

BLAIR TOWNSHIP PLANNING COMMISSION
APPROVED MINUTES

April 21, 2021

A. CALL TO ORDER

The Blair Township Planning Commission meeting of April 21, 2021 was called to order by Chairman Heim at 6:00 pm. The meeting was held both live in the Blair Township Hall Meeting Room and via Zoom.

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, Tracie Campbell monitoring Zoom presentation; Matt Jerome, Zoning Enforcement Officer. Bill Crain of Crain Engineering was representing tonight's applicant. Per Tracie Campbell, there were no attendees via Zoom.

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

Chairman Heim noted that the "Standards for Approval, Section 22.04 to be applied to a Special Use request" on page five should be moved to page six prior to Chairman Heim asking for action on the Special Use application. **Motion by Wagner, seconded by Nickerson** to approve the minutes for the March 17, 2021 meeting with the one correction. **Yes:** Heim, Lombard, Nickerson, Clous, Wagner, Fitzpatrick, Boeve. **No:** None **Motion carried.**

H. CORRESPONDENCE

Zoning Administrator, Lisa Guerrieri stated there was not correspondence received.

I. PRESENTATIONS

There were no presentations.

J. NEW BUSINESS

1. Special Use/Site Plan Review Case SU/SPR#21-04-01: Applicant, Action Water Sports, is requesting a Special Use/Site Plan review to establish a six-building storage facility for boats/marine vehicles on vacant property located at Nimrod Road, Traverse City MI 49685, parcel #28-02-016-017-30.

Chairman Heim stated that the Special Use review will be guided by 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. Mr. Crain summarized the Site Plan as a summer and winter storage facility for marine vehicles. Six buildings are proposed, all cold storage, with construction to be completed in phases. Phase I at an estimated cost of \$300,000 is for the first two buildings. Commissioner Boeve commented that this facility appears to be very large for storage purposes. Mr. Crain answered that the applicant ran out of space at their other locations. Action Water Sports stores customers' boats.

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; there are six proposed buildings, all 60' x 196' each; all 16 feet in height; 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.

The EMS review of the site plan resulted in a proposed emergency service drive being added to allow access to the rear buildings for emergency services.

Chairman Heim asked for Public Comment. There was none.

The Public Hearing was closed at 6:14 p.m.

Chairman Heim asked for discussion by the Commissioners on this Special Use Application. The Commissioners had no further comments.

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 Fitzpatrick, seconded by Clous to recommend to the Blair Township Board of Trustees to **approve Case SU #21-04-01** 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.**

The Site Plan Review for Case **SPR# 21-04-01** 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 Wagner to approve Case SPR #21-04-01 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. **Public Hearing Zoning Amendment #104-05-21-01** to amend Ordinance text in sections 10.06, 16.04, 16.23 and 2.02 regarding fences, loading docks, non-conforming structures, and definitions. The Planning Commission's role is to recommend to the Blair Township Board of Trustees to amend or not amend the ordinances under review.

The Public Hearing was opened at 6:21 p.m.

Zoning Administrator Lisa Guerrieri summarized the four amendments; the amendment to ordinance 10.06 would make it easier for large trucks to access loading docks; the other amendments will reduce the confusion surrounding existing ordinance language governing fences, non-conforming structures, and short-term rentals in Blair Township. Ordinance Enforcement Officer Matt Jerome shared his experiences with responding to ordinance violations and enforcing the current ordinances as written.

Chairman Heim asked for public comment. There were no attendees via Zoom per Tracie Campbell.

The Public Hearing was closed at 6:23 p.m.

Commissioner Boeve inquired as to the frequency of complaints of short-term rentals. Lisa Guerrieri and Matt Jerome both commented that there has not been an increase in the number of complaints, but the current language of the ordinance is not specific to the existence and allowance of short-term rentals. This results in numerous phone calls from prospective home buyers and Realtors asking if Blair Township allows short term rentals. An amendment to the ordinance would clarify the status of short-term rentals to all interested parties.

Commissioner Clous asked how the 30-day limitation was arrived upon. Lisa Guerrieri and Matt Jerome said that Township Supervisor, Nicole Blonshine, researched and found resources from other township ordinances. Lisa Guerrieri stated that the intent is to define short-term rentals in Blair Township, not to regulate them. To clarify, Bed & Breakfasts is a Special Use. Short term rentals are not. The 30 days distinguishes a short-term rental from a month-to-month rental.

