

OLON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
JANUARY 2, 2024
OLON TOWNSHIP HALL – 9191 S. KASSON ST., CEDAR, MI 49621

Steve Morgan - Chairman - Term expires 12/31/24

Todd Yeomans – Vice Chair / ZBA Rep 12/31/24

Steve Yoder – Township Board Rep 11/17/23

Meg Paxton – Member 12/31/25

Samantha Vandervlucht - Member 12/31/25

Date: Tuesday, January 2, 2024; Time: 6:00 PM

- I. **Call Meeting to Order** / Pledge of Allegiance
- II. **Roll Call** / All in attendance except Todd Yeomans (Excused)
- III. **Motion to Approve Minutes** – Paxton motions to approve, seconded by Vandervlucht. All present in favor; the motion is approved.
- IV. **Motion to Approve Agenda** (additions/subtractions by PC)
Yoder moves to approve, Paxton seconds. All present in favor; the motion is approved.
- V. **Correspondence - NA**
- VI. **Conflicts of Interest – Steve Yoder recuses himself from item D**
- VII. **Public Comment** (three minutes per person unless extended by Chair)
Cory Flaska addressed the topic of Future Land Use Maps. He communicated that the maps were nearly approved by the Township Board, but that the topic of density is what is holding up finalizing the maps. The Township Board prefers that density rules move from the maps to zoning. Flaska feels there is a disconnect between the PC and Board, and requests that the PC just change the language in zoning to not further hold up the Future Land Use Maps finalization as much time has already been spent.
- VIII. **Reports:**
Twp. Board Rep. -
Board report Yoder: Several board meetings have taken place since last PC meeting. Short Term Rental (STR) ordinance discussed at Township Board and they do not support a STR ordinance. Joan Gauthier mentioned that she would like PC to look into a blight ordinance.

Twp Board approved spending up to \$15K on new bleachers, and up to \$484 for a diamond at the ballfield. The Twp Board is still working on the interlocal agreement for the Cedar Fire and Rescue Board.

Buoys are not going into the mouth of the Cedar river because the Conservancy won't support it, and therefore the DNR will not grant permission for this.

November meeting: There was a briefing on the Parks Visioning Sessions that were held throughout the summer. The Parks Committee wants to buy 20 acres near Vlacks Park but they need a grant to buy it.

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Mitten Glass was approved to install new glass doors at the township hall for a cost of \$14.5K. The doors will be installed after Jan. 12th.

The Fire dept budget was approved for just over \$1.3M. Land use maps – will wait to that part of the agenda. Early voting approved, 9 days before election. Govt. Center will be open for this election process. \$4-\$5K will be cost.

December: The township paid \$600 to remove dock at the park in Lake Leelanau. Spent \$3300 to fix 3 light posts on main street and installed LED's, there is one left to be fixed. Feb. meeting moved to 3rd Thursday instead of 2nd. Glen Lake wants to do a tax collection on summer and winter tax bill. New Recording Secretary approved. No questions from PC or public attendees.

ZA report:

December report pending. ZA wants clarification from the board on the blight ordinance. If it's part of the zoning ordinance, everything that exists now would be grandfathered. Typically managed with police power ordinance, that come directly and are approved by the Twp Board.

Master plan draft sent in October, no comments received from PC. If no comments submitted, ZA Cypher will finalize and distribute at the next meeting.

Question: Yoder has a few questions on some maps and will send them to ZA Cypher. Yoder will report on what the board requested.

IX. PUBLIC HEARING - None

X. New Business * Protocol for presentations

A. Election of officers

Yoder moves Morgan and Yeoman stay in their current position as Chair and Vice Chair respectively, Paxton seconds. All present in favor; the motion is approved.

B. PC meeting dates

PC discussed conflicts during election cycles in August and November. PC agrees that 6 p.m. is still an agreeable start time. PC agrees to look for alternate dates, decides to table until next meeting and add to February agenda. ZA Cypher noted that budget needs to be resolved as well and will email Shirley Mikowski for an update.

