

BLAIR TOWNSHIP PLANNING COMMISSION
APPROVED MINUTES

May 19, 2021

A. CALL TO ORDER

The Blair Township Planning Commission meeting of May 19, 2021 was called to order by Chairman Heim at 6:00 pm. The meeting was held in the Blair Township Hall Meeting Room and there were nine attendees from the public.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

Present at roll call: Heim, Fitzpatrick, Lombard, Nickerson, Boeve, Clous, Wagner. Also present: Zoning Administrator Lisa Guerrieri, Recorder Susan Kase.

D. PUBLIC INPUT

There was no public input.

E. APPROVAL OF AGENDA

Motion by Fitzpatrick, seconded by Wagner to approve the agenda. **Yes:** Nickerson, Heim, Wagner, Lombard, Fitzpatrick, Clous, Boeve. **No:** None **Motion carried.**

F. DECLARATION OF CONFLICT OF INTEREST

None stated.

G. MINUTES

Motion by Wagner, seconded by Fitzpatrick to approve the minutes for the April 21, 2021 meeting. **Yes:** Heim, Lombard, Nickerson, Clous, Wagner, Fitzpatrick, Boeve. **No:** None **Motion carried.**

H. CORRESPONDENCE

Zoning Administrator, Lisa Guerrieri stated there were two items of correspondence received; a letter from Haggard's Plumbing in support of the #SU/SPR 21-05-02 application and a letter received from Long Lake Township indicating the Notice of Intent to Conduct Master Planning.

I. PRESENTATIONS

There were no presentations.

J. NEW BUSINESS

1. Special Use/Site Plan Review Case SU/SPR#21-05-01: Applicant, Legacy Distillers, Inc. is requesting a Special Use/ Site Plan Review to establish a distilled spirits manufacturing facility in an existing 5,000 SF building at property located at 4207 Eagles Fly South, Traverse City, MI 49685, parcel #28-02-692-020-00.

Chairman Heim stated that the Special Use review will be guided by the Standards of the Ordinance under Section 22.04. The Special Use application will have final approval by the Blair Township Board of Trustees upon recommendation of the Planning Commission to approve the Special Use.

Chairman Heim opened the Public Hearing at 6:05 p.m.

The applicant was represented by Bill Crain of Crain Engineering. Carolyn Weeks, one of the applicants, was also present. Mr. Crain described the site plan that would inhabit Unit 20 of the Stafford Ranch Barns site condominiums, a 50' x 100' structure housing the distilling process inside the building. There are five parking spaces shown on the site plan and there would be two employees. There would be no patrons visiting this site. Chairman Heim asked Lisa Guerrieri for comments from the Staff Report. Lisa stated that the plan is for a distillery only, and that the Tasting Room is in downtown Traverse City. Under Special Use Section 10.04 light manufacturing uses are permitted.

Commissioner Boeve asked if a distillery emits odors. Ms. Weeks said there are no odors. Commissioner Lombard asked what type of grain(s) will be used. Ms. Weeks answered that it is a mash from potatoes, corn, and other grains. Commissioner Wagner asked if there was adequate space from the parking to the street. Bill Crain clarified that the side of the building will have parking.

Jason Tamm, 5447 Curtis Road, Traverse City, MI 49685 addressed the meeting with a question on the waste produced in the distilling process. Ms. Weeks replied that there is not a large waste product created during the distilling process and that it will be contained in tubs. The tubs will remain inside the building.

Chairman Heim closed the Public Hearing at 6:16 p.m.

Chairman Heim opened the discussion to the Commissioners. Commissioner Lombard said he was surprised by the location of a distillery in a storage unit. Mr. Crain stated that Stafford Ranch Barns site condominiums have done a great job with landscaping the property.

Chairman Heim considered the Standards for Approval for the Special Use and referenced them as listed below.

Section 22.04 Standards for Approval

1. The Planning Commission shall review the particular circumstances and facts related to each proposed special use application in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:

- a. Will be harmonious with and in accordance with the general objectives of the Master Plan.
- b. Will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and the natural environment so that the use will not change the essential character of that area.
- c. Will not be hazardous or disturbing to existing or future neighboring uses.
- d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
- e. Will be served adequately by essential public services and facilities, such as highways, roads, drainage structures, police and fire protection, and refuse disposal; or the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately for such services.
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

Motion by Lombard, seconded by Clous to recommend to the Blair Township Board of Trustees to **approve Case SU #21-05-01** as **presented** because it has met the Standards for Approval as required in Section 22.04 A through G of the Blair Township Zoning Ordinance. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None. **Motion carried.**

Chairman Heim moved on to the Site Plan Review, **#SPR 21-05-01**, for the same applicant. The Standards for Approval are 21.03. Chairman Heim asked if the building is under construction. Mr. Crain confirmed that it is. At present, it is a 50' x 100' box. Legacy Distillers purchased the building. Ms. Weeks said it will have a small office. Commissioner Fitzpatrick asked how many barrels will be used in the distilling process. Ms. Weeks answered that there will be 12 barrels for aging.

