

Schoolcraft Township Planning Commission

Minutes of the meeting held on Monday, June 6, 2016.

A meeting of the Schoolcraft Township Planning Commission was held on Monday, at the Schoolcraft Township Hall commencing at 6:00 pm.

MEMBERS PRESENT:

David Aubry
Ron Avis
Len Jaworski
Ken Hovenkamp
Dave Reno
Barry Visel

MEMBERS ABSENT:

Charles Bibart

OTHER ATTENDEES:

Supervisor Ulsh
Attorney Rolfe

Chairman Visel opened the meeting at 6:02 pm.

APPROVAL OF AGENDA:

A motion was made by Ken Hovenkamp with support from Ron Avis to approve the agenda.

Motion carried 6-0

MINUTES OF PRIOR MEETING:

A motion was made by David Aubry with support from Len Jaworski to approve the minutes of the April 4, 2016 meeting, with the correction adding OTHER ATTENDEES between Dave Reno and Dan Walters.

Motion carried 6-0

CITIZEN TIME ON NON-AGENDA ITEMS:

Clerk Virginia Mongrieg noted the passing of former commission member Walter H. Horn at age 107.

NEW BUSINESS

A. Site Plan review: Clover leaf storage -tabled until the checklist is photocopied for distribution.

B. Public hearing, Special land Use: Hopkins Propane opened at (6:07 pm.)

Kris VanAndel, Hopkins Propane addressed the change in location due to safety concerns that the prior site did not have a traffic light at the US 131 interchange. The lack of a traffic light is not applicable at the new site.

Bryan Nelson, Shaver Rd: This is a dangerous intersection to bring trucks, there are homes nearby with a beautiful lake. There are other commercial sites available.

Bill Valentine, Shaver Rd: Questioned the street light cause for the move from the prior site. Chairman Visel clarified that it was the lack of a traffic light and that the company selected a new site. Valentine cited a concern of company creeping expansion: A) the number of tanks on US 131 could happen in the neighborhood, B) the number of trucks, practical space/spots. Visel explained zoning of the area-US 131 Business Corridor: Special Land Use/propane bulk distribution. It was questioned where the residential zoning started. Visel asked VanAndel for clarification on the number of trucks and traffic involved.

Kathleen Cook, Sugar Island Estates: Reviewed the contents of a letter to the commission, dated June 6, 2016 (attached)

John Grib, Higley Circle, President-Sugar Island Association, Inc: Reviewed the contents of a letter to the commission, dated June 6, 2016 (attached)

Rick Cook, Higley Circle: Kathleen spoke of explosions, today's M Live story reported on a crash near the Hopkins facility, close, but not affected. People often run the red light and he doubts that the South County Fire Authority (SCFA) has the special fire equipment needed.

Don Bonnard, Shaver Rd: Mason owns the church property and many lots next to the bulk facility would be worthless. He has seen accidents as far as 200 feet off the highway. Access for firefighters are limited and a fire could run as far as Portage before firefighters have access to stop it. Bog fires are also possible.

Tony Bonnard, Shaver Rd: This is a dangerous intersection with trucks. In winter cars end up in the front yard. She and the neighbor have had their mailboxes damaged.

Bill Dornboss, Higley Circle: This is a peaceful place, but dangerous due to the speed used on Shaver Rd. The addition of Meijers and Walmart has increased the speed and traffic. He'd hate to be on a boat when there was an explosion. The current construction has increased congestion. He keeps an ax in his truck to keep roads open when trees fall. He witnessed the house fire of 1990. it is a vulnerable location, not a place for bulk propane. There are 12 houses and a mobile home park. The other commercial users are not so dangerous. I ask the commission to turn it down.

Nancy Mackie, Higley Circle: I witnessed the fire. It was scary for residents. The fire department asked residents to turn their sprinklers on.

K. Cook: The fire department had problems with gawkers clogging roads, the tanker couldn't get to the lake to pump water.

Silas Mulder, Shaver Rd: Distributed a letter to the commission, dated 6-6-16 (attached,) echos what others have said, he, she wife and four kids live 1600 feet away.

