

Chairman Van Berlo asked Mr. Marquardt if he had anything to add. Mr. Marquardt responded that the Frykberg memo and presentation was thorough and pretty much summed it up.

Chairman Van Berlo asked if there were any comments or questions from the public. Mr. Rogers asked if there needed to be a fire inspection of the facility. Mr. Dohm responded that there was nothing in the zoning ordinance to require that, but when any remodeling takes place, it will need to meet the Emmet County building code requirements. Mr. Rogers, as a member of the Harbor Springs Fire Department offered to inspect the facility if Mr. Marquardt would like him to.

Chairman Van Berlo asked if there was any additional public comment. There were none.

Chairman Van Berlo then asked for Board member or staff comments.

Mr. Dohm advised that due to the complexities added to the regulation of Medical Marijuana in Michigan by the existing statutes and the new PA 281, 282 & 283, it was necessary to receive legal council before proceeding with the application. Language recommended by council to be include in any approval resolution is included in the Frykberg memorandum:

Following Board discussion, a **Motion** was made by Mr. Chattaway to approve the change of use and site plan for case #B-04-2016 as per the application, based on the finding of fact memo from Randy Frykberg, and the following;

"This is a site plan approval for use by two medical marihuana primary caregivers authorized under the provisions of the Michigan Medical Marihuana Act ("MMMA"), Initiated Law 1 of 2008, MCL 333.26421, et seq., that exists at the time of this approval. This is not approval for the location or operation of a "marihuana facility" within Little Traverse Township under the Michigan Medical Marihuana Facilities Licensing Act ("MMMFLA"), Act 281 of 2016, MCL 333.27101 et seq., which act has not yet become effective. Little Traverse Township (the "Township") has not adopted any ordinance to authorize the operation of a marihuana facility within the Township under the MMMFLA when it takes effect.

The Township has not indicated whether it may adopt such an ordinance and may not adopt such an ordinance. Accordingly, this site plan approval shall not be considered as approving the operation of any marihuana facility in the Township pursuant to the MMMFLA. In the event the Township later adopts an ordinance authorizing the operation of one or more marihuana facilities, this site plan approval shall not provide the site plan applicant with any priority or preference for the operation of a marihuana facility pursuant to such an ordinance or the MMMFLA."

The motion was supported by Mr. Fairbairn and was unanimously approved by roll call vote.

Case #B-05-2016

Chairman Van Berlo presented Case #B-05-2016 as an application by LC Materials (Cornillie) for a controlled height increase, and conduct site plan review for a cement silo at 710 W. Conway Rd. He stated a public hearing was required for the controlled height increase.

Mr. Frykberg presented his fact finding memo, (*see attachment pages 11 & 12*).

Chairman Van Berlo asked if anyone representing the applicant had anything to add.

Mr. Neil Holshoe from Benchmark Engineering explained that this project has been in the making for about a year now, and that permission has been granted by the Federal Aviation Administration and the Michigan Aeronautics Division due to the location relative to the Harbor Springs Airport. The silo is located north of, and is five feet shorter than an existing silo. Mr. Josh Gilde, representing LC Cornillie explained the need for a second silo was to have different mixes of cement ready for truck loading without emptying and reloading each time a truck came in with a different mix requirement.

Chairman Van Berlo opened the discussion to a **Public Hearing** at 7: 50 pm.

Mr. Bill Brown was totally against any expansion of the existing facility that would create additional noise or activity. He was concerned about additional trucks running across property exiting on Mink Road.

Joe Otvis, Harry Rogers, Neil Betterly, and others expressed concern about all the truck traffic coming out on Mink Rd.

Mr. Dohm advised that the truck traffic on Mink Road was not from the subject applicant (LC Cornillie), but rather sand excavation from the Flynn property. This applicant has no connection to the Mink Rd. traffic. The only ingress and egress allowed by LC Cornillie is off of West Conway Rd. Mr. Holshoe and Mr. Gilde confirmed that the cement traffic used W. Conway Rd. exclusively.

Chairman Van Berlo advised those in attendance that they would have an opportunity to discuss the Mink Rd. traffic situation separate from, and following this public hearing, but comments at this time need to be limited to this application.

