

MANCHESTER TOWNSHIP PLANNING COMMISSION
Manchester Township Hall, 275 S. Macomb Street, Manchester, Michigan 48158

Regular Meeting Minutes Approved
August 3, 2006

A. CALL TO ORDER

The meeting was called to order at 8:00 pm by Chairman Kopka

Members Present: Les Kopka, George Daubner, Lyle Widmayer, Pete Stumpo, and Mark Neigebauer

Absent: Mike Lowery and Jim Samonek

Others Present: John Enos (Carlisle/Wortman), Paul Siersma (Carlisle/Wortman), Chris Sirvinskis, Nick Aiuto, and Carl Macomber

B. APPROVAL OF AGENDA

Planning Commissioners discussed adding a discussion of the LIAA Grant to New Business as agenda item H2.2. Motion made by Daubner and seconded by Widmayer to approve the agenda as amended.

Voice vote: ayes all. Motion carried.

C. APPROVAL OF MINUTES – July 6, 2006

Motion made by Daubner and seconded by Widmayer to approve the 07/06/06 minutes as presented.

Voice vote: ayes all. Motion carried.

BREAK FOR PUBLIC HEARING ON ADULT-ORIENTED BUSINESSES, ZONING ENABLING ACT (PA 110 OR 2006), AND COMMUNITY WASTEWATER UTILITY SYSTEMS AT 8:03PM

D. PUBLIC HEARINGS – Adult-Oriented Businesses, Zoning Enabling Act (PA 110 of 2006), and Community Wastewater Utility Systems

Enos outlined the proposed changes for the adult-oriented businesses indicated that it could be a conditional use. Enos indicated that the Township Attorney has reviewed the draft language that would be included as a general law. Enos outlined the proposed changes for the Zoning Enabling Act (PA 110 of 2006) and indicated that most of the changes were administrative in nature. Enos outlined the proposed language for the Community Wastewater Utility Systems that covers private wastewater systems. Enos noted that the item is included on tonight's regular agenda for the Planning Commission to recommend adoption or changes. No public present for public comment.

RETURN TO REGULAR MEETING AT 8:05 PM

E. PUBLIC COMMENT

Chris Sirvinskis introduced himself and the