

Homestead Inland Joint Planning Commission  
Public Hearing  
Homestead Township Hall  
Honor, Michigan  
8 December 2009, 7:00pm  
**Approved 19 January 2010**

**Meeting Called to Order:** 7:00 pm.

Pledge of Allegiance Recited.

Members Present: Christy Andersen, Dan Moore, Marshall Lambertson, Roger Hubbell, Mary Miller, Cathy Demitroff.

**Members Absent:** Fred Poynor, Bruce Andersen.

Members Excused: Jessica Wooten.

**Agenda:** Mary Miller requested Vouchers be added to Agenda.

Approval: Christy made the motion to approve the agenda with addition; Marshall seconded the motion, All Ayes, 2 Absent, 1 Excused, Motion Carried.

**Open Public Discussion:** None, Closed Public Discussion.

**Open Public Hearing on Benzie Transportation Authority Transit Center:**

Roger Hubbell asked Zoning Administrator (ZA)/Roger Williams if he would like to go first with the Staff Report.

ZA Roger Williams: Requested that the Applicant present their Application and then he would follow up with the Staff Report (Attached).

Benzie Transportation Authority Presentation by Mr. Robert Somerville: This is a two phase project as discussed at last Month Meeting. Mr. Somerville spoke briefly on each phase of the project, including the proposed site plan addition. Discussion ensued on the Special Use Permit with questions from the Board:

Mary Miller: Questioned if the Outdoor Lighting would be Shield?

Christy Andersen: Question was on the Existing Gravel Surface Impervious Area versus reducing by almost half after Phase I Impervious Area?

Roger Hubbell: Question was concern with the Storm Water Basin requirements.

ZA Roger Williams: Stated that it would be more appropriate to discuss these Issues in the upcoming Major Site Plan Review versus Special Use Permit process.

Board Members Agreed:

Roger Hubbell: Requested ZA to present his Staff Report.

ZA Roger Williams: I have provided each board member with a Staff Report and Checklist showing all the information presented by the Applicant for Special Use Permit. If you all agree, then we will continue onto the

Applicant's Standards for Review/ Decision. I have also provided a Checklist to walk us through the process to either Approve, Approved with Conditions, or Deny with Reasons listed. I will read each question and the Board will do a roll call on each question.

Board Members all agreed to continue.

ZA Roger William: First we will look at The Special Use Application Contents: Article XII, Section 12.3 outlines the requirements of the Zoning Ordinance for the application for a Special Use Permit as follows:

1. Application fee paid. – Yes
2. A copy of the completed application form containing the following information:
  - a. Applicant name, address and phone number. – Yes
  - b. Proof of ownership of the property and whether there are operations on the property and any easements that limit its use, and any leasehold interest in the property. – Yes
  - c. The name and address of the owner(s) of record if the applicant is not the owner of record, or the firm or corporation having a legal or equitable interest in the property, and if that firm or corporation is a subsidiary of another firm or corporation, and the signatures, in legible form of all of the owners having equitable interest in the land. - N/A
  - d. Legal description, property parcel number and street address of the subject parcel of land. – Yes
  - e. Area of the subject parcel of land stated in acres, or if less than one acre, in square feet. – Yes
  - f. Present zoning classification on parcel. – Yes
  - g. Present and proposed land use. – Yes
  - h. Applicant's statement, as appropriate, of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volume. – Yes
  - i. Any additional information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Townships. – Yes

ZA Roger Williams: Now we will do the Standards for Decision and the Board Members will vote on each of these Standards: The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following general standards:

1. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

2. The proposed special land use will not involve uses, activities, processes materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

Roger Hubbell request it be noted with concern on the Storm Water Basin Drainage for the upcoming Major Site Plan Review. Roger Hubbell did roll call: Cathy Demitroff-Yes, with concern to Storm Water Basin Drainage, Mary Miller-Yes, with concern to Storm Water Basin Drainage, Marshall Lambertson-Yes, with concern to Storm Water Basin Drainage, Roger Hubbell-Yes, with concern to Storm Water Basin Drainage, Christy Andersen-Yes, with concern to Storm Water Basin Drainage, Dan Moore-Yes with concern to Storm Water Basin Drainage.

3. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

Mary Miller requested it be noted with concern for Shield Lighting for the upcoming Major Site Plan Review.

Roger Hubbell did roll call: Cathy Demitroff-Yes, with concern for Shield Lighting, Mary Miller-Yes, with concern for Shield Lighting, Marshall Lambertson-Yes, with concern for Shield Lighting, Roger Hubbell-Yes, with concern for Shield Lighting, Christy Andersen-Yes, with concern for Shield Lighting, Dan Moore-Yes with concern for Shield Lighting.

4. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

Roger Hubbell requested it be noted with concern for the Easement for the upcoming Major Site Plan Review.

Roger Hubbell did roll call: Cathy Demitroff-Yes, with concern for Easement, Mary Miller-Yes, with concern for Easement, Marshall Lambertson-Yes, with concern for Easement, Roger Hubbell-Yes, with concern for Easement, Christy Andersen-Yes, with concern for Easement, Dan Moore-Yes with concern for Easement.

5. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

6. The proposed special land use will be adequately served by public or private streets, wafer and sewer facilities, and refuse collection and disposal services.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

7. The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

ZA Roger Williams: Now the Board Members must take Action on the Special Use Permit.

Cathy Demitroff made a motion to approve the Special Use Permit SUP 09-01 as defined under Tax ID 10-07-012-003-10, Mary Miller seconded it. Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes. All Ayes, No Nays, Motion Carried.

Roger Hubbell: Up next is the Major Site Plan Review. Mr. Robert Somerville your up for Phase I, Major Site Plan.

Mr. Robert Somerville: Phase I will attach the new 80'x80' Mechanical Repair Facility to the existing Building. A Gravel Driveway and Parking Lot will be added, Septic System will be moved to new location, and currently we are planning on using the existing Signage and Lighting System.

Roger Hubbell: Any Questions from Board Members?

Mary Miller and Cathy Demitroff: Brought up the condition of Shield Lighting.

Mr. Somerville: Stated it wouldn't be a problem and he made note to Shield Lighting.

Marshall Lambertson – Asked if there would be enough room to get around new Building for Fire purposes?

Mr. Somerville: Stated that there would be enough room to get around new Building from both Sides.

Roger Hubbell: Brought up the condition on Storm Water Basin and if Easement has been resolved or is still under negotiations? Was also hoping the Owner would be here for meeting tonight to confirm the negotiations.

Mr. Somerville: Stated the land naturally slopes to the Water Basin and the Easement is still under negotiations.

Christy Anderson: Would still like clarification on the Gravel Surface reduction.

Mr. Somerville: Said he would get clarification on Gravel Surface.

Roger Hubbell: With no more questions, ZA Roger Williams will walk us through the Major Site Plan Application and Approval Process.

ZA Roger Williams: Again, I provided each board member with an Application and Checklist showing all the information presented by the Applicant for Major Site Plan Review and Approval. Again, you can Approve, Approved with Conditions, or Deny with Reasons listed. First, the Major Site Plan Application Contents:

1. Application fee paid. – Yes

2. Thirteen (13) copies of the completed application form for site plan review,

which shall contain at a minimum the following information: Name and address of applicant – Yes

a. Legal description property parcel number and street address of the subject parcel of land. - Yes

b. Area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet. – Yes

c Present zoning classification on parcel. – Yes

d. Present and proposed land use. – Yes

e. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes. - Yes

f. Thirteen (13) copies of the proposed site plan, which shall include at a minimum the following information:

(1) A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer. Three (3) copies of the drawing at 24 inches by 36 inches in size, and the balance of the drawings at 11x17 size for Planning Commission

members use. Note: ZA requested two @ full size drawings and the balance at 1/2 size.