Chairman Heim asked the Commissioners to review the Standards for Approval, listed below, before taking further action.

Section 21.03 Standards for Approval (Amendment 104-05-08-05, Effective January 29, 2009)

A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:

1. That the proposed use will not be detrimental to the adjacent property or the surrounding neighborhood, including properties located in adjacent municipalities.
2. For all roads governed under this Ordinance, there shall be a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic. Public roads are not governed by this Ordinance.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.
4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.
5. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearance of the neighborhood.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. Site plan approval may be conditioned upon the applicant providing evidence that the necessary permits have been applied for. A land use permit shall not be issued until the Zoning Administrator receives a copy of the required permit(s).
9. The Planning Commission may require additional landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the use to which they are appurtenant.
10. The Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Clerk.
11. Where the Township has adopted a specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities, and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township Plan.

Motion by Fitzpatrick, seconded by Nickerson to approve Case SPR #21-05-01 with the following condition: 1, that the Special Use Application is approved by the Blair Township Board of Trustees. The site plan with the condition will have met the Standards for Approval as required in Section 21.03 #1 through #11 and is a use permitted in the Commercial Zoning District of the Blair Township Zoning Ordinance. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None **Motion carried.**

2. Special Use/Site Plan Review Case # SU/SPR 21-05-02: The applicant, Silver Lake Building Condo's LLC, is requesting a Special Use/ Site Plan Review to establish a 46-unit commercial storage building development on vacant property located at S. West Silver Lake Road, Traverse City MI 49685, parcel # 28-02-007-033-02, North of US 31 S and South of Curtis Road, Section 7 T26N R11W.

Chairman Heim opened the Public Hearing at 6:26 p.m.

Bill Crain, Crain Engineering, represented the applicants. He described the property as north of the Shell Gas Station and south of Curtis Road. It currently is proposed as 36 units. At present there is no water main, however the water main will be extended from Shooter's. The interior loop of the storage building development will have fire hydrants for emergency services. Each unit will have water and sewer. The plan is for a variety of sizes of storage units to be made available. Storm water control on the property is being planned with the road commission. Landscaping is shown as both new and existing. The property will have a 50 foot setback from West Silver Lake Road.

Commissioner Fitzpatrick asked if the construction will be in phases. Mr. Crain responded that the units on the south side will be built out first and depending on sales the construction will continue. The northern side of the property will require a land division, as the land is currently owned by the Ukrainian Church. The Church will sell the five acres needed to reach the Site Plan total acreage of 10.9 acres.

Chairman Heim reviewed the application and summarized the details per Section 10.04, # 2, Uses permitted by Special Use for Mini Warehouses or Self-Storage facility. The parcel is zoned Commercial, CM; the parcel is 10.9 acres; access to the property is from a paved road; there are 46 proposed buildings of various dimensions with no structure exceeding 5,000 SF; the landscaping is compliant; exterior lighting is compliant; no trash dumpster is required as there is no trash service noted on the site plan; no parking spaces are required. All standards were met per the following.

Section 18.29 Mini-Storage Warehouses

1. Minimum lot area shall be three (3) acres.
2. The lot shall be accessed from a paved roadway.
3. The minimum distance between self-storage buildings within the same lot shall be fifteen (15) feet, as measured from side to side, or front to rear, or equal to the building height, whichever is greater.
4. A landscape buffer with a minimum width of ten (10) feet shall be provided between the property line and road right-of-ways, adjacent residential uses, or residential zoning districts. The landscaping shall comply with the requirements in Section 16.05.

5. No structure that houses individual storage units shall exceed five thousand (5,000) square feet in area.

Chairman Heim asked for Public Comment.

Jason Tamm, 5447 Curtis Road, Traverse City, MI 49685 addressed the Commissioners. He stated that in his opinion Blair Township has enough storage units.

Michael O'Brien, 5447 Curtis Road, Traverse City, MI 49685 added that the Planning Commission has received multiple applications over the past two years for storage unit developments. He asked how much storage does Blair Township need. He asked if the community benefits from these types of businesses. He asked about the consequences if these storage units face bankruptcy.

Mary Butler, 5471 Curtis Road, Traverse City MI 49685, stated that she did not understand why Blair Township needs more storage unit developments. She stated that this is a nice property and questioned the loss of open space and trees in the township.

The Commissioners were reminded of the letter from Haggard's Plumbing in support of the application.

The Public Hearing was closed at 6:49 p.m.

Chairman Heim asked for discussion by the Commissioners on this Special Use Application.