C. * Heartwood Ciders – Special Land Use – Informational – Need to Set Public Hearing

Rachel and David Barnard and her parents Ed and Kathy Nyberg are in partnership together. Rachel presents the vision of the business. They want to build a business that multiple generations in their family can participate in. They intend to plant an orchard and start a cidery. They planted 30 trees last year, and have 2000 on order for this year. Dusty Christianson, a consultant from Mansfield & Assoc. in Traverse City, is working with Heartwood Ciders and presented the overall plan.

Christianson had initial questions and worked with ZA Cypher on the relevant ordinances passages. The property is 10 acres, zoned B2, just north of M72, off of Lautner. Heartwood Ciders has had the 10 acres for a few years and they are designing so that it works for the owners and their plans but also so that it fits within the ordinances. The plan is to create a level area for the parking lot, a 5,000 square foot building with about 1,800 square feet for a tasting room. A t-turnaround will be at

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the end of the parking lot for the Fire Department emergency access. Plans have been submitted to various agencies; fire dept., soil erosion, health dept. for well and drain field. Road commission will have to approve as well. Everything designed to comply with permitting agencies requirements. 44 parking spaces are required per ordinance, their lot has 64 spaces in the plan considering overflow in the summer. Grading plan; site falls from East to West. (east is higher) Low draw, valley, used to store storm water. Satisfies county storm water ordinance. Parking for wine tour busses accounted for too. Future Ag building shown on drawing for 2nd phase. Everything planned as part of ag tourism in the ordinance. Heartwood Ciders has 1 variance that needs approval. Grade on driveway – they are at 9%, anything over 7% needs approval. County erosion control office requires paving at 10%, but they are at 9%.

Questions: Morgan: manufacturing and processing, is there noise because of the vents? Will it impact the neighbors? Amplified music? Production is fairly quiet. The closest residence is 475 feet to the East. Initially, outdoor space would have space heaters. No live music with speakers planned. Future they may have a tree planting to create a screen. Concern was expressed about weddings or parties and the response is that they currently just planned for outdoor seating. ZA Cypher references p 14 of their application with extended hours and weddings are noted. Recommendation to look at where least amount of impact would be for noise and to be as specific as they can. There will be a condition about not creating a nuisance. Rachel: If they decided to expand and have weddings, they would build a different building, like a barn, there is no intention of having a wedding, reception or party in the tent. It's to allow for more space for additional visitors to the cidery. ZA Cypher asks them to clarify intent of tent and details for next meeting. They communicated that they want a serene orchard and atmosphere.

Vandervlucht questioned the time frame to begin building. David: use summer to get building shell up. Winter to construct inside of building. Intent to open spring of 2025. Will start planting in April or May 2024. (2000 trees) Question: Will you use your own products? It will take time for the trees to produce, they will source some apples locally and then produce with a combination of their apples and local apples. The cider will be alcoholic. Question about if they are licensed, not yet. Heartwood Cider communicated that they normally need township approval to get the MLCC license. Yoder: planning only for gravel driveway? Not paved? No lighting? Lighting will be building mounted fixtures. Most hours of operation won't require additional lighting. Yoder: likes ag in front, building in back. ZA Cypher recommends when they go to fire chief that they discuss grading. Normally PC takes recommendation from Fire Chief. Morgan: is there a sign? Location planned but not yet designed. Would be on Lautner road. ZA Cypher reports that he can review sign based on ordinance rather than having them continue to come back. Rachel: intent is not to be flashy with building or sign, rather blend into the environment. Morgan: recommends doing a better job than Farm Club, make sure people know where to go. ZA Cypher: road commission will also weigh in. PC defaults to road commission.

Application discussion tabled for this meeting.

Public comments:

Cory Flaska – Lautner is a great road between Leelanau and TC. Wants to know their thoughts on a subdivision. He wants their opinion on a subdivision on that road.

Karen Smith: Likes the idea of it being more agricultural than commercial. She is

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excited about this project. Wants to know status of landscape ordinance. Will it hold up their project? No (ZA Cypher)

Judy Janoski: wants to know if the business will it be year round, Barnard communicates that that is their intention.

Ed: answering Flaska question: they are not opposed to anything, subdivision or anything else. They want to be good neighbors. They want to become a local hangout.

ZA Cypher: landscape passage to the ordinance will be subject to this project.

