**TORCH LAKE TOWNSHIP**

**PLANNING COMMISSION SPECIAL MEETING APPROVED MINUTES WITH CORRECTIONS 5-0**

**MAY 11, 2022**

**Community Services Building, Torch Lake Township, MI**

Members Present – B. Budros, D. Walker, B. Hawkins, B. Dvorak, A. Graves, L. Carleton,

Members Absent - None

Others – S. Kopriva

Recording Secretary – Veronica Beitner

Audience – 52

**1. Call to Order** at 7:04 by A. Graves.

**2. Pledge of Allegiance** recited by all.

**3. Consideration of Agenda** – Chair explains the agenda is specific to one main topic PCA 2022-1, Parcel #05-14-106-011-10 to hear the applicant’s presentation regarding the Special Use Permit Application. (M/S) B. Hawkins/ B. Dvorak Motion to accept the agenda as presented. No discussion. Passed 7-0.

**4. Conflict of Interest** – No conflict of interests noted.

**5. Purpose of the Special Meeting** stated by Chair Andrew Graves earlier.

**A. PCA 2022-1**, Dollar General at 5470 N. US 31, parcel number 05-14-106-011-10 for a retail store

*A1.* Presentation by Applicant – Craig Vederline of CF Legal, offered update to status of permits. Applications sent to County, MDOT, Michigan Health Department and the Fire Department. All applications are in process. Key aspects are location and fitting in with the community. Speaks to wanting to be part of the Community and has experienced backlash in other communities during the planning process. Feels this project does fit within the Community and has submitted a substantial application. At this time, they request feedback from the Township to help the application fit even better with the community.

Questions from the Commissioners: L. Carleton asks for clarification on the building itself. Were multiple levels proposed? Answer: Dollar General will make it look the way the Planning Commission requests. S. Kopriva offered additional information regarding placement of façade.

*A2*. Public Hearing began at 7:16 pm with Public Comment first. S. McCausland, 5431 US-31, Village of Eastport states DG brings zero value to the community. Minimal positions at minimum wage. 5 locations within 15 miles of Eastport. Spoke to sale of Village Market in Central Lake that took 3 years to put them out of business. Also spoke to TLT zoning ordinances restriction of 3,000 sq. ft. and the applicant is asking for over 10,000 sq. feet building. Master Plan of 2018 speaks to desire to keep area rural. Doug Price, 4530 Hopkins Lane would have liked to see a set of plans for the public to also review. Agrees with Mr. McCausland. Arlene Westhoven, 4187 Michigan Trail has concerns regarding the traffic hazard another entrance would make on that stretch of road. J. King, 615 Tamarack reviewed the land use plans and explains how the DG lighting would change the dark skies as it does in surrounding communities as well as it does not fit the Master Plan to retain rural/small character. H. Willard, 2153 San Marino Trail spoke to peaceful rural character of TLT with high quality services in the area. Also mentions benefit of residents having an opinion of applicants. Spoke to potential damage of unhealthy foods being sold by a national chain. When the local grocer is gone, so are the options for vegetables and healthy foods. K. Barry, 5404 US 31 N and lives close to proposed project. In addition, a small business owner. Speaks to Zoning Ordinance and the fact that the building is too large and would cause extreme detriment to the surrounding area. Does not see this project bringing anything unique to the area. There would be environmental detriment as the proposed project would impact existing wetland that is adjacent to her property. Torch Lake Township resident shops at DG and is former employee at the Charlevoix location. Speaks to lack of building maintenance and increase of trash. B. Stridiron 5903 N. M-88, was a food distributor and states DG was a regular customer. DG is not a good food provider. Spoke to Eastport Market offering 25 positions at fair wages versus DG that would employ 3 to 4 employees part time. A. Jeffers, 5905 Bay Shore Dr., family has lived here since the 20’s. Spoke to importance and responsibility to care for the character of the area. Highly respects and appreciates the service the Commission provides the community. Feels the character of the community, particularly Eastport would change for the negative with the placement of the Dollar General. C. Bean, 2255 San Marino Trail thanks the Commission for their service. Spoke to this being a cornerstone moment and the decision of the Commission is going to impact the Community forever. Fully supports the comments of S. McCausland. Speaks to fact that Dollar General does not have a history of giving back to the community. Is not in line with the strategic vision of the community as previously stated. L. Willard, 2153 San Marino Trail, would like to stress that in her research there is no healthy food, causes local independent grocers to go out of business. Spoke to 30% drop in sales for local owned business within a few years. Offered historical data of statistics as related to independent grocers. Also spoke to research of safety issues due to lack of employees. S. Schultz, 5450 East Birch Dr. read from a letter regarding application of a Special Use does not provide the standards of small town character. It does not mix to the community. Does not feel it meets the Master Plan of TLT. C. Goossen, 3930 Thierry Circle spoke to a Republic form of government and the Planning Commission works for the citizens. Feels it is clear that the residents do not want a Dollar General. D. Thiel, 5887 Bay Shore Dr, states him and his wife are strongly opposed to a DG. The beauty of the area is that it is not crowded with businesses, specifically chain stores. Feels most people here want the quality of life that currently exists and demonstrated in the commitment to the Township facilities and desire to increase quality services such as ambulance services.