Commissioner Lombard reflected on an application from two years ago for a storage unit development that was denied. Lisa Guerrieri stated that per the old Master Plan that application was denied because the area was designated for office and retail businesses. Commissioner Wagner asked if there would be any employees associated with this development. Mr. Crain responded that the condominium association would control the lawn mowing, trash removal and enforcing condo regulations. Commissioner Boeve asked if the prior application was a storage facility. It was a mini-storage facility. This application is a site condominium development, the difference being that the mini-storage facility is leased, and the site condominiums are sold.

Chairman Heim asked for action on the Special Use application with regards to the following Standards for Approval.

Section 22.04 Standards for Approval

1. The Planning Commission shall review the particular circumstances and facts related to each proposed special use application in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:

a. Will be harmonious with and in accordance with the general objectives of the Master Plan.

- b. Will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and the natural environment so that the use will not change the essential character of that area.
- c. Will not be hazardous or disturbing to existing or future neighboring uses.
- d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
- e. Will be served adequately by essential public services and facilities, such as highways, roads, drainage structures, police and fire protection, and refuse disposal; or the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately for such services.
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

Motion by Lombard, seconded by Nickerson to recommend to the Blair Township Board of Trustees to **approve Case SU #21-05-02** as **presented** because it has met the Standards for Approval as required in Section 22.04 A through G of the Blair Township Zoning Ordinance. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None. **Motion carried.**

The Site Plan Review for Case **SPR# 21-05-02** was next. Chairman Heim asked for feedback from the Commissioners on any Standards not met for the Site Plan Review, per the following:

Section 21.03 Standards for Approval (Amendment 104-05-08-05, Effective January 29, 2009)
A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:

1. That the proposed use will not be detrimental to the adjacent property or the surrounding neighborhood, including properties located in adjacent municipalities.
2. For all roads governed under this Ordinance, there shall be a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic. Public roads are not governed by this Ordinance.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.

4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.
5. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearance of the neighborhood.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. Site plan approval may be conditioned upon the applicant providing evidence that the necessary permits have been applied for. A land use permit shall not be issued until the Zoning Administrator receives a copy of the required permit(s).
9. The Planning Commission may require additional landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the use to which they are appurtenant.
10. The Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Clerk.
11. Where the Township has adopted a specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township Plan.

Chairman Heim asked for action on the Site Plan Review application.

Motion by Fitzpatrick, seconded by Clous to approve Case SPR #21-05-02 with the following condition: 1, that the Special Use Application is approved by the Blair Township Board of Trustees. The site plan with the condition will have met the Standards for Approval as required in Section 21.03 #1 through #11 and is a use permitted in the Commercial Zoning District of the Blair Township Zoning Ordinance. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None **Motion carried.**

3. Discussion on proposed Ordinance Amendments - to discuss accessory wall height and storage units.

Proposed Change: Accessory Wall Height

Section 16.01 Accessory Structure, Paragraph 5. The Commissioners discussed the attributes of two proposed paragraphs, the first paragraph leaving the height undefined and the second paragraph defining the maximum height of sixteen (16) feet. Commissioner Clous preferred the first paragraph draft as it does not define the height. Commissioner Nickerson modified the second paragraph draft to read eighteen (18) feet.

Motion by Nickerson, seconded by Boeve to hold a Public Hearing to amend the Zoning Ordinance 16.01, paragraph 5 to read. "A detached accessory structure in residential district shall not exceed the maximum height for the district; however, the vertical exterior surface of the building, not forming a part of the roof, shall not exceed a height of eighteen (18) feet measured from grade to the top plate of the wall. **All Yeas.**

Proposed Change: Storage Units

Article 10, CM, Section 10.04, 2. ~~Mini-warehouse self-storage facility~~

Article 12, IS, Section 12.04, 10. Mini warehouse (self-storage facility)

On advisement of the Township attorney, an amendment of the ordinance is preferred as a moratorium is only effective for six months. The use of storage facilities will be removed from the Commercial/Manufacturing District and placed under the Industrial Storage Overlay as a Special Use.

Motion by Clous, seconded by Nickerson to hold a Public Hearing to amend the Zoning Ordinance, deleting 10.04, #2 and adding it to 12.04, #10. **All Yeas.**

K. Unfinished Business

None

L. Reports

- 1) Zoning Administrator – the water main will be great for businesses; the entire cost is being borne by the Developer.
- 2) Town Board Representative – Dennis Fitzpatrick reported that the Board is working on the Employee Handbook and Code of Conduct Guidelines.
- 3) Zoning Board of Appeals Representative – there was no meeting.
- 4) Trails – no report

M. Any Other Business

There was none.

N. Public Input

There was none.

O. Adjournment

Motion by Clous, seconded by Nickerson to adjourn the meeting at 7:42 p.m. **All Yeas.**

Motion carried.

Respectfully submitted, Susan Kase, Recorder