

**GREEN LAKE TOWNSHIP PLANNING COMMISSION
GOLDEN FELLOWSHIP HALL
9700 Riley Road, Interlochen, MI
NOVEMBER 7, 2018
MINUTES**

1. **CALL TO ORDER:** By Chair Kopriva at 6:00 pm.
2. **PLEDGE OF ALLEGIANCE:** Was recited.
3. **ROLL CALL:** Board members present were: McDonald, Mouser, Schuster, Jackowski, Marshall, Schworm, and Kopriva. Also, present was Kevin McElyea, Zoning Administrator.
4. **APPROVAL OF MINUTES:** Moved by Jackowski and supported by McDonald to approve the minutes of the meeting held on September 24, 2018, as amended. New Business 1. added to the motion *by motion and carried*. Old Business 4. changed the title to *Update on ICA Amendment, Reviewed Committee Meeting Discussion*.

5. **FIRST PUBLIC COMMENT:**

Doug Mansfield, 830 Cottage View, Suite 201, Traverse City, handed out a letter to the Board, in regards to Medical Marihuana Special Use Applications.

6. **APPROVAL OF AGENDA:** Moved by McDonald and supported by Schuster to approve the agenda, as presented. Carried.

7. **PUBLIC HEARINGS:**

A. ZOA #18-08 CHANGES TO ARTICLE 15, SECTION 15.4, VARIANCES, OF THE TOWNSHIP ZONING CODE:

Kopriva said the *must* at the top should be changed to *shall*.

Jackowski, Chair of the ZBA, is in favor of the adoption of this amendment.

Kopriva opened the Public Hearing to Public Comment at 6:16 pm.

Kopriva closed the Public Hearing to Public Comment at 6:16 pm.

Motion by Jackowski and second by Schuster to approve ZOA #18-08, as amended. Carried.

B. ZOA #18-09: CORRECTING A TYPOGRAPHICAL ERROR TO ARTICLE 11A-GATEWAY FORM BASED OVERLAY DISTRICT, SECTION 11A.3 REGULATING PLAN, FIGURE 1 OF THE TOWNSHIP ZONING CODE TO CHANGE THE "VMF" DEVELOPMENT AREA TO "VE" AS DEFINED; AND WITH RESPECT TO CHANGING ARTICLE 8-ZONING DISTRICTS, SECTION,

8.7 TABLE OF DIMENSIONAL REGULATIONS, OF THE TOWNSHIP ZONING CODE TO CHANGE THE "WATER'S EDGE" "MINIMUM SETBACK" FROM 60' TO 50'

Kopriva opened the Public Hearing to Public Comment at 6:18 pm.

Don , is opposed to this amendment.

Kopriva closed the Public Hearing to Public Comment at 6:19 pm.

Motion by Jackowski and second by Schuster to recommend approval of ZOA #18-09 to the Township Board. Carried.

C. PSU #18-03 SPECIAL-USE PERMIT APPLICATION AND SITE PLAN REVIEW FOR A WAREHOUSE OPERATION AT 7184 SCOTCHWOOD LANE, GRAWN, MI, PARCEL NUMBER 28-07-330-006-00:

Bill Crane, Crane Engineering, explained that the proposed development would consist of three building, each 44 feet by 120 feet, approximately 5200 square feet. The first building would be built on the east side, in the spring, with the other two buildings to following. The parcel is near Pomeroy's. The applicant already has the driveway permit. The storm water would be handled with a catch basin out front. The parking lot would be in the front of the buildings and landscaping would be added. The 50-foot buffer would remain along the residential properties. The facility will be used to store table, chairs, etc. for the applicant's convention business. They have only two employees that will be occasionally at the warehouses. There is a 10-foot separation between buildings. The plan was submitted to the Fire Department. The driveway and parking lot will be kept in a dust free condition. The buildings will have some security lighting but no fencing. There will also be a minimum five-foot buffer on each side of the property.

McElyea said the plan meets the Ordinance's standards except that Section 8 requires paving and curbing. He figures the parcel will have roughly 25% lot coverage

Sabo, owner, stated that there will be almost no traffic, the buildings will have 16 feet side walls and the buildings will be about 21 feet at the building peaks. He does wants the buildings to look nice.

Kopriva opened the Public Hearing to Public Comment at 6:40 pm.

Sherry West, has concerns about there being adequate room for the Fire Trucks to get around the buildings, the semi traffic and the hours of operation.

Hannah Goodrich, 7201 Sullivan Road, has concerns about her lack of privacy with the trees being removed.

Kopriva closed the Public Hearing to Public Comment at 6:46 pm.

Kopriva mentioned that the application list the hours of operation to be from 8 am to 6 pm. Future owners would have to abide with these hours or get the permit amended.

Mouser asked what the finished buffer would consist of. The buffer would be just as is now. McElyea said it is an adequate buffer. Schworm asked about requiring a fence.