223 written letters received by noon today. Chair A. Graves asks if each letter should be read or if a summary is sufficient. L. Carleton states she has read ALL of them and the general thought was the same. B. Dvorak agrees. D. Walker read each letter and will be speaking to specifics in discussion but summary is fine. Concerns include environmental, traffic and traffic safety, noise, light pollution, etc. Breakdown of letters show 220 were against application and 4 in support. Support spoke to current market pricing is too high, competition is healthy and lack of sale pricing. D. Walker spoke to a video of business and its’ practices aired on 60 minutes. Demonstrated concern with lighting. Commissioner Walker addressed comment of competition being good. The applicant is not a fair comparison to our existing markets. Addressed the residents and explained upcoming project to review the Master Plan and specifically land use. L. Carleton states it’s great to hear all the comments and the reality that the PC must go off the Master Plan and what exists in the Zoning Ordinance. She also added it is important to get involved in process.

*Public Hearing closed at 8:05 pm*

*A3***.** Application does meet all requirements of lot requirements. S. Kopriva clarified that yes they did meet the minimum standards. PC could add additional conditions. Encourages the commission to review the pitch and appearance of the roof. A. Graves spoke to applicant stating in presentation that “you’ve seen what the buildings look like” which implies that the building will not be adapted to our requirements. Applicant addressed comments from the public. Spoke to wetlands and their investigative report, meeting of Zoning Ordinances and grandfathered in due to having originally filed prior to change in Zoning Ordinance. In respect to the lighting, they will work with the Commission to comply and each Township can request specifics. S. Kopriva states that because the application was not complete when originally submitted, it is now subject to the current Ordinances as it is now completed to be reviewed.

Discussion ensued between Chair and S. Kopriva in approaching the review of the application. It will not be rushed and it will follow the process. S. Kopriva also believes the landscaping should be a topic of further discussion in review of standards in criteria. A Fire Department review will need to be obtained as there are many topics to address. Suggests a discussion with MDOT would be recommended due to safety concerns with traffic and traffic management. Spoke to fact that schematics were not included but if necessary can be provided by our staff as on file. Permits would also like to be seen by the Commission. Not uncommon that permits may still be in process but proof of application is sufficient at this time. D. Walker requests ZA S. Kopriva to address discrepancy of Zoning Ordinance 10.02 that speaks to square footage limitations. Review provided included with special uses of Zoning Ordinance 10.03. A valid application therefore as a SUP. L. Carleton requested update to parking. Applicant has added on to the parking spaces as required by our Zoning Ordinance. Legal responsibility and timeframe for feedback to applicant reviewed by S. Kopriva. Process must keep moving forward for applicant to obtain, time for the public and commission to review and schedule a Public Hearing. Anticipates this to be a couple months for the process. B. Dvorak asks if it is required to request additional information and have another meeting. Answer: if there is information requested, then you must give the public time to review and publish a public hearing. Spoke to closing the Public Record which would allow the Commission to continue in the process with what is requested but not opening to non-requested comments/information. B. Hawkins states he would like to see more information from the Fire Department and MDOT which would include seeing

decelerations lanes. B. Dvorak does not need any more information to make a decision. B. Budros does not feel any additional information would make a difference. D. Walker feels we have enough information and has compared the application to the Master Plan. L. Carleton feels that if the Commission went through the points it would be appropriate to review. J. Merchant okay with moving forward. A. Graves agrees with moving forward.

**Site Plan Review**

**Standards for Approval**

A1. All elements of site plan in relation to topography have been met. No concerns by commission.

A2. Landscape preservation has met the minimal standards.