Paxton: will other people be on hold until the ordinance is completed? ZA Cypher: landscape ordinance was deemed by the Township Board they and want to continue to use it as is.

Paxton: concern about what can be seen in the landscape. Yoder thinks trees will provide a buffer. Other projects coming in are held up by maps, not by landscape ordinance.

ZA Cypher: Board wanted language to stay the same. Recommends public hearing at next meeting. Public notice and 300 foot letters need to go out soon for early Feb. hearing.

Motion by Yoder to have a public hearing, Vandervlucht seconds. All present in favor; the motion is approved to have a public hearing on behalf of Heartwood Ciders at the February PC meeting.

D. Yoder Special Land Use Amendment (addition to existing) - ZA Cypher

Jonas Yoder distribute copies of application.

ZA Cypher: ZA can handle this directly if standards are met. Exterior building being added on to, but not changing character. ZA Cypher wants to take input of planning commission about whether or not Zoning review is enough. Special Land Use with only an addition on small scale are not common. Character not being changed.

Jonas: They build apple boxes, and need more storage. Will remove work and make it a full building. Adding 24 feet, it will be one big building with a bigger breakroom, and a restroom.

Questions: Morgan: no problem with this land use amendment. He can hear noise from his house coming from the property. A cadence of exhaust/the blower. They all talk about hearing the humming when they are out. Morgan can't hear it all the time but has heard it as early as 6 a.m. Yoder can sometimes hear the blower from his house. Intermittently hearing the noise. ZA Cypher: no additional equipment being added. Only hand tools, maybe.

No public comment on permit.

ZA Cypher: Standard related to minor or major changes; reading from ordinance. The entire property is 68 acres and the addition very small percentage of property. **ZA Cypher requests a consensus from PC members that they agree there is no impact for them to approve and that Yoder may work with ZA Cypher directly. ZA Cypher doesn't think the PC needs to burn time on this. The PC agrees that no public hearing is required and that ZA Cypher will work directly with Yoder on the next steps. People within 300 feet will be notified about the project. PC agrees to this approach.**

E. * Thompson - Special Land Use (new building) Informational – Set Public Hearing

Thompson: handed out application documents.

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No special conditions, just expanding their current building. Won't impact neighbors, have most of their permits already. Fire Chief recommendation: trying to resolve alarms. Full cost was not agreed to, Fire Chief referenced a specific code and the code requires an alarm system at a cost of \$10K. Thompson wants \$10K to be paid by someone else – no value to him to spend the \$10K because via insurance building can be replaced for \$500. Original fire alarm cannot be used to service new building. National fire code is what the Fire Chief is referencing. Thompson reports that there are 7 points of egress – lots of doors and windows. Building is already insured. Alarm is no value and would drive up prices to customers.

ZA Cypher: original approval was conditioned on fire dept approval. PC doesn't get into economics of business costs to meet code. Thompson happy to meet original agreement. Thompson says PC can decide whether or not they take fire chief recommendation.

Paxton: is there a way to share with the neighbors?

Thompson: lots of conversations with Fire Chief. Either a large area for fire equipment, a system is an option, alarm is another option. Three choices. \$10K per building. One building is grandfathered in, and does not need to comply to current code requirements. Contractors did not recommend an alarm because of the other items that are required to install the alarm. Summit Fire is who would install.

Business insurance should cover any fire to building and contents with a \$500 deductible. Hoping to do a phased expansion over 18-24 months.

Morgan asking for clarification on what is being requested.

Thompson: additional bays in each building.

Thompson reports that the biggest concern was neighbor (residential), so he bought that property.

Yoder: would new building be on the road? – yes. Septic does not need to be adjusted for new building.

Public comment: Cory Flaska – he had to spend \$100K on a cistern. He doesn't understand why PC can't make a ruling on their own and always defer to Fire Chief.

Concern that national code may not be relevant in this case due to proximity to fire station and river. Flaska requests that PC makes decision best for community, not based on national code. ZA Cypher: we have never wavered from fire department recommendation. He would like to discuss with their attorney to confirm attorney opinion on this topic. Ordinance mandates input from different organizations, so they follow these recommendations. ZA Cypher reiterated that they do not get into the economics of a business to decide whether or not to approve permits.