Kopriva asked what kind of trucks will be entering the property. Sabo said box semis would be entering, but not very often. Kopriva asked about a loading dock. He said he would like one loading dock, if it is feasible. Sabo said the other five driveways in the area are not paved.

Kopriva said the Planning Commission can give an exemption to foundation plantings according to Section 7.3B1.

Mouser mentioned that he doesn't like the idea of a gravel drive and would like to see a green buffer instead of a fence. If a gravel drive is in compliance with the Ordinance he would be fine with it, though.

The Commercial Zoning Ordinance takes precedence over the General Provisions regarding whether the parking lot needs to be paved. Kopriva said she would be open to gravel because of the low volume of traffic, if it complies with the Ordinance. Jackowski said because the business won't have any retail traffic the paved drive doesn't seem to be very important. He also said they can't satisfy every aspect but need to follow the spirit of the Ordinance.

McElyea said it is clear on page 85 where it says the business shall have a paved driveway. Bill Crane said it is clear on page 58 where it says all parking lots shall have a prepared dust free surface consisting of gravel. McElyea said page 58 is in the General Provisions and page 85 is in the Commercial District standards and takes precedence.

Kopriva said they need the Township Attorney's opinion on the two references regarding the paved drive versus the gravel drive. The Board also is asking for the height elevations, the lot square foot coverage percent printed on the site plan, the detailed report from the Fire Department, the phasing plan and the landscape plan.

Motion by McDonald and support by Jackowski to table PSU #18-03 until the next regularly scheduled meeting of the Planning Commission. Carried.

D. PLU #18-098 SPECIAL-USE PERMIT APPLICATION AND SITE PLAN REVIEW FOR A MEDICAL MARIHUANA FACILITY LICENSE FOR A PROCESSING FACILITY AND A PROVISIONING CENTER, AT 11850 US HIGHWAY 31, INTERLOCHEN, MI, PARCEL NUMBER 28-07-007-014 -41.

Dusty Christensen, Mansfield Land Use Consultants, is here to present this project for Northern Capital Partners, the parcel is on the west end of the Township in the Commercial District on the north side of US 31 South. The proposed Uses have already been allowed by the Township Board so the applicant is here tonight to discuss whether or not the site plan complies with the standards of the Zoning Ordinance and if the standards for approval of Special Uses in the Commercial District are met. Christensen believes they have all been met. He reviewed the Site Plan for the Board.

Owner, explained that the Provisioning Facility would be open 8 am to 7 pm, the Processing Facility would be open 8 am to 5 pm. There would be a skeleton crew on staff at night.

McDonald asked if there will be an expanded right turn shoulder in front of the business. MDOT is requiring an entrance taper. Kopriva asked what kind of traffic would be expected. A couple trucks a day are expected, Monday thru Friday. The trucks would be some type of van or box truck. The loading space would be serviced by overhead doors. The height of the building would be 16 feet. A full renovation of the existing house will be done to bring it up to the Commercial Code standards. They will add a sidewalk and an ADA entrance to the house. They are following the Ordinance standards to meet the landscaping requirements. They will not be removing the existing fence. The lighting will be directional LEDs. They plan to maintain the existing trees.

McElyea said the Site Plan meets all the standards of the Ordinance and all required items have been provided. They are waiting for MDOT's granting of the driveway permit. He recommends approval contingent on the State granting the Medical Marihuana license.

Kopriva opened the Public Hearing to Public Comment at 7:59 pm.

Chris Daly, 11940 US 31 S, said some of the foliage and fence mentioned, is on his property. He doesn't believe a Provisioning and Processing Center is needed next to residential houses. They have experienced constant odors and will not be able to open a daycare in the future as they planned. He thinks it will increase the u-turns in his driveway. He wants a reduction in his property taxes because of the reduction in his property value, if this request is granted.

James Coil, asked about the incline of the driveway, if the pole barn is a commercial building, if the electric is up to commercial standards, if the bathrooms are all handicap assessable, if the house is 50 feet off the neighbor's property line, what is the phasing plan, are people still going to live in the house. They need to comply just like all other businesses.

Elaine Stafford, is opposed to the granting of this permit.

Sherry West, wants to know if the facility can be limited to just the sale of Medical Marihuana with the passing of the proposal at the election yesterday.

Tim Kramer, said you cannot control the odor. He also said the traffic is horrible on that road already.

Lori Franklin, said it will increase the traffic accidents at an already bad area. It is a safety issue.

Dennis Kevwitch, asked about the security because it is very important

Shelly Moore, Cycle Moore, said it is a very dangerous section of road. The odor also concerns her.

Judi Kramer, asked about traffic studies on this section of this road.

Kristen, said there is an incline in the road right at that spot and this will increase accidents.

Steven Moore, Cycle Moore, asked exactly which property are we talking about.

Kopriva closed the Public Hearing to Public Comment at 8:18 pm.

Jackowski said he is concerned about safety and odor. Schworm is concerned about the driveway and the incline of the approach.