A3. Storm Water management permit has not been received. Commission feels that this standard has been met contingent on approval of permits. In regards to the Wetlands, EGLE may have to also be involved dependent on invasion of the wetlands.

A4. Reasonable, visual and sound privacy for all dwelling units. Commission has question related to sound privacy and reviewed aerial document to review impact of closest neighbor. Applicant did speak to 32 visits during peak hours. 16 incoming and 16 exiting. Applicant states if a noise study is required they would be willing to complete to satisfy the condition. J. Merchant asks for clarification of “noise” and if this could include loading and unloading of trucks. Commission also requests data regarding frequency and timing of deliveries and garbage trucks schedule. In addition, Chair also has concerns regarding fencing, barriers and landscaping. B. Dvorak yes the standard has been met, J. Merchant yes the standard has been met, L. Carleton states more information needed. Has been met but needs additional information specific to fencing and landscaping final before determination can be made.

A5. Emergency access standard has been met subject to Fire Department review.

A6. Standard has been met.

A7. Pedestrian circulation system – Standard has been met no concerns

A8. Loading and Unloading areas have screening – standard has been met with condition the height should be 8’

A9. Exterior lighting – subject to TLT Lighting Ordinance which must comply 100% to meet the standard.

A10. Approached to paved public roads – standard has been met.

A11. Arrangement of public or common ways for vehicular and pedestrian circulation. Standard has been met Subject to MDOT review -

A12. Standard has been met.

A13. Water supplies subject to soil and erosion in addition to EGLE.

A14. Native vegetation for screening – standard met subject to addition of native vegetation on the south side of the building. ZA suggests 4’ height to help shield lights from cars. Commission concurs.

A15. Site Plan overall – standard met.

**Special Use**

**Standards 17.01**

1. Consistent with and promote the purpose and intent of the ordinance and zone district in which the use is proposed. Commission reviewed comments from public as well as Master Plan definition of a Hamlet. Does not fit Master Plan of maintain rural character. B. Hawkins also spoke to Master Plan of fitting likened businesses. L. Carleton also spoke to scale of business. Roll Call Vote: B. Dvorak - no, D. Walker- no, B. Hawkins -no, B. Budros - no, A. Graves- no, J. Merchant - no, L. Carleton -no. Not met.

2. SUP compatible with zoning and use of adjacent lands. Managing a community in compliance with the Master Plan. Roll Call Vote: B. Budros – no, D. Walker – no, B. Dvorak – no, B. Hawkins – no, A. Graves – no, J. Merchant – no, L. Carleton – no. Not met

3. SUP must not adversely impact the environment. Combination of soil erosion and EGLE would help determine the status of meeting the standard. B. Dvorak feels the general environment of the Township would be negatively impacted. D. Walker spoke specifically to increased trash and plastic being negatively impacting. L. Carleton concurs. J. Merchant concurs. Standard not met.

4. SUP must not unduly burden or exceed the ability of public services or facilities to handle the anticipated needs of the community. B. Dvorak feels standard has been met. A. Graves adds Fire Department review must be added and feels standard has been met. Standard is met. Roll Call Vote: B. Budros – no, D. Walker – no, B. Hawkins – no, A. Graves – no, J. Merchant – no, L. Carleton – no. Not met

(M/S) L. Carleton/B. Hawkins Motion to Deny the application for PCA 2022-01 for the proposed Dollar General retail store at 5470 N. US 31 parcel #05-14-106-011-10 as it does not meet the standards for approval and criteria in the Zoning Ordinance. No discussion. Roll Call Vote: L. Carleton - yes, J. Merchant - yes, B. Dvorak - yes, B. Hawkins - yes, D. Walker - yes, B. Budros - yes, A. Graves - yes. Passed 7-0.

**6. Public Comment** – J. King understands the Commission has to follow a process and thanks them for their patience. The Planning Consultant has spoken to the process and has followed which is much appreciated. Mary Lee Bretz, Pearl Harbor applauds the Commission for their work and suggests Civic education in regards to explaining the process and help the public understand. S. Schultz thanks the Planning Commission and appreciates that her comments touched on Special Use 4 different times and was clearly reviewed by the Commission. K. Barry thanks the Commission as well for their thoughtful consideration.

**7. Adjournment** – (M/S) J. Merchant/B. Budros Motion to adjourn at 9:23 pm.

Minutes respectfully submitted by Veronica Beitner and subject to approval at the next scheduled meeting.