation of Planning Commission approval of a major home occupation.

DECISION

Upon motion, seconded and passed, the Planning Commission GRANTS the Applicants' requested approval for a change in use and site plan review for a major home occupation.

CONDITIONS

1. No outdoor storage of any materials or equipment.
2. One business truck may be parked in the driveway. Additional business trucks and trailers to be stored along the east side of the pole building, or indoors. This vehicle storage area east of the pole building to be fully fenced in within one year of issuance of the conditional land use permit.
3. No storage of hazardous substances in compliance with Section 19.28.7 of Long Lake Township Zoning Ordinance.
4. All employee parking associated with the home occupation and the trash dumpster to be located within the designated parking area on the east side of the residence. This parking area to be screened with (a) additional landscaping along East Long Lake Road and (b) either landscape screening or a fence along the south side of the driveway; both (a) and (b) to be installed within one year of issuance of the conditional land use permit.
5. Hours of operation to be limited to between the hours of 7 am and 9 pm daily.
6. Any other activities associated with the home occupation shall be conducted indoors.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

September 28, 2010



Chairperson



Secretary