

DRAFT MINUTES
BINGHAM TOWNSHIP PLANNING COMMISSION
THURSDAY, JANUARY 7, 2021

1. Call Meeting to Order – Quorum Present

Mike Park, Chairman, called the Bingham Township Planning Commission Meeting to order on Thursday, January 7, 2021 at 6:30 p.m. via Zoom Electronic Remote Access in accordance with State of Michigan social distancing regulations and the Open Meetings Act.

Roll Call – Quorum Present

Present: Mike Park, Marie Walker, Cathy Jasinski, Charlie Dashner, Jeff Layman,

Absent: Dennis Grant

One vacancy

Staff Present: Steve Patmore, Zon. Admin, Mathew Cooke, Networks Northwest

Guests: 4 via Zoom

2. Agenda Approval

Chair Park asked if there were any additions or corrections to the draft agenda.

Marie Walker/moved, Charlie Dashner/supported, to approve the Agenda as submitted.

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

3. Public Comment:

Township Supervisor Midge Werner introduced Mary Woods who has expressed interest in serving on the Planning Commission. Midge will nominate Mary for appointment at the next township board meeting.

4. Conflict of Interest : None stated

5. Items for Discussion/Consideration:

**A. Continue Deliberation and Consideration - Application for Special Use Permit - Commercial Storage Buildings and Contractor Building and Yard.
 Bingham Road - Property Number 45-001-031-010-00**

Chair Park asked ZA Patmore to introduce the subject. Patmore said that the Commission had conducted the Public Hearing and started the deliberation. The public hearing has been closed on this project. The subject property has land on both sides of Bingham Road, and will be treated as two Special Use Permits because the land is likely to be divided and the proposed uses are different on each side of the road. The property is predominantly zoned Commercial, however, a part of the property on each side of the road has Rural Residential Zoning. There was discussion a couple years ago about amending the Zoning Map to make this property entirely commercial.

Tonight we will address the application separately for each side of the road.

Request #1 - North Side of Bingham Road - Excavating contractor building with outdoor storage yard. (Special Use Permit required due to greater than 3000 sft building and outdoor storage)

General Findings of Fact:

1. Subject property is the portion of property no. 45-001-031-010-00 lying north of Bingham Road and labeled as Parcel A on the site plan.
2. Subject property is the portion of property no. 45-001-031-010-00 lying north of Bingham Road and labeled as Parcel A on the site plan.
3. Subject property contains 9.66 acres more or less according to the Site Plan.
4. Subject property is primarily zoned Commercial, however, a portion of the rear of the property is zoned Rural Residential. The zoning district boundary is a line running parallel to Bingham Rd and lying 450 feet from the centerline of the road.
5. According to Leelanau County Records, the subject property is owned by Leelanau LLC., 8900 Waters Road, Ann Arbor, MI.
6. The Applicant, Leelanau Storage Space LLC., has an agreement to purchase the property.
7. The Application is for a 6000 square foot (100' x 60') building to be used by an excavating company with an outdoor storage area.
8. Preliminary review letters were received from the Leelanau County Road Commission and the Leelanau County Drain Commissioner.

Discussion:

Chair Park asked the Applicant if they had any comments.

John Laureto stated that he agreed with all of the draft conditions that were in the revised staff report submitted for this meeting. He also stated that he and his engineers have been working with the Road Commission and Drain Commissioner on approval of the drainage plan. Preliminary review letters have been received and were submitted to the township.

Compliance with Commercial District Standards

There was considerable discussion about what activities were currently permitted in the Commercial Zoning District. There is concern that the activities might include fabrication or manufacturing. There is concern that residents do not want any industrial activity in this area. What could be allowed in the storage area of the building?

The Applicant stated that the indoor storage area would primarily be used to store trucks and equipment overnight. Equipment such as snow plows could be kept there. If they needed to change a tire or snowplow blade it could be done there, as well as routine service. There would be no heavy repairs or heavy servicing done at this facility, nor would they be servicing vehicles or equipment other than their own.

The consensus of the majority of the commission was that the activities normally associated with an excavating contractor would fit the allowed use. There was discussion on how the township would determine if an activity was normally associated with an excavating contractor and met the ordinance.

There was consensus that the 85 foot buffer zone between the commercial use and the rural residential zoning district referenced in Section 7.6 of the zoning ordinance was met with this Site Plan.