(2) Property parcel number (from the Assessment Role of the Township). - Yes

(3) The topography of the site in two (2) foot contours and its relationship to adjoining land. – Yes

(4) Itemization and depiction of existing man-made features. – Yes

(5) Dimensions of setbacks shall be shown. – Yes

(6) Locations, heights and sizes of structures and other important features. – Yes

(7) Percentage of land covered by buildings and that reserved for open space. - Yes

(8) Dwelling unit density where pertinent. – N/A

(9) Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including percent (%) grades and types of construction of those upon the

site. – Yes

(10) Curb-cuts, driving lane so parking and loading areas. - Yes

(11) Location and type of drainage, sanitary sewers, storm sewers and other facilities. – Yes

(12) Location and nature of fences, landscaping, screening. – Yes Note: Please refer to Article III, Section 3.38 for landscaping requirements.

(13) Proposed earth changes. – Yes

(14) Signs and on-site illumination. – Yes

(15) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Zoning Administrator or the Planning Commission. – Yes

ZA Roger Williams: Now we will do the Action of application for Major Site Plan Approval. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the requirements of Act 110 which provides for approval of a discretionary decision if all approval standards are met, and in accordance with the following standards. I will read each question and the Board will do a roll call for each question.

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Townships or the County Road Commission.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects there from upon owner and occupants of adjacent properties and the neighborhood.

Mary Miller requested Condition for Shielding all Outside Lighting.

Roger Hubbell did roll call: Cathy Demitroff-Yes, with Condition for Shielding all Outside Lighting, Mary Miller-Yes, with Condition for Shielding all Outside Lighting, Marshall Lambertson-Yes, with Condition for Shielding all Outside Lighting, Roger Hubbell-Yes, with Condition for Shielding all Outside Lighting, Christy Andersen-Yes, with Condition for Shielding all Outside Lighting, Dan Moore-Yes, with Condition for Shielding all Outside Lighting,

3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

4. That any adverse effects of the proposed development and activities proceeding here from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

5. That all provisions of this Ordinance are complied with unless an appropriate variance there from has been granted by the Zoning Board of Appeals.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

6. That all buildings and structures are accessible to emergency vehicles. That the plan as approved is consistent:

a. To encourage the use of lands in accordance with their character and

adaptability.

b. To avoid the overcrowding of population.

c. To lessen congestion on the public roads and streets to reduce hazards to life and property.

d. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.

e. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

f. To preserve property values and natural resources.

g. To give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

Roger Hubbell did roll call: Cathy Demitroff-Yes, Mary Miller-Yes, Marshall Lambertson-Yes, Roger Hubbell-Yes, Christy Andersen-Yes, Dan Moore-Yes.

7. That a plan for erosion controls and storm water discharge has been approved by appropriate public officials. Roger Hubbell requested a Condition for Approval on Storm Water Basin by the County and that provisions are adequate.

Roger Hubbell did roll call: Cathy Demitroff-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate, Mary Miller-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate, Marshall Lambertson-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate, Roger Hubbell-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate, Christy Andersen-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate, Dan Moore-Yes, with Condition for Approval of Storm Water Basin by the County and that provisions are adequate.

ZA Roger Williams: Now the Board Members must take Action on the Special Use Permit.

Roger Hubbell made a motion to approve the Major Site Plan Application for SUP #90-01 with the following Conditions:

1. To Shield all Outdoor Lighting.
2. Storm Water Basin Drainage be reviewed and approved by permit from the County Soil Erosion.
3. Clarification/Correction on Table showing Gravel Impervious Surface Area from Site Plan.

Marshall Lambertson seconded the motion.

Roger Hubbell did roll call: Cathy Demitroff-Yes, with the 3 Conditions, Mary Miller-Yes, with the 3 Conditions, Marshall Lambertson-Yes, with the 3 Conditions, Roger Hubbell-Yes, with the 3 Conditions, Christy Andersen-Yes, with the 3 Conditions, Dan Moore-Yes, with the 3 Conditions. All Ayes, No Nays, Motion Carried.