Yoder: Fire chief vs road commission is different. Enforcement cannot be done by the fire chief. Fire chief expects PC to enforce because he can't. PC has never wavered from the Fire Chief recommendation.

ZA Cypher: recommends having fire chief at next meeting, and he will provide update with attorney comments/input. Thompson:

what is the inspection and audit process? ZA states based on previous construction there could be an audit. Thompson feels he is being transparent about alarm, ZA Cypher states this would have come to light no matter what. Morgan: they have to think in the best interest of the township.

Recommendation to have legal counsel give input, and fire chief attend and have a public hearing in February.

Yoder: motion to set public hearing for Thompson special land use application and attendees, second by Paxton. All present in favor; the motion is approved and public hearing set for next meeting.

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XI. Old Business

A. Status of Future Land Use Maps (Steve Yoder)

November board meeting: ready to make decision on land use maps. Density became an issue. Board agreed they would rather have density in zoning ordinance vs. in the maps. They want it cleaned up, through a special process density could be increased. 1 acre parcels and ½ acre parcels. Should be stated in ordinance vs. future land use maps. Reviewed in citizen planner course. Could create confusion in land use maps, vs zoning ordinance language. Could create better clarity by having the language in the zoning ordinance. The Township Board was OK with maps. Yoder has recommendations based on landscape. Advocate to minimize some of the language that creates a conflict. Need to clean up language in ordinance. If the language can be updated, everything can be sent for approval. He would like to get language set up and amend zoning ordinance. ZA Cypher: wants to see something with a narrative. Sent Yoder something to work off of, ordinance talks about individual lots with square footage requirements. Language already present with potential reduction of lot size. MSU Citizen Planner is the not the only standard for things going forward, and they haven't gone through a practical application process. ZA Cypher would like language or bullet points about what needs to be addressed and changed and wants to give the board exactly what they are looking for on this. Yoder: put density in ordinance vs on map is the request. ZA Cypher wants more specifics to go back to existing language and ordinance. Smaller lots were approved by board. Instead of giving board ability to change density, that would shift to the planning commission. ZA Cypher wants to make sure PC gives the Board exactly what they are looking for on this. Yoder: Change in density should be done in a public hearing. No density currently in ordinance, should be there.

ZA Cypher clarifying: take density out of land use maps, hope was that people could see on map what density requirements are. Yoder feels that adding a sentence or two to zoning ordinance would be enough. PUD? Language would be as is for B1, B2, etc. and contained in the ordinance that way. ZA Cypher to work on the language before next meeting.

Vandervlucht: agrees with Yoder to look at them through different lens, when we did the maps we hoped for different outcome but decisions are kind of risky.

Paxton – recommends looking at maps one more time.

Agenda for Feb – review future use maps and language. PC agrees unanimously to do this. ZA Cypher reminds everyone what went into current language. There are both 1 and ½ acre lots and ZA Cypher wonders if they need to be consistent. ZA Cypher feels there's not a lot of desire to change maps.

Morgan asks if the PC agrees that density should be removed from maps and put language into the ordinance. All present agree. Morgan reminds everyone that it took a long time to come up with density in north vs. south side of Cedar. They should look at maps and be sure about density requirements.

B. Master Plan (Update)

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This was set up with the future land use maps in mind. ZA Cypher needs to think about the action the board is taking and stated we will need to put Master Plan on hold until ordinance language is figured out. Yoder has 2 master plan questions, ZA Cypher requests that he email the questions.

XII. Other Items

A. N/A

XIII. ZA / Planning Commission Comment – Vandervlucht clarifies that other projects mentioned as not being able to move forward, they were put on hold but were different situations.

XIV. Public Comment (three minutes per person unless extended by Chair)

Cory Flaska – wants the PC to have the authority to approve density. PUD 1 acre, and down to ½ acre. PC should have authority to approve higher density, not in PUD. Previously someone could apply for higher density for “regular” land. Thinks PC should be approving higher density on normal property.

XV. Adjournment at 7:55 p.m. by Morgan

Steve Morgan, Chairman 231-342-1365