

BLAIR TOWNSHIP PLANNING COMMISSION

DRAFT MINUTES

August 18, 2021

A. CALL TO ORDER

The Blair Township Planning Commission meeting of August 18, 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 two attendees from the public, Fred Campbell attending for SU/SPR 21-08-01 and David Rowe.

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

Commissioner Lombard voiced his opinion that the 11% contribution of Blair Township to its employees' retirement plan per the employee handbook is not in line with other comparable Townships, including Grand Traverse County which contributes 3% to the employee retirement fund.

David Rowe, Attorney, 202 E. State Street, Traverse City, MI 49684, stated he was attending tonight's meeting to express his professional opinion on the proposed Zoning Ordinance amendment Article 16, Section 16.17, #2 Road Maintenance agreement for Private Roads and Drives. Mr. Rowe believes the proposed amendment should exclude site condominium developments as a site condominium association maintains their roads and this amendment would create redundancy. He stated the amendment would conflict with the road maintenance agreement in site condominium bylaws.

Commissioner Boeve asked for feedback on what other townships are doing with regards to road maintenance agreements and site condominium developments.

Mr. Rowe stated that he writes more master plan agreements than other local attorneys and site condominium developments do not need a road maintenance agreement.

E. APPROVAL OF AGENDA

Motion by Wagner, seconded by Nickerson 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 Fitzpatrick, seconded by Nickerson to approve the minutes for the June 16, 2021 meeting. (There was no July meeting). **Yes:** Heim, Lombard, Nickerson, Clous, Wagner, Fitzpatrick, Boeve. **No:** None **Motion carried.**

H. **CORRESPONDENCE**

There was none.

I. **PRESENTATIONS**

There were no presentations.

J. **NEW BUSINESS**

1. **Public Hearing: Special Use Case #SU/SPR 21-08-01:** The applicant, Muffler Man, Jim Christensen, is seeking to establish an auto repair facility to repair mufflers, brakes and other minor repairs in an existing building located at 290 US 31 South – parcel # 28-02-005-005-00.

Chairman Heim stated that the Standards for Approval are Section 22.04 and that the Site Plan Review would be contingent on the Special Use application.

The Public Hearing was opened at 6:09 pm.

Representing the Applicant at tonight’s meeting is Fred Campbell, JML Design Group Ltd., 225 E. Sixteenth Street, Traverse City MI 49684. Mr. Campbell provided the history of this application, including the initial presentation four years ago. After that application was approved, it was discovered that a portion of the existing building was in violation of the zoning ordinance. The applicant appeared before the Zoning Board of Appeals and received approval of the zoning variance request. However, after the zoning variance approval, the applicant decided to remove the non-conforming portion of the building. After many construction delays, the Special Use/Site Plan Review is ready for the Planning Commission. Mr. Campbell stated this franchise will be one of over 320 franchises from the Upper Peninsula to Florida operated by two owners. They have a proprietary construction crew that builds each franchise.

Chairman Heim read the details of the Special Use application, including .88 acres zoned CM, with a 3,150 SF building. It falls under Section 10.04 Automobile Service Stations. All merchandise is in an enclosed building and all repairs are performed within an enclosed building. The landscaping plan, the parking lot and the trash screening all met the requirements.

Chairman Heim asked for Public Comment. There was none.

The Public Hearing was closed at 6:19 pm.

The Standards for Approval for the Special Use are as follows:

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.

Chairman Heim asked for discussion from the Commissioners.

Commissioner Boeve asked Mr. Campbell why they removed the “lean to”, the storage facility that was previously deemed non-conforming. Mr. Campbell answered that they decided to demolish it.

Chairman Heim asked the Commissioners to consider the Standards for Approval, 22.04 in determining any issues with this Special Use application.

Motion by Fitzpatrick, seconded by Clous to recommend to the Blair Township Board of Trustees to **approve** Special Use Case # SU/SPR 21-08-01 **as presented** as it has met the Standards for Approval as required in Section 22.04, A- G of the Blair Township Zoning Ordinance. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None.
Motion carried.

The next step was the Site Plan Review for the same applicant, **SPR 21-08-01**. Chairman Heim asked if there were any deficiencies in the Site Plan. Commissioner Boeve asked Mr. Campbell if there are plans to transition from the private septic and well currently in place to municipal sewer and water. Mr. Campbell confirmed that they will use municipal services going forward.

