

BAY TOWNSHIP PLANNING COMMISSION

September 7th, 2021

CALL TO ORDER:

Dave Skornia (Chair) called the meeting to order at 7:00PM and led with the Pledge of Allegiance. Also, in attendance were, Xavier Gaudard (Board of Trustees Rep), Nancy Blandford, Jamie Shepherd, Barb Mathes-Alguire. Ron VanZee (Zoning Administrator) was also present. Joe Jones and Kristin Baranski attended via ZOOM. Steve Van Dam was excused absent.

PLEDGE OF ALLEGIANCE:

AGENDA AND PRIOR MEETING MINUTES:

MOTION BY Gaudard, seconded by Blandford, to approve the amended August 3rd, 2021 regular Planning Commission meeting minutes and the presented September 7th, 2021 agenda passed upon unanimous affirmation vote of the Board Members.

A roll call was taken:

Yeas: Gaudard, Skornia, Blandford, Shepherd, Mathes-Alguire

Nays: None

PUBLIC COMMENTS:

Public comments opened and closed at 7:07 pm with no comment on non-agenda items.

PUBLIC HEARING ROBINSON/POWERS:

Parcel ID: 15-001-006-057-20 located at the corner of High Street and Boyne City Road (no address assigned at this time). Property owners Shanna Robinson and Dan Powers are applying for a Special Use Permit to build a 800 square foot artist studio with electricity and heat for personal use only. The parcel size is 1.017 acres and is currently vacant. Van Zee presented the case, including the completed application, site plan, Village Overlay ordinance and setbacks. Robinson spoke about proposed building including intention to create a studio that fits well on parcel, i.e., using existing topography as a partial berm and leaving as many existing trees as possible. Public comments opened and closed at 7:14 pm with no comment. The Planning Commission began deliberation (Special Use fits within the Village Overlay Ordinance/building material

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can be an approval condition/reviewed site plan/grass driveway benefits parking). A letter in support of the special use permit is on file.

12.11 Standards for Site Plan Review

- a. Compliance with Zoning District Regulations- All buildings, structures, uses and improvements shall comply with land use, lot area, setback, parking, sign, landscaping, screening and other regulations and standards established by zoning district regulations and all other applicable regulations contained in this ordinance. **MET**
- b. Organization of Elements- All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character and use of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development. Improvement or enjoyment of surrounding property for uses permitted in this ordinance. All buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located so as to minimize potential adverse effects and impacts on adjacent and nearby properties. **MET WITH CONDITIONS (Building materials and design MUST meet Village Overlay Ordinance Standards) and (Not open to public thus grass parking area is sufficient- any parking changes would require a special use permit amendment)**
- c. Preservation of Natural Features and Natural Landscape- Natural features (woodlots, wetlands, watercourses, pond, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. As many natural features of the landscape shall be incorporated into the design and layout of the site as possible so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole and to control soil erosion and stormwater runoff. **MET**
- d. Drainage Provisions- Special attention shall be given to proper site drainage so that stormwater runoff will not affect neighboring properties or overload watercourses in the area. Stormwater management systems shall be designed in accordance with professionally accepted principles, and shall provide on-site retention or detention facilities designed to hold runoff from a 50-year frequency storm event. Naturally occurring and pre-existing drainage ways shall be used for the movement of stormwater. Discharge of storm water runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous substances or polluting materials is prohibited unless

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- measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles. **MET**
- e. Soil Erosion- Proposed developments or uses shall not result in soil erosion or sedimentation problems. **MET**
 - f. Screening and Buffering- Screening and buffering, in the form of native vegetation landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to insure compatibility between a site and adjoining land uses. **MET**
 - g. Emergency Vehicle Access- All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions. **MET**
 - h. Pedestrian and Vehicular Circulation- Proposed driveway entrances and exits, parking areas, service drives and other internal circulation routes are located and arranged so as to ensure the safety and convenience of pedestrian and vehicular traffic. If proposed by the applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system. **MET**
 - i. Compliance with Applicable County, State and Federal Statutes- Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits applicable to wetlands, lakes, streams, floodplains, hazardous substances, groundwater discharges, stormwater discharges, and the likes. **MET**

13.3 General Standards for Approval of Special Uses

- a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations; **MET**
- b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this Ordinance; **MET**
- c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located; **MET**
- d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same; **MET**

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- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their property as zoned; **MET**
- f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area; **MET**
- g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrape materials; **MET**
- h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses. **MET**

MOTION BY Shepherd, seconded by Blandford, to approve the Special Use Permit application for parcel 15-001-006-057-20 with the condition of constructed building passing all Village overlay requirements, passed upon unanimous affirmation vote of the Board Members.