Roger Hubbell: Next is the Minor Site Plan Review. Mr. Somerville please present Phase II, Minor Site Plan.

Mr. Robert Somerville: Phase I Building will attach to existing Building. We will take another bite out of the hill side to circulate the Greyhound type buses. New Asphalt for Driveway and Parking Lot, to take care of the folks who will be in here visiting. From the bus drop off, there will be a new waiting room at this end of the building. The rest of this is offices, the break room, and so on. The existing building is going to be totally remodeled inside. Doors and outside windows will be replaced, a new roof, in other words we are going to clean it up, it's in bad shape and deteriorating quickly. Were going to add overhead doors and replace the other overhead door, and then asphalt these potions here and here that are now shown in gravel from Phase I. At that time here, we have a retention basin that will take some of the water run off and hold it. There is a larger retention basis in front with piping for water run off, and this is going to end up back here to the catch basin and pipes it out to this retention basin.

Roger Hubbell: Questions from board members:

Mary Miller: Why are you making the buildings attached to each other so tiny? Is there any possibility of you thinking later of expanding how it is connected one building to the other building?

Mr. Somerville: No, we are not. That is what they did right here with these two buildings that are hooked together. This whole thing here is rotting and coming apart and water is all over the floor in here from roof leaks. We have to separate this building from this building because we have required separation length of 23 feet. This is occupied out here just for Mechanics.

Cathy Demitroff: Are the negotiations for the right of way still under serious negotiations?

Mr. Somerville: Mark Roper and Bob Rosa are still talking. I have not been to one of their meetings.

Christy Andersen: It is not until Phase II that the retention basin is showing up between those two buildings, you still have it in there in Phase I with the gravel and that building, Where is the water from the new building going to go in Phase I?

Mr. Somerville: It is going to go around the end of the building and go where it goes now into the gravel. Some of it goes to the East and some of it goes to the North West.

Marshall Lambertson: There has got to be 6 inches of gravel right?

Mr. Somerville: Well it is sort of gravel, it has been plowed a lot and there is not much gravel left there. Beyond the edge of the gravel it looks like it is mostly sand.

Christy Andersen: You are going to upgrade it to six inches of gravel for the bus traffic?

Mr. Somerville: Yes we are. Phase II is supposed to immediately follow Phase I, but they do not have the funding in place for Phase II yet, so they are just doing Phase I right now to get it going.

Christy Andersen: If we approve this, this is going to fly when they get their funding, which they are trying to get to come right in behind.

Mr. Somerville: As I understand it, they are half to two-thirds the way through it, but they don't have it right now.

Christy Andersen: I don't see how we can approve this plan for Phase II. For one we are talking about adding an extra driveway, which goes against everything that we have been talking about in access management. I thought that when you were talking about moving that driveway to the East that the middle driveway was going to disappear not become a third driveway. I don't like that concept.

Cathy Demitroff: Has the commission approved the third driveway?

Mr. Somerville: That is an MDOT issue. We have a Letter on file from MDOT approving the driveway. MDOT has not yet said that we have to take the other driveway out of there.

Marshall Lambertson: We have to look down the road and into the future. I don't see that one more driveway is going to make a difference.

Christy Andersen: The plan that exists, the existing Easement, the road that proposed to access Haze Junction part of the storm water, is going to be put into that retention basin along the road, between the driveway and the right of way, it will contained runoff from the property from the East. I need to be reassured, that the storm water is going to accommodate in this and that there is going to be some sort of allowance for Haze Junction to have a storm water runoff to this site, because it is getting to that point.

Marshall Lambertson: There is a culvert under that proposed drive. They are tied together.

Christy Andersen: The one out next to the highway is ditch drainage. To protect the interest of the property over there we need to make sure that that is done.

Cathy Demitroff: What if the Easement doesn't come out on the Road as indicated, what will happen to the Storm Water Basin and Parking Lot?

Mr. Somerville: If the Easement has to come to the existing Entrance, then the Storm Water Basin and Parking Lot would have to be moved back to allow for it.