Kopriva called a five-minute recess.

Kopriva reconvened the meeting at 8:28 pm.

Christensen explained that to receive their MDOT driveway permit the applicant is just waiting for final bonding and insurance. There is an Ordinance to deal with the odor issue. U-tuns are offsite and is a policing issue. The Commercial District allows these Uses by Special Use permit. Only on the west side is there residential and this isn't unique for a commercial business. The pole building will have to be brought up to the Commercial Code requirements to be used. For security reasons there will always be staff on site. The State license needs to be applied for each year. The research says that the property values in the area will not go down. A traffic study has not been done recently and it is not required by the Township or MDOT.

McElyea said as long as they don't increase the non-conformity the property is grandfathered. Kopriva asked the applicant to provide information on the closed loop system. Schworm asked about signage because if the signs aren't up it will add to the traffic issue. McDonald said the buffer requirement applies or the Board can waive it and require a fence. Schworm would like more detail on the elevation of the pole barn. Kopriva wants to make sure the non-conforming structure is okay to be converted to commercial and wants to see more documentation on the entrance and approach. Will the grandfathering eliminate the buffering requirements? Kopriva asked about phasing.

The applicant said the goal is to get the excavating and landscaping done soon. The pole barn would be easy to get walls in and then to use while they do the remodel of the farm house.

Kopriva said the application didn't mention using the pole barn to temporarily house the businesses. They need clarification of the hours. Kopriva said this permit is only for medical marijuana not recreational marijuana.

McElyea reviewed what the Board asked to see next month: research on the previous Use of the property, the buffer plan, information on odors and processing, information on signage, the elevations of the pole building, information on non-conforming structures being used as commercial buildings, MDOT documentation on the safety of the entrance, the phasing plan and clarification of hours.

Motion by McDonald and support by Jackowski to table PLU #18-098 until the next regular Planning Commission meeting to be held on November 27th. Carried.

E. PPR #18-04 SPECIAL-USE PERMIT APPLICATION AND SITE PLAN REVIEW FOR A MEDICAL MARIHUANA FACILTY LICENSE FOR A PROVISIONING CENTER AT 11100 US HIGHWAY 31, INTERLOCHEN, MI PARCEL NUMBER 28-07-007-029-000.

McDonald stated he has a conflict of interest with this item and will abstain.

Doug Mansfield, Mansfield Land Use Consultants, here for Steve Ezell of Interlochen Alternative Health. It is a proposed Provisioning Center on the corner of Gonder and US 31. The facility will be in a 2000 square foot brand new building with parking in the rear. Steve Ezell gave a history of his business. The Ordinance says if the standards are met the Board must approve this permit. The standards are all met according to the applicant.

Kopriva asked about the green belt landscaping, she doesn't think there are enough trees. The elevation detail is missing, and the 50-foot buffer should be on the plan.

Kopriva opened the Public Hearing to Public Comment at 9:16 pm.

Judi Kramer, said the increased traffic will make an already deadly stretch of road even more deadly. She doesn't think this is the right spot for this facility.

Shelly Moore said this facility should not be on a high speed highway.

Sherry West asked if Steve Ezell was shut down by the police when he was in business on the corner.

Tim Kramer said his concern is, with prop 1 passing, they might be able to sell recreationally. Why does the Business have to be on Gonder Road?

Chuck , said it is suicide on the road already. Will there be a light installed.

James Coil, said it isn't a marijuana issue it is about how dangerous the road is there. The road needs to be prepared for retail business.

Kopriva closed the Public Hearing to Public Comment at 9:33 pm.

Mansfield said it sounds like the Master plan and Zoning Ordinance should be redone because no commercial uses should be on this road. He said the facility will have about 20 cars a day visit, and not at peak travel times. The 50 foot buffer will be staggered 6 to 8 foot blue spruce, 15 feet apart supplemented with existing vegetation. The Ordinance allows for this business.

For next month the Board wants to see; follow up on parking calculations landscaping calculation, information from MDOT and a report from the Fire Department.

Motion by Jackowski and support by Marshall to table PPR #18-04 until the next regularly scheduled meeting of the Planning Commission on November 27th. Carried.

10. CORRESPONDENCE: From Elaine Saffron and

11. SECOND PUBLIC COMMENT:

Shelley Moore said you can now pass in an intersection.

Sherry West asked why the correspondence wasn't read during the meeting.

12. DISCUSSION:

Kopriva asked about the ICA Amendment.

McElyea said he had to break the scheduling rule and schedule a public hearing himself for the next meeting. Kopriva said the Board needs to schedule the Public Hearing to ensure that the public has a complete application to comment on.

13. ADJOURNMENT: Meeting adjourned by Kopriva at 10:06 pm.

GERRY JACKOWSKI, SECRETARY
GREEN LAKE PLANNING COMMISSION

RONDA ROBINSON, RECORDING SECRETARY
GREEN LAKE PLANNING COMMISSION

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