Dan Marshall, Sugar Island Estates: A 21 year resident has been involved in one accident at Shaver, he caught the driver out of the corner of his eye, the other driver slid into the ditch, it was soggy and slid. His son was sideswiped waiting to turn in to the driveway. Many residents forgot the motor home fire due to propane, a small tank like a home grill.

Nicole Kahn, Higley Circle: I grew up in the country, not frightened by speed, but by visibility conditions such as fog and low light. Risk procedures help control risk, but we need to look at the risk.

Kary Campagn, Shaver Rd: I showed property to a high tech company bringing jobs, and its off the table if tanks go in. Can we find a spot from Kris? I talked to residents behind the propane facility near Meijer and the smell when off-gassing has homeowners calling as they don't know if its natural gas or LP.

Virginia Mongreig, Schoolcraft Township: This belongs in the US 131 corridor. I don't like the site, but there is a

bulk tank at Cloverleaf, one at Crystal Flash. One of the trustees researched ...

Ray _____, Higley Circle: This is a dangerous situation and I'd like to see it somewhere else.

Valentine: Were core samples taken to determine the safety of the property to carry the weight of the tanks?

K. Cook: Did the commission review the standards?

Henry Digermans, _____: Has the SCFA had a chance to review the site plan?

VanAndel: I didn't get a letter on the explosions, but Googled explosions. The Kingman AZ explosion was a rail-car transfer. We are doing that. The Toronto company was cited before for safety violations. They were doing a truck to truck transfer and shouldn't happen.

Dad started the company in 1968 and we've never has an accident. This is strictly for storage, there's no electricity, it done by hydraulics, no sparks. Everything is one step higher than required. The accident on 131 was caused by a semi pulling in front of another. Diesel trucks are dangerous, we are getting away from diesel, trucks are not a problem. Traffic could increase, an airplane could drop out of the sky.

Winter traffic could build to two trucks, transports would offload at night when there is little traffic. I don't want to diminish concerns, we have a better safety record than cars. I can't say there'd never be an accident. Visel asked about permits and certificates. VanAndel said the Michigan board of Licenses and Regulations approves the site and area. Drivers need to be trained to the expense of \$30,000, Haz Mat training on a continual basis. This is not the backwoods way things used to happen.

Steve Kakkien, Higley Circle: How do the trucks transfer without electricity?

Public Hearing closed at (7:10 pm)

Chairman Visel reviewed Ordinance 23:3 sub-parts 1 through 9 controlled the actions of the commission.

Attorney Rolfe advised on the special land use sub-part 23.6 and quoted the introductory paragraph to the ordinance. The concepts embedded in the verbiage need to be proved by the applicant. Case law states that the beliefs must be proved to be considered in the decision. It is clear in statute and case law that the paperwork and minutes ... applied. If the standards are met, the commission must approve the request, if they are not met, the commission can not approve.

Chairman Visel questioned the commission on each sub-part:

- 1) Size, nature, and character compatible: Reno: It is expressly allowed in fact and other uses abeyance to zoning, the parcels to the east are planned for US 131 commercial, but not yet zoned as such. Rolfe questioned the location next to residential. Visel pointed to the map-the area is surrounded by the US 131 business corridor. Rolfe pointed out that Mrs Cook's map showed a sliver of land owned by the State, Schoolcraft Township zoning doesn't apply to that parcel.
- 2) Use compatible with nature: Jaworski: The lot is just sitting there, not doing anything, there are lots of spots better for homes. Reno questioned the wetlands on map 5. Visel stated the lots may not be ... with fill, commented it may be compatible. Reno questioned in the area we skipped over number one due to the area, same use.
- 3) Adverse use: Jaworski stated one or two trucks shouldn't be a burden. Reno and Hovenkamp agreed.
- 4) Parking: None was required due to the nature of the use.
- 5) General Neighborhood: Hovenkamp felt the issue was that business changes the land use for the future. Jaworski questioned, why change? Hovenkamp stated businesses wouldn't want to build next to the bulk plant. Visel asked, do some businesses come to the area due to the bulk tank behind Cover Leaf? Hovenkamp wondered, what are we trying to attract?
- 6) Public Health: Reno: in a perfect world it wouldn't, having seen evidence it hasn't. Hovenkamp, is off-

gassing event a problem. VanAndel stated it shouldn't be a problem the gas dissipates to air in small amounts.

