

**BLAIR TOWNSHIP PLANNING COMMISSION**  
***Regular Meeting–July 20, 2011-Approved***

- A. The regular meeting of the Blair Township Planning Commission was called to order by Chairman Heim at 6:00 p.m. at the Blair Township Hall.
- B. The Pledge of Allegiance was recited.
- C. Present at the meeting were commission members Jorns, Zeits, Heim, Fleis, Bildeaux and Clous. Dean was excused. Also in attendance were the Zoning Administrator and 9 guests.
- D. Sarah Johnson, 1820 Radcliff Road, spoke regarding the keeping of chickens in a residential neighborhood and stated that the Zoning Ordinance is unclear on this issue. She asked the Planning Commission to put it on next month's agenda.

Faith Triplett, 4388 Hickory Drive, spoke regarding the benefits of chickens and how caring for chickens has helped her son.

- E. Moved by Fleis supported by Jorns to approve the agenda as presented. Motion carried.
- F. There was no conflict of interest stated.
- G. Moved by Jorns supported by Bildeaux to approve the minutes of the June 15, 2011 regular meeting. Motion carried.
- H. Correspondence from NWMCOG regarding Citizen Planner training and New Designs for Growth grants. There was also an e-mail received from Sarah Anderson stating that she feels chickens should be allowed in the RN district.

At this point there was discussion regarding the August 10 ZBA meeting regarding chickens in residential neighborhoods. The Planning Commission agreed to put this issue on their agenda for the next meeting.

Motion by Fleis supported by Jorns to rescind the motion to approve the agenda as presented. Motion carried.

Motion by Clous supported by Jorns to move item "I" after item "J". Motion carried.

- I. **1.) PUBLIC HEARING-SU/SPR#11-07-01** REQUEST BY TEAM ELMERS TO REMOVE TOP SOIL ON THE WEST PORTION OF THE HOLIDAY PARK PROPERTY LOCATED AT 4860 US 31 SOUTH. PARCEL #28-02-008-018-00.

OPENED PUBLIC HEARING AT 6:24 PM

Jack Morris with Elmers presented the request to harvest topsoil stating that no trees will be removed, and that there are no structures or development proposed. He also stated that a soil erosion permit has been obtained.

The Zoning Administrator stated that the lay of the land will not be changed and that this is a unique special use case due to the general provisions section of the Zoning Ordinance. He also stated that the property is currently zoned RC and is zoned RN on the future land use map. He also stated that Elmers was not aware they needed a permit for this and that the majority of the work is already done.

### **Findings and Conclusions:**

1. The Zoning Ordinance states in section 16.11.1, "It shall be unlawful for any person, firm, corporation, partnership, other organization or entity to engage in or conduct any soil removal or extraction within the Township without first procuring a Special Land Use Permit as regulated in Article 22, Special Land Use Review Procedures. This provision shall not apply to temporary excavations for building construction purposes, pursuant to a permit issued by the County Building Inspector."
2. The parcel is depicted on the future land use map in the Blair Township Master Plan as zoned RN Residential Neighborhood which is a higher intensity residential zoning district, but is currently zoned RC Recreation Conservation.
3. Top soil removal is a temporary activity. The site will be restored immediately following the removal of the top soil.
4. The area where top soil is being removed is greater than 5 acres in size.
5. The soil removal area is located at least 200 feet from Curtis Road and 100 feet from adjacent properties boundaries.
6. To date the majority of the soil has been removed. As per the soil erosion permit the site is currently prepped and seeded.

Charles Saillor, 340 Highview Traverse City, questioned how much of the work was already completed.

CLOSED PUBLIC HEARING AT 6:33 PM.

There was discussion regarding this already being governed by the Drain Commission and why this is a Special Use.

Moved by Jorns supported by Fleis to recommend approval of SU/SPR #11-07-01 to the Township Board to perform top soil stripping, stockpiling and exporting based on the Findings and Conclusions listed in the Staff Report as it is required to obtain a Special Use Permit per Section 16.11 of the Blair Township Zoning Ordinance and meets the Standards for Approval in Section 22.04 of the Zoning Ordinance with the following conditions:

1. The applicant shall prevent loose or stockpiled soil from entering adjacent properties.
2. The project shall operate between the hours of 8:00 a.m. and 8:00 p.m.

There was discussion regarding the second condition regarding operating hours.

RCV: Yes: Bildeaux, Fleis, Zeits, Jorns, Clous and Heim. No: None.  
Motion carried.

The Zoning Administrator stated that the site plan appears to be consistent with the Zoning Ordinance.

Moved by Fleis supported by Bildeaux to approve the site plan for SU/SPR #11-07-01 as it meets the standards for approval in section 21.03 of the Zoning Ordinance with the following conditions:

1. Approval of the Special Use Permit by the Board of Trustees.

RCV: Yes: Zeits, Jorns, Clous, Bildeaux, Fleis and Heim. No: None.  
Motion carried.