Chairman Van Berlo then asked for final public comments. When there were none, he closed the public hearing at 8:10 pm.

Chairman Van Berlo stated that he had visited the site, and observed that it was separated from the residential subdivision by quite a distance, it had no visual impact on surrounding properties, and that it didn't appear to have a negative impact on additional traffic. He then asked for Board member or staff comments.

Mr. Chattaway stated that his business is in close proximity to the subject property, and that he has regularly observed the cement operation. He thought the site plan was well laid out, that the increased height was necessary for the business operation, and that approval would be a benefit to contractors and customers receiving services from LC Cornillie.

Following Board discussion, a **Motion** was made by Mr. Radle to approve the controlled height increase request and site plan as per the application by LC Cornillie, Case #B-05-2016 based on the fact finding memorandum provided by Randy Frykberg. Upon a second Mr. Chattaway the motion was unanimously passed by voice vote..

Additional Public Comment: Chairman Van Berlo then opened the meeting again to public comment regarding the previously discussed problems expressed on mining sand on the Flynn property, and the influence of truck traffic on Mink Road.

Mr. Dohm outlined what he knew about the situation. He indicated that the removal of sand from the property has been ongoing since prior to zoning in the early 1970s. Therefore the use is allowed under what is sometimes known as a "Grandfather Clause". However, recent activity of sand removal in intense quantities by Harbor Springs Excavating, hauling to the Bay Harbor Arts Center project, has caused concerns from neighbors. He indicated that a driveway permit has been obtained from the Emmet County Road Commission for access to Mink Rd. He advised that Mink Rd. is the only public access the Flynn property has. Otherwise it would be landlocked. State law does not allow a property to be landlocked. State law requires municipalities to allow mining when it can be demonstrated there is a need for the resource material. Therefore, the Township has limited authority to regulate what is going on with the operation.

Mr. Rogers said he looked into the permitted uses in the district, and there was no permitted use listed in the district. Mr. Dohm explained that Section 1305 provides for this use as a Special Use. It does allow for some restrictions such as a 50' setback from residential uses, no excavation causing ponding, and no cliff overhangs that would cause a danger to people or property.

Mrs. Betterly was concerned about loose sand and gravel being deposited on Mink Rd., dust and trucks not stopping as they exit the Flynn property.

Several other folks expressed concerns about the influence of early morning operations, truck and loader noise, and truck traffic on Mink Rd.

Following hearing concerns, Mr. Dohm advised that the heavy hauling is pretty much over, but there would be a lesser volume through November. He offered to talk to the principals, being Mr. Sackrider and Mr. Gallagher to see if traffic could now be diverted across the Sackrider property to exit on W. Conway Rd. This would alleviate the Mink Rd. issue. He would then inspect the property to make sure they are observing the safety requirements such as set-backs as required on the Twp. Zoning Ordinance. He stated that he could not promise positive results, but his experience with the principals has been one of cooperation whenever reasonably possible.

Other Open Discussion for issues not on the agenda:

a. **Correspondence:** None

b. **Planning Commission Members:** Chairman Van Berlo asked if there were any comments from Planning Commission Members.
There were none.

c. **Township Board Members:** Chairman Van Berlo asked if there were any comments from Township Board members.

Mr. Dohm advised that 3 year terms on the Planning Commission would expire on December 31st. for Mr. Fairbairn, Mr. Radle and Mr. Chattaway. He asked each if they would be willing to serve another term if appointed. They all indicated they would.

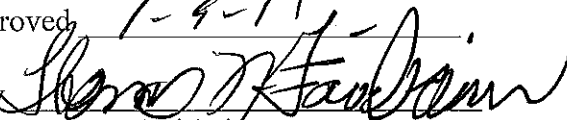
Mr. Dohm also advised that there were no cases pending for December, but one was being considered. He also would like to hold a joint PC and Twp. Board meeting in the near future to discuss going forward into the next Master Planning phase.

Adjourn: There being no further business to be brought before the commission, Chairman Van Berlo adjourned the meeting at 8:45 P.M.