Christy Andersen: You have 20+ Busses in the Fleet. How many busses will be inside the building and how many will be outside at a given time.

Mr. Somerville: Almost the whole fleet will be parked inside; up to 4 may be parked outside for right now.

Christy Andersen: Does the Applicant meet Landscape requirements?

ZA Roger Williams: Yes the Applicant meets requirements in accordance to the Master Plan.

Christy Andersen: I am concerned about the fact that there are so many variables that are undecided right now. I mean this is what they would like to do but it is all contingent on other stuff happening. As you said there is no way knowing at this point exactly what is going to happen. I hate to say it but I don't know how we can approve it that way.

ZA Roger Williams: You have a couple of choices. You can approve it with the condition that certain information is provided or I could issue a land use permit, or you could table it and ask them to come back when they have more information.

Marshall Lambertson: I think we can give a couple contingencies and get an approval on it based on the drive access and the water that is really the two key components that are undecided. Can we ask them to come back at a later date when it is etched in stone on that third drive and the water drainage. If we put the conditions on it then, they know that they can go ahead with Phase II as long as they meet the contingencies of the first, so they don't have to sit there and wonder what if. They want to do these things back to back.

ZA Roger Williams: As long as they get the funding they would like to keep on going on to Phase II.

Roger Hubbell: I think it would be good to issue a conditional approval for it so they know what they are dealing with. We could approve with conditions, and that certain information is provided to the JPC before the land use permit is issued.

Cathy Demitroff: There are a lot of things that are up in the air. The driveway situation, the easement issue, the parking lot being moved over, and the drainage off the property to the east.

Christy Andersen: If they work out an agreement to move that driveway I think the middle one should go away.

Marshall Lambertson: If the middle drive is moved then it will be hard to get the bigger busses in the lot and they would not be able to maneuver as easily.

Cathy Demitroff: I am torn about the driveway thing. It goes against every thing that we learned. Traffic is a problem on US31 and the more driveways there is the more hazards there will be. I was just trying to think of a way to allow the bigger busses in without the third drive.

Mary Miller: I would like to see that horse shoe tucked in there it would be easier for the busses and there would not be the pending hazard of having to back a bus up.

Roger Hubbell: I would like to see this tabled until they resolve the issues of access and curb cuts, drainage from the East parcel to West parcel, and the easement. The money for Phase I is in the bank, they are waiting for the money of Phase II.

Christy Andersen made the motion to table the Minor Site Plan Application Approval until the issues with the site plan are resolved and we can come back with a plan that has also been approved by MDOT and in place. Roger Hubbell seconded the motion, All Ayes, No Nays, Motion Carried.

**New Business:**

By-Laws: Interpretation of By Laws where as an officer shall not server more than two consecutive years in any office. The Board requested to change the verbiage to say "in the same office versus "in any office."

Roger Hubbell made a motion to amend the By-Laws on page 6, third line down, under Officers. States members selected to be officers shall serve no more than two consecutive one year terms in any office. Take "any" out and replace it with "the same." Cathy Demitroff seconded the motion. All Ayes, No Nays, Motion to be brought to next meeting

Meeting Dates for 2010: Bold type will be set meetings (19 Jan/20 Apr/20 Jul/19 Oct) the ones in regular type will be projected meetings (16 Feb/16 Mar/18 May/16 Jun/17 Aug/

21 Sep/16 Nov/21 Dec) and can be cancelled if nothing comes before the board (Attached). Roger Hubbell made the motion to accept the schedule as presented; Mary Miller seconded it, All Ayes, No Nays, Motion Carried.

Budget Update: For your Review (Attached)

**Open Public Discussion:** None. Closed Public Discussion.

**Board Go Round:** None.

**Meeting Adjourned:** Christy Andersen made the motion to adjourn, Marshall Lambertson seconded the motion, All Ayes, No Nays, Motion Carried.

Submitted by  
Sharon Peregoy  
JPC Recording Secretary

Approved by  
Dan Moore  
JPC Secretary