- 7) Character: Visel stated the lot is vacant. Hovenkamp said it was necessary to look at the lot or area in whole. Visel stated the land use is at issue. Hovenkamp felt there were other questions. Visel said it is a flat lot that slopes to the back and has been filled over the years with out a problem. Hovenkamp was not sure.
- 8) ??: refers back to sub-parts 1 – 7.
- 9) ??: does not apply

Standards three and four apply. Standard one is a split problem adjacent to a resident area. Hovenkamp said it's not adjacent, but awfully close. It's not adjacent to the lake, but its awfully close. If it wasn't, we would have a roomful. Visel stated if we said we find the application doesn't meet standard one, we couldn't approve the application. Rolfe stated the phrase modifies the prior phrase. Reno: You're saying we need to be sure ... Rolfe suggested findings show impacts on residents, context stand on standards 5 and 6 detrimental to the neighborhood. Standard 1 looks at use compatible with Chapter 17 (see 17-1) Keep in mind when comparing use on this application. Hovenkamp: how tall are these tanks? VanAndel: About 18 feet. Hovenkamp: are they visible from the water, will you see the tanks from your pontoon boats? Cook: Yes, you could see Jack's building. Campagn: Yes, 12 foot building.

Visel: What's your pleasure on standard one? Other uses listed in the ordinance listed for special permit use.

What if we had application for those uses on this lot. Hovenkamp: we had an application for an asphalt plant in that area and we turned it down. Visel: Does it met standard one? I have one no. Hovenkamp: It's near residences. Reno: Too close to the lake.

Visel: Does anyone have a problem with One, three, four meets. Five is detrimental to neighboring businesses.

Avis: How many more lots? Visel: Two. I don't know how to make it more factual.

Standard six: Reno: I understand, but don't see how it would happen.

Standard seven: Visel: What's it mean? Rolfe: Parse the sentence and see if the land use fits the property, this property built for this use. Hovenkamp: Its near the lake. Visel: This fits the standards, doesn't fit standards one, two, ...??

Hovenkamp: I move that we turn this application down as it does not meet the standards for Special land Use under ordinance 23.3. Seconded by... **Motion carried 6-0**

A. Site Plan review: Clover leaf storage site plan distributed. No one representing Clover leaf present.

The plan induces two additional buildings on a flat field to be surrounded by grass. Hovenkamp: There is a need for more storage. Rolfe: There is no need for representation.

Moved by Hovenkamp and seconded by Reno to approved based on completing 24.6 sub 2. **Motion carried 6-0**

OLD BUSINESS

There was no old business.

REPORT FROM THE TOWNSHIP BOARD

Hovenkamp reported that there was discussion on the dangerous building ordinance; the Township is in violation with the school building (Gourdneck School.) The Board was asked to look into the situation.

REPORT FROM THE ZONING BOARD OF APPEALS

Hovenkamp reported that an applicant came regarding a parent parcel on Howard Lake. It is the last parcel on Reed Lane and the owners would like to build a pole-barn. It was suggested that they go before the Planning Commission for rezoning. The road ends at the water and neighbors support the owners' desire to build.

MEMBERS' TIME AND TOWNSHIP ATTORNEY TIME.

The July 4th meeting date has been changed to July 11th. Chairman Visel will be absent.

Comments on tonight's meeting: good crowd and the meeting was well managed.

Jaworski: Brush and weeds on XY and 16th are high. The light at 18th and W is out. There is a pothole at 23rd and U Ave.

With no further business, Chairman Visel adjourned the meeting at 8:09 pm.

Respectfully submitted,

David Aubry