Date approved

1-9-17

Secretary



Tom Fairbairn

Respectfully Submitted,

William P. Dohm,
Supervisor

PC Meeting

11-21-16
7:30 pm

Name

Address

HARRY + SANDY ROGERS
RAND MARQUARDT

965 MEADOW LANE
3195 FOREST AVE

NORM - NORMA JONES

765 MEADOW LANE

Neil Holbe

6933 Presentation Rd.

Mike Wiesner

811 Meadow Lane

Joe OTvos

8675 Mink

Linda OTvos

'' ''

Paul & Joic Betterly

8725 Mink Rd

Joe & Rachel Van Alstine

949 Meadow Lane

Sue Finley

875 Meadow Lane

Bill Brown

860 Meadow Lane

LITTLE TRAVERSE TOWNSHIP
EMMET COUNTY, MICH.

Regular Meeting of the Township Planning Commission
November 21, 2016
7:30 P.M.
at
The Township Hall

AGENDA

1. Call to Order.
2. Roll Call: Martin Van Berlo, Joseph Chattaway, Chip Radle, Tom Fairbairn, Shirley Snyder
3. Approve the agenda.
4. Elect a Secretary to fill vacancy.
5. Approve the Minutes of July 11, 2016.
6. Public Comment.
7. **Case #B-4-2016**
A change of use request by Rand Marquardt to operate a Medical Marijuana Caregiver-to-Patient operation at 8746 Moeller Drive.
8. **Case #B-5-2016**
Conduct a Public Hearing on an application by LC Materials (Cornillie) for a controlled height increase, and conduct site plan review for a cement silo at 710 W. Conway Rd.
Open Discussion for issues not on the agenda.
9.
 - a. Correspondence:
 - b. Planning Commission Members
 - c. Township Board Members
10. Adjourn.

(Note - If a Board member is not able to attend this meeting, please call the office, 526-0351)

MEMORANDUM

TO: Little Traverse Township Planning Commission
FROM: Randy Frykberg, PhD
DATE: 11-15-16
SUBJECT: Case #B-4-2016 Site Plan Review for Rand Marquardt
proposed change of use at 8746 Moeller Drive (ID# 24-08-16-
14-301-005).

For 11-21-16 PC meeting.

REQUEST

Rand Marquardt has requested permission for a change of use, from a food distributor business (Sysco) to the cultivation/handling of a pharmaceutical (medical marijuana) for distribution of the product by two caregivers for up to 10 patients. Michigan law allows individuals to obtain a medical marijuana caregiver license to grow and provide for 5 patients. The license allows for the caregiver to grow 12 marijuana plants for each patient, plus 12 plants for personal qualified use. The applicant and his wife are licensed caregivers.

A Site Plan Review is required.

GENERAL FACTS

1. The 1.9 acre parcel is zoned I-1 Light Industrial.
2. The footprint of the existing 60' X 125' building will not be altered.
3. The entrance and parking areas will not be altered.
4. The inside is proposed to be remodeled.
5. The growing area for marijuana for each patient will be separated by locked barriers.
6. The I-1 Zoning District generally allows the manufacturing of products and the proposed caregiver use under the existing Michigan Medical Marijuana Act ("MMMA") may be considered on this basis.
7. The township has not enacted an ordinance authorizing the operation of a "marijuana facility" under the recently adopted but not yet effective Michigan Marijuana Facilities Licensing Act ("MMMFLA"). When effective, the MMMFLA will allow for enhanced or tiered licenses to be issued for certain types of "marijuana facilities" only in municipalities that have authorized that type of facility by local ordinance.

FINDINGS:

1. The proposed project requires a Site Plan Review.

2. The graphic requirements for site plans are met, the checklist is complete, and the impact statement meets the requirements of Section 1508 (Site Plan Review).
3. **Standards for Site Plan Review** (Section 1508 sub 4.):
 - a) *The location and design of driveways and entrance feature with respect to vehicular and pedestrian traffic. O.K. – No change from existing.*
 - b) *The traffic circulation plan and off-street parking lots with respect to public safety, on site uses, and adjacent properties. O.K. No change to general traffic flow, parking and walkways.*
 - c) *Buffer Techniques, fences, wall, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this section and/or as a condition of the establishment of the proposed use. O.K. No Change.*
4. This consideration relates only to the application for the use by two caregivers under the MMMA. It is not an application or consideration for a marihuana facility or enhanced or tiered use under the MMMFLA.