Compliance with Article 3 – General Provisions

- a. Setbacks: The Site Plan meets setback requirements.
- b. Parking: The Site Plan meets parking requirements – there will normally be no public traffic coming to this business.
- c. Buffering: The consensus was that the existing buffering was adequate and must be maintained.

Compliance with Governing Standards for Special Land Uses – Section 17.13

The planning commission stated that they had each reviewed this Section of the zoning ordinance before this meeting and it was discussed at the December 17, 2020 PC meeting. The consensus was that the Application and Site Plan met these standards if conditions were imposed.

Possible Conditions for Consideration

The staff report, which is on file, had a list of possible conditions for the PC to consider. This list was reviewed that this time, and the following changes were made by consensus: Condition 1: should say contractor office building and excavating contractor storage building.

Condition 2: “ limited to vehicles, equipment...”
instead of “those”, insert “the gravel...”

Condition 8: change “of” to “by”.

Add new Condition 14: All utilities must be installed underground.

Change old #14 to #15.

Chair Park asked if there was any more discussion on this Application.

Charlie Dashner/moved, Jeff Layman/supported, to approve the General Findings of Fact as presented, and that the Application and Site Plan are in compliance with Article 7 - Commercial Zoning District with conditions; that the Application and Site Plan are in compliance with Article 3 - General Provision with conditions; and that the Application and Site Plan meet the Governing Standards for Special Land Use Permits with conditions.

Discussion: None

Roll Call vote:

Yes: Walker, Dashner, Layman, Park.

No: Cathy Jasinski.

One Vacancy

Motion passed.

Jeff Layman/moved, Charlie Dashner/supported, to approve with conditions the Application for Special Land Use Permit submitted by Leelanau Storage Space

LLC for an excavating contractor office, storage building and outdoor storage based upon the Application, Site Plan, and Public Hearing.

Subject to conditions numbered 1 thru 15.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Park.

No: Jasinski.

Motion passed.

Conditions of Approval:

1. The permitted Special Land Use is for an excavating contractor office building, excavating contractor storage building and excavating contractor outside storage. Usage is limited to those activities associated with an excavating contractor business. No industrial production, or manufacturing uses are allowed.
2. Outdoor storage is limited to vehicles, equipment and materials associated with an excavating contractor business, and is limited to the gravel areas shown on the site plan.
3. All loose materials stored outside shall be in sectioned-off areas (bins).
4. A Regular Land Use Permit for the building must be obtained from Bingham Township. The Final Site Plan, Building Plans, and all required applicable permits must be submitted.
5. If this property is to be divided from the property across the road, then Land Division Approval is required from the Bingham Township Land Division Committee.
6. Outside noise after 9 p.m. cannot exceed 55 decibels measured at any adjacent property line.
7. No dust/fumes/odors shall leave the subject property.
8. This permit does not include use or storage of any hazardous materials other than properly licensed and/or approved fuel storage tanks for the use by the Contractor.
9. The dumpster shown on the Site Plan shall be fenced and screened.
10. The proposed sign shall meet Bingham Township sign standards and shall be approved by Bingham Township. The electronic message sign shown on the Site Plan is not allowed.
11. All outdoor lighting shall meet the Bingham Township Zoning Ordinance.
12. The existing wooded buffers shown on the Site Plan shall be maintained, or replaced with trees meeting the Bingham Township Zoning Ordinance.
13. All utilities must be installed underground.
14. Permittee shall obtain and maintain all applicable local, state, and federal permits and approvals, including Leelanau County Road Commission, Leelanau County Soil Erosion, Health Department, and Building Code.
15. This Special Land Use Permit Approval shall expire if any of the following occur:
 - A. The Applicant fails to accept these conditions by signing the formal Special Land Use Permit within ninety (90) days of it being presented to them.
 - B. The Applicant fails to obtain required permits, commence construction, and proceed meaningfully toward completion within one (1) year of this approval. The Planning Commission can extend this date another year upon written request.

- C. The excavating contractor use is ceased for a continuous period of two (2) years.

Request #2 - Commercial Storage - South side of Bingham Road
(Commercial Storage Use requires a Special Use Permit)

General Findings of Fact:

1. Subject property is the portion of property number 45-001-031-010-00 lying south of Bingham Road and labeled as Parcel B on the Site Plan.
2. Subject property contains 31.20 acres more or less according to the Site Plan.
3. Subject property is primarily zoned Commercial, however, a portion of the rear of the property is zoned Rural Residential. The zoning district boundary is a line running parallel to Bingham Road and lying 450 feet from the centerline of Bingham Road.
4. According to Leelanau County Records, the subject property is owned by Leelanau LLC, 8900 Waters Road, Ann Arbor, MI.
5. The Applicant, Leelanau Storage Space LLC., has an agreement to purchase the property.
6. The Application is for Commercial Storage Buildings of various sizes to be constructed in phases.
7. The proposed storage buildings would have no heat, or plumbing according to the Applicant.
8. Preliminary review letters were received from the Leelanau County Road Commission and the Leelanau County Drain Commissioner.