Chairman Heim asked the Commissioners to consider the Standards for Approval for the Site Plan, 21.03 as follows:

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 Clous, seconded by Wagner to approve Case SPR 21-08-01 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 – 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. Discussion of Zoning Ordinance amendment to private drives, Section 16.17, #2 and Wall Signs in the Commercial District, Section 20.06.

Lisa Guerrieri clarified the proposed changes in the verbiage of the ordinances. David Rowe stated that a Master Deed for a Site Condominium Development will not include a road maintenance agreement because in a site condominium development the bylaws covering the common elements include private roads. Lisa Guerrieri asked what happens when the condominium association is dissolved. David Rowe responded that a condominium association requires the owners to be active participants in condominium governance and that there be adequate reserves.

David Rowe suggested that the verbiage of the amendment be changed to read:

Article 16 General Provisions

16.17 Private Roads and Drives

2. Maintenance Agreement. **Except for Site Condominiums** a maintenance agreement shall be recorded with the Grand Traverse County of Deeds, ~~this agreement shall also be recorded as part of the Master Deed of a condominium project,~~ as a general deed restriction to be recorded against subdivision parcels and metes and bounds parcels created by a land division and a copy of this agreement shall be submitted to Blair Township for their files. The road maintenance agreement shall provide as a minimum:

David Rowe stated that he was interested in developing good policy for Blair Township as well as providing services to several of his clients who are site condominium developers.

The discussion moved to wall signage. Currently, pole signage limits are based on the size of the parcel. Wall signage limits are based on the size of the building/wall.

ARTICLE 20 SIGN REGULATIONS

1. Signs shall be limited to one (1) pole sign, ~~and~~ wall signs not to exceed total allowable area on the premises of a business establishment or composite of businesses under single ownership subject to the following conditions:

- A canopy sign may be substituted for a wall sign
- A monument sign may be substituted for the permitted pole sign
- Signs permitted in the Commercial Manufacturing Districts shall require a sign permit
- Signs shall be limited to the following:

Removal of the word “and” is suggested to clarify what is allowed.

Motion by Clous, seconded by Nickerson to hold a Public Hearing to amend the Zoning Ordinances for Article 16, Section 17, #2, Private Roads and Drives and Article 20, Sign Regulations. **Yes:** Heim, Lombard, Nickerson, Wagner, Clous, Fitzpatrick, Boeve. **No:** None. **Motion carried.**

K. Unfinished Business

None

L. Reports

- 1) Zoning Administrator – Lisa Guerrieri reminded everyone that there will be election of officers next month; Alliance Beverage Distribution has an application for next month's meeting.
- 2) Town Board Representative – Dennis Fitzpatrick stated that the Fitness Course is being implemented in stages, with a ribbon cutting ceremony scheduled upon completion; Road names of Soaring Ridge Drive and Golden Eagle Circle were approved; the job description for the Emergency Services Chaplin was approved.
- 3) Zoning Board of Appeals Representative – there was no meeting.
- 4) Trails – no report

M. Any Other Business

In response to Commissioner Lombard's comment on the Blair Township Retirement contribution rate, Commissioner Boeve added that he believes Blair Township values its employees and is a better value in terms of taxes to Township residents. Lisa Guerrieri stated that neighboring Green Lake Township contributes 10% to their employees' retirement fund. Commissioner Lombard stated that his daughter, a Court Reporter for Grand Traverse County, receives 3% as a county employee.

N. Public Input

Commissioner Wagner inquired if there are any current ordinances regarding solar farms in Blair Township. He said local residents have been approached by commercial solar operations looking for 700 to 1,000 acres in size.

Commissioner Nickerson voiced his opinion that monthly Planning Commission meetings should not be canceled, as there are always housekeeping issues that could be addressed. Lisa Guerrieri responded that it is not economically feasible to hold meetings, and Special Use and Site Plan Review applications offset the cost of a meeting. Chairman Heim indicated that it was more an issue of staff workload that led to the July meeting being canceled.

O. Adjournment

Motion by Clous seconded by Wagner to adjourn the meeting at 7:10 p.m. All Yeas.

Motion carried.

Respectfully submitted, Susan Kase, Recorder