SUMMARY

This proposed project appears to meet the Township requirements.

If the Commissioners decide to approve this project, in order to avoid potential confusion about the nature of such an approval, it is suggested that any motion to approve the site plan for a change of use of the property from a food distributor business to the cultivation/handling of medical marihuana for distribution of the product by two caregivers for up to 10 patients, should also contain the following language:

This is a site plan approval for use by two medical marihuana primary caregivers authorized under the provisions of the Michigan Medical Marihuana Act ("MMMA"), Initiated Law 1 of 2008, MCL 333.26421, et seq., that exists at the time of this approval. This is not approval for the location or operation of a "marihuana facility" within Little Traverse Township under the Michigan Medical Marihuana Facilities Licensing Act ("MMMFLA"), Act 281 of 2016, MCL 333.27101 et seq., which act has not yet become effective. Little Traverse Township (the "Township") has not adopted any ordinance to authorize the operation of a marihuana facility within the Township under the MMMFLA when it takes effect.

B-4-2016 Rand Marquardt Moeller Drive, 11-21-16

The Township has not indicated whether it may adopt such an ordinance and may not adopt such an ordinance. Accordingly, this site plan approval shall not be considered as approving the operation of any marihuana facility in the Township pursuant to the MMMFLA. In the event the Township later adopts an ordinance authorizing the operation of one or more marihuana facilities, this site plan approval shall not provide the site plan applicant with any priority or preference for the operation of a marihuana facility pursuant to such an ordinance or the MMMFLA."

RandyMy Documents\LTT PCI\Case #B-4-16 Marquardt Moeller Drive site plan change of use\Jervis B Webb 7-21-16

MEMORANDUM

TO: Little Traverse Township Planning Commission
FROM: Randy Frykberg, PhD
DATE: 11-15-16
SUBJECT: Case #B-5-2016 Request for a Controlled Height Increase for construction on a new concrete silo next to an existing silo at 710 W. Conway Rd (ID# 24-16-08-16-15-400-041).
For 11-21-16 PC meeting.

REQUEST

Cornillie Acquisitions, LLC, has requested permission to build an additional 12' X 14' concrete silo at 710 W. Conway Rd. The new silo will be identical to the existing silo except it will be 4' shorter.

Article XI, item g. allows the Planning Commission to approve controlled height increases above the maximum allowed in all districts, subject to a Public Hearing and compliance with 5 conditions (listed below)

GENERAL FACTS

1. The 6.3 acre parcel is zoned I-1 Light Industrial.
2. The existing silo is 59' in height.
3. The proposed silo would be 55' in height and otherwise identical to the existing silo.
4. The existing 70' X 90' building will not be altered.
5. The Federal Aviation Administration (FAA) has conducted an aeronautical study of the proposed silo and has determined that it will not exceed obstruction standards and would not be a hazard to air navigation.
6. The Michigan Aeronautics Commission has issued a Tall Structure Permit for this silo.
7. The Zoning Ordinance exempts "farm silos" from the ordinance height limitations.

CONDITIONS FOR GRANTING HEIGHT INCREASE:

1. *"It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic views." Scenic views will not be compromised.*

2. *"The density of the use, shall not exceed the maximum allowable density as stated in the "SCHEDULE OF REGULATIONS". It does not.*
3. *"The percent of lot coverage for all buildings, parking lots, and other impervious construction surfaces, shall not exceed fifty (50%) percent."*
Clearly meets, lot coverage is less than 4%.
4. *If applicable, the added height will retain or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shorelands, and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. N/A.*
5. *"The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate to the Planning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses." This standard does not seem applicable to a silo that is needed for this industrial operation, similar to farm silos which are exempt from height limitations.*

SUMMARY

The application appears to meet all applicable conditions to grant a height increase.

If, following the Public Hearing, the PC agrees that the proposed project meets all applicable conditions to grant a height increase, approval is warranted.