**2.) PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 104-05-11-02 TO AMEND ZONING ORDINANCE REGARDING MEDICAL MARIHUANA CAREGIVER FACILITIES.**

OPENED PUBLIC HEARING AT 6:49 PM

The Zoning Administrator stated that the commission has discussed this issue for several months and that the amendment is modeled after East Bay Township's amendment.

Charles Saillor, 340 Highview Traverse City, stated that he opened a collective next to Northern Lights and was shut down 4 days later because of the moratorium the Township Board passed. He would like to open back up and bring money to the township. He stated that the moratorium was not revealed to the public, and that there was no written cease and desist order issued. He stated that there is no product left on the premises at night and questioned why there are billboards in the township advertising other collectives. The Zoning Administrator directed him to the Township Board regarding the moratorium.

Joseph Lambert stated that he lives behind Mr. Saillor's collective and he feels that the township should continue with the moratorium.

CLOSED PUBLIC HEARING AT 7:05 PM.

The Zoning Administrator read the Attorney General's opinion on Medical Marihuana and stated the amendment is consistent with this opinion.

Moved by Bildeaux supported by Jorns to send amendment 104-05-11-02 to the Township Board for approval. RCV: Yes: Clous, Bildeaux, Jorns, and Heim. No: Fleis, I understand why we have to have this, but I also understand that it is a Federal Law and I cannot with a clear conscience, vote yes. Zeits, the state should control it, not the township. Motion carried.

**3.) PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 104-05-11-03 TO AMEND THE ZONING ORDINANCE REGARDING ROADSIDE STANDS, ROADSIDE MARKETS AND OUTDOOR FARMERS MARKETS.**

OPEN PUBLIC HEARING AT 7:11 PM

The Zoning Administrator stated that this amendment will allow for an easier process for roadside stands, markets and farmers markets in the RN and CM districts. He also stated that the amendment more clearly defines roadside stands and markets and includes site development standards.

Charles Saillor, 340 Highview Traverse City, asked whether the back of a pick up would be considered a roadside stand.

CLOSED PUBLIC HEARING AT 7:20 PM.

Moved by Fleis supported by Bildeaux to recommend approval to the Township Board. RCV: Yes: Fleis, Zeits, Jorns, Clous, Bildeaux and Heim. No: None. Motion carried.

**J. 1.) PLANNERS MOMENTS - Complete Streets**

**K. 1.) ZONING ORDINANCE REVIEW SECTION 18.06-18.16**

There was discussion regarding Bed and Breakfasts, Drive-in, Drive-Thru and Carry-out Restaurants, and campgrounds.

Moved by Fleis supported by Bildeaux to table discussion of Sections 18.10 thru 18.16 until the next meeting. Motion carried.

**2.) ZONING ORDINANCE REVIEW SECTION 18.17-18.28**

Moved by Fleis supported by Bildeaux to table discussion of Sections 18.17-18.28 until the next meeting. Motion carried.

**L. NEW BUSINESS**

**1.) CAPITAL IMPROVEMENT PLAN –** The Zoning Administrator gave a presentation stating what a Capital Improvement Plan is. He stated that the current Capital Improvement Plan is needs driven and covers 2010-2016, but needs to be updated on a yearly basis. The Zoning Administrator will work with all the township departments and bring a draft to the next meeting.

## **2.) ELECTION OF OFFICERS**

**Chair- Jerry Heim**  
**Vice-Chair – Bill Clous**  
**Secretary – Marilyn Fleis**

## **M. REPORTS**

- 1.) The Zoning Administrator's report was submitted. He reported so far permits for July are slow, he has been very active in code enforcement, There will be a Special Use at the August meeting and he is starting to revise the Recreation Plan.
- 2.) Township Board Representative Zeits stated that the final payment on the sewer extension project has been made, the Township Board has hired a part-time assessing assistant, and is seeking to hire a Liquor Inspector.
- 3.) Zoning Board of Appeals Representative Bildeaux reported that ZBA did not meet in June.
- 4.) Commission member Dean was excused.

## **N. ANY OTHER BUSINESS**

Commission member Clous asked that Section 16.11 regarding top soil extraction be put on next month's agenda. Chairman Heim asked the Zoning Administrator to remind applicant's that a driveway permit is needed.

**O.** Sarah Johnson spoke again regarding the benefits of owning chickens.

**P.** Adjourned at 9:07 pm.

POSTPONED AGENDA ITEMS:

ZONING ORDINANCE REVIEW SECTION 18.10 – 18.16  
ZONING ORDINANCE REVIEW SECTION 18.17 – 18.28

Respectfully submitted,

Lynette Wolfgang  
Recording Secretary