A roll call was taken:

Yeas: Gaudard, Skornia, Blandford, Shepherd, Mathes-Alguire

Nays: None

PRESENTATION OF PROPOSED SPECIAL HEARING ADU:

Van Zee presented an application for an ADU at 6130 Red Pine Road. The applicant is proposing to tear down an existing residence and build a new residence with a detached garage. The detached garage will have a 666 square foot accessory dwelling above. Planning Commissioners review the site plan. The proposed build is all within the set backs requirements and impervious surface requirements. A letter in support of the special use permit is on file.

12.11 Standards for Site Plan Review

- a. Compliance with Zoning District Regulations- All buildings, structures, uses and improvements shall comply with land use, lot area, setback, parking, sign, landscaping, screening and other regulations and standards established by zoning district regulations and all other applicable regulations contained in this ordinance. **MET**
- b. Organization of Elements- All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently

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organized in relation to topography, the size and type of lot, the character and use of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development. Improvement or enjoyment of surrounding property for uses permitted in this ordinance. All buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located so as to minimize potential adverse effects and impacts on adjacent and nearby properties. **MET**

- c. Preservation of Natural Features and Natural Landscape- Natural features (woodlots, wetlands, watercourses, pond, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. As many natural features of the landscape shall be incorporated into the design and layout of the site as possible so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole and to control soil erosion and stormwater runoff. **MET**
- d. Drainage Provisions- Special attention shall be given to proper site drainage so that stormwater runoff will not affect neighboring properties or overload watercourses in the area. Stormwater management systems shall be designed in accordance with professionally accepted principles, and shall provide on-site retention or detention facilities designed to hold runoff from a 50-year frequency storm event. Naturally occurring and pre-existing drainage ways shall be used for the movement of stormwater. Discharge of storm water runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous substances or polluting materials is prohibited unless measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles. **MET**
- e. Soil Erosion- Proposed developments or uses shall not result in soil erosion or sedimentation problems.
- f. Screening and Buffering- Screening and buffering, in the form of native vegetation landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to insure compatibility between a site and adjoining land uses. **MET**
- g. Emergency Vehicle Access- All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions. **MET**
- h. Pedestrian and Vehicular Circulation- Proposed driveway entrances and exits, parking areas, service drives and other internal circulation routes are located and arranged so as to insure the safety and convenience of

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pedestrian and vehicular traffic. If proposed by the applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system. **MET**

- i. Compliance with Applicable County, State and Federal Statutes- Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits applicable to wetlands, lakes, streams, floodplains, hazardous substances, groundwater discharges, stormwater discharges, and the likes. **MET**

13.3 General Standards for Approval of Special Uses

- a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations; **MET**
- b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this Ordinance; **MET**
- c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located; **MET**
- d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same; **MET**
- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their property as zoned; **MET**
- f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area; **MET**
- g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrape materials; **MET**
- h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses. **MET**

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MOTION BY Shepherd, seconded by Blandford, to approve the Special Use Permit for parcel 15-001-134-013-10 to allow an accessory dwelling unit on an accessory building with the condition of providing a current photo of shoreline and shoreline restoration plans that meet the greenbelt requirements to zoning administrator passed upon unanimous affirmation vote of the Board Members.

A roll call was taken:

Yeas: Gaudard, Skornia, Blandford, Shepherd, Mathes-Alguire

Nays: None

PARKS AND REC:

MOTION BY Gaudard, seconded by Blandford, to appoint Barb Mathes-Alguire as the Planning Commission Representative to the newly created Bay Township Parks and Rec Committee, passed upon unanimous affirmation vote of the Board Members.

A roll call was taken:

Yeas: Gaudard, Skornia, Blandford, Shepherd

Nays: None

Abstain: Mathes-Alguire

ZONING ADMINISTRATOR REPORT:

Van Zee presented a zoning activity report.

ZONING BOARD OF APPEALS REPORT:

N/A

BOARD OF TRUSTEES REPORT:

Gaudard presented a Board of Trustees report.

OTHER:

N/A

CORRESPONDANCES: N/A

PUBLIC COMMENTS: Public comments included protecting the shoreline and greenbelt on all lakes.

ADJOURNMENT:

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MOTION by Gaudard, seconded by Mathes-Alquire, to adjourn, passed upon unanimous affirmative vote of the Board Members.

A roll call was taken:

Yeas: Gaudard, Skornia, Blandford, Shepherd, Mathes-Alquire

Nays: None

Respectfully Submitted,

**Kristin Baranski
Deputy Clerk**