The discussion moved to non-conforming structures. Chairman Heim used the example of the numerous non-conforming structures on small lots near the Boardman River that do not meet the 100-foot setback from the river. There was much discussion regarding the existence of non-conforming mobile homes, the question if the Zoning Board of Appeals would waive the requirements for rebuilding a small cabin on the river if the original was destroyed, and the various definitions of a “foundation” in terms of 60% replacement costs excluding the foundation.

Motion by Boeve, seconded by Nickerson to recommend to the Blair Township Board of Trustees to **approve** the amendments to Ordinance text in sections 10.06, 16.04, 16.23 and 2.02. **Yes:** Heim, Lombard, Nickerson, Wagner, Fitzpatrick, Boeve. **No:** Clous **Motion carried.**

3. Public Hearing Ordinance Amendment #118-05-21-01 to amend Junk Ordinance to include penalty amounts.

Chairman Heim opened the Public Hearing at 6:42 p.m.

Ordinance Enforcement Office Matt Jerome summarized the proposed amendment, stating that he has repeatedly written ordinance violation tickets to the same individual and nothing is done to clean up the property. After reaching out to other Townships, it was discovered that steeper fines resulted in compliance. This amendment mirrors the Garfield Township ordinance.

There was no public comment, and no attendees on Zoom per Tracie Campbell.

Chairman Heim closed the Public Hearing at 6:48 p.m.

Motion by Nickerson, seconded by Wagner to recommend to the Blair Township Board of Trustees to **approve** the amendment to the Junk Ordinance text. **Yes:** Heim, Lombard, Nickerson, Wagner, Fitzpatrick, Boeve, Clous. **No:** None. **Motion carried.**

4.. Discussion of Proposed Ordinance Amendments

Lisa Guerrieri summarized the current Solar Panel ordinance as pertaining to residential, commercial, roof-mounted installations and not applying to the Solar “Farms” that have recently been installed as in nearby Green Lake Township. As DTE has reached out to Blair Township asking residents to install multiple solar panels, Lisa believes that the Planning Commission should be proactive in preparation for future Special Use/ Site Plan Review applications.

Secondly, the Brewery/Distillery issue will be faced sooner rather than later, as an upcoming applicant is a Brewery. The State Liquor Commission sent a notification to Blair Township officials that an applicant for a liquor license will be located in Blair Township. Lisa Guerrieri will resource local ordinances for guidance, including Peninsula Township with its many wineries and tasting rooms.

Lisa also impressed upon the Commissioners that the ordinance governing wall height of accessory buildings needs to be addressed as soon as possible. The current limit is 14 feet. Many new structures are now built at 16 to 18 feet height to accommodate RVs, boats, and vehicles. Lisa now reviews wall height on all plans submitted for SU/SPR. She reminded the Commissioners that any amendments take 90 days from Planning Commission approval to instatement.

Commissioners Clous and Nickerson asked if it was possible to not regulate the wall height of accessory buildings. Matt Jerome, Ordinance Enforcement Officer, cited an example of a resident building a tall pole barn and the neighbors complained. Commercial zoning allows structures higher than other zoning districts. Matt will draft an amendment addressing no height regulated and one specifying 18 feet in height for review at the next meeting. He will also discuss the proposed amendment with Eric Somsel, Director of Emergency Services.

K. Unfinished Business

None

L. Reports

- 1) Zoning Administrator – none
- 2) Town Board Representative – Dennis Fitzpatrick reported that the Board of Trustees approved the position for a Township maintenance person to be hired; the mapping technology for the cemetery lots was approved; and the Boatcraft application was approved.
- 3) Zoning Board of Appeals Representative – there was no meeting.
- 4) Trails – Commissioner Lombard reported on the many advancements for the Traverse Area Recreational Trails (TART) including the 2021 completion of the Boardman Lake trail by Elmer's, the 2021 completion of the TART trail near Three Mile Road by Elmer's, and Acme Township contributing \$300,000 to connect the TART Trail from Acme to Elk Rapids and Charlevoix. Per the TART annual report, TART raised \$2,463,000 in fiscal 2020, with \$1.2 mm from individual contributors, \$651k from private grants, \$367k from public grants, and the balance from fundraising events. Bicycling is growing in the Grand Traverse Regional area and there could be many recreational opportunities available to Blair Township if grant applications are funded.

M. Any Other Business

There was none.

N. Public Input

There was none.

O. Adjournment

Motion by Fitzpatrick, seconded by Wagner to adjourn the meeting at 7:28 p.m. All Yeas.

Motion carried.

Respectfully submitted, Susan Kase, Recorder