Discussion:

Chair Park asked the Applicant if they had any comments.

John Laureto stated that he agreed with all of the draft conditions that were in the revised staff report submitted for this meeting. He also stated that the storage buildings would have electric service and lighting, but no plumbing or heating.

ZA Patmore noted that, in the last meeting he mentioned that there was some question about the southernmost storage units being within the 450' commercial zoning district. The Applicant checked into this, eliminated two units, and submitted a drawing dated 12/17/2020 showing that all remaining buildings were in the 450' zone. This revised drawing should be referenced in the conditions.

Compliance with Commercial District Standards

There was consensus that the proposed buildings and uses are currently permitted in the Commercial Zoning District as a Special Land Use.

There was consensus that the 85 foot buffer zone between the commercial use and the rural residential zoning district referenced in Section 7.6 of the zoning ordinance could be reduced to 35' based upon the topography, elevation of the adjacent parcel, access to the adjacent property being from Bingham Road, and the proposed tree buffer.

Compliance with Article 3 – General Provisions

- a. Setbacks: The Site Plan meets setback requirements.

- b. Parking: The Site Plan meets parking requirements – no parking on Bigham Rd.
- c. Buffering: The consensus was that the existing buffer to the south and west was adequate but must be maintained. The proposed greenbelt on Bingham Road is adequate.

Compliance with Governing Standards for Special Land Uses – Section 17.13

The planning commission stated that they had each reviewed this Section of the zoning ordinance before this meeting and it was discussed at the December 17, 2020 PC meeting. The consensus was that the Application and Site Plan met these standards if conditions were imposed.

Possible Conditions for Consideration

The staff report, which is on file, had a list of possible conditions for the PC to consider. This list was reviewed that this time, and the following changes were made by consensus:
 Condition 12: The trees and greenbelt shown on Site Plan sheet L102 shall be planted prior to occupancy of any units, and shall be maintained throughout the term of this permit. The existing wooded buffer as shown on the site plan shall be maintained.
 Add Condition 14: All utilities must be installed underground.
 Change old #14 to #15, and add to C; “This can be extended for two years by the Planning Commission upon written request.”

Chair Park asked if there was any more discussion on this Application.

Charlie Dashner/moved, Jeff Layman/supported, to approve the General Findings of Fact as amended; that the Application and Site Plan are in compliance with Article 7, Commercial Zoning District with conditions, including approving a reduced buffer from 85' to 35' per Section 7.6 considering the elevation of the property, neighboring uses, and planting of a tree buffer; that the Application and Site Plan are in compliance with Article 3 - General Provision with conditions; and that the Application and Site Plan meets the Governing Standards for Special Land Use Permits with conditions.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

Motion passed.

Jeff Layman/moved, Charlie Dashner/supported, to approve with conditions the Application for Special Land Use Permit submitted by Leelanau Storage Space LLC, for Commercial Storage based upon the Application, Site Plan, and Public Hearing. This approval is based upon conditions numbered 1 thru 15.

Discussion: None

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

***One Vacancy
Motion passed.***

Conditions of Approval:

1. The permitted Special Land Use is for Commercial Storage as defined in the zoning ordinance.
2. The revised site plan sheet received on December 17, 2020 showing the 450 foot commercial zoning district boundary is recognized and shall apply to the proposed units near the south property line.
3. Regular Land Use Permits from Bingham Township are required for all buildings. The Final Site Plan, Building Plan, and all applicable permits will be required at that time.
4. If the property is to be divided from the property across the road, then Land Division Approval is required from the Bingham Township Land Division Committee.
5. Servicing of vehicles or equipment, industrial use, production, or manufacturing use is not allowed.
6. No outside storage is allowed.
7. No storage or use of hazardous materials is allowed.
8. There shall be no parking on Bingham Road or backing into the property from Bingham Road associated with this use.
9. Any signage shall meet Bingham Township sign standards and shall be approved by Bingham Township. The electronic message sign shown on the Site Plan is not allowed.
10. Any outdoor lighting shall meet the Bingham Township Zoning Ordinance.
11. The driveway, access road, and drainage system shall be completed to each unit prior to occupancy of that particular unit.
12. The trees and greenbelt shown on Site Plan sheet L102 shall be planted prior to occupancy of any units, and shall be maintained throughout the term of this permit. The existing wooded buffer as shown on the site plan shall be maintained.
13. Permittee shall obtain and maintain all applicable local, state, and federal permits and approvals, including the Leelanau County Road Commission, Leelanau County Soil Erosion, and Building Code.
14. All utilities must be installed underground.
15. This Special Land Use Permit Approval shall expire if any of the following occur:
 - A. The Applicant fails to sign the Special Land Use Permit containing these conditions within ninety (90) days of it being presented to them.
 - B. The Applicant fails to obtain required permits, commence construction, and proceed meaningfully toward completion within one (1) year of this approval. The Planning Commission can extend this date another year upon written request.
 - C. It is understood that the commercial storage buildings will be constructed in phases, however, at the end of five (5) years from the date of this approval, any building that has not received a certificate of occupancy will be required to be re-approved. However, this can be extended for another two (2) years upon written request to the Planning Commission.

B. Public Hearing on Proposed Zoning Amendment - Articles 3, 4, & 5

Mathew Cooke, Planner, said Zoning Ordinance Amendment No. 20-001 amends the Zoning Ordinance, 1) Article 3 General Provisions; 2) Article 4 Agricultural District, 3) Article 5, Rural Residential District, and 4) Article 6 Residential District. Mathew Cooke reviewed each amendment. There is still a reference in the Zoning Ordinance about the short term rental ordinance in Section 12.5 just a point to reference the short term rental ordinance.

There was discussion about writing language for duplexes.

Mathew Cooke said he will prepare a summary of the proposed amendments for the February 2, 2021 Meeting.

Cathy Jasinski/moved, Jeff Layman/supported, to postpone the public hearing on proposed zoning amendment - Articles 3, 4 & 5 to the February 4, 2021 Planning Commission Meeting.

Discussion: None

Roll Call Vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

Motion passed.

C. Election of Planning Commission Officers for 2021

Chair Park asked if there were any nominations for PC Officers:

Jeff Layman/moved, Charlie Dashner/supported, to reappoint Mike Park as Chairman, Marie Walker as Vice-Chair, and Cathy Jasinski as Secretary to the Planning Commission for 2021.

Discussion: Each officer stated that they would be willing to serve for another year.

Roll call vote:

Yes: Marie Walker, Charlie Dashner, Jeff Layman, Cathy Jasinski, Mike Park.

No: None.

Motion passed.

6. Approval of Meeting Minutes:

A. November 5, 2020:

Chair Park asked if there were any additions or changes to the draft minutes

The following correction was offered:

- Page 6, last paragraph, 1st sentence; change “if” to “is”.

Marie Walker/moved, Charlie Dashner/supported to approve the November 5, 2020 Minutes as amended.

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

*No: None.
One Vacancy
Motion passed.*

B. December 17, 2020:

Chair Park asked if there were any additions or changes to the draft minutes
No corrections were offered.

*Marie Walker/moved, Jeff Layman/supported to approve the December 17, 2020
Minutes as submitted.*

Roll call vote:

Yes: Walker, Dashner, Layman, Jasinski, Park.

No: None.

One Vacancy

Motion passed.

7. Communications and Reports

- a. Chairman - No report.
- b. Zoning Administrator - Steve Patmore - FEMA is preparing new flood maps which will have to be approved by the Township Board.
- c. Planning - Mathew Cooke - No report.
- d. Township Board - (Minutes online at www.leelanau.cc)
- e. Commissioners - Charlie Dashner discussed decibels - should 55 decibels be put in the zoning ordinance rather than a general statement that says if you are standing in your yard and you can hear the noise, it's too loud. What is the basis for 55 decibels. Cathy Jasinski - we have the conversational level in our ordinance right now. We should change that to 55 decibels as it has been determined to be the standard.

8. Items for Consideration on Next Meeting Agenda - February 4, 2021

- a. Public Hearing - on Proposed Zoning Amendment - Articles 3, 4, & 5

9. Public Comment - None.

10. Adjournment - Chair Park adjourned the meeting at 8:36 p.m.

Minutes recorded by Marge Johnson, Recording Secretary

Minutes reviewed by Staff

Cathy Jasinski, Planning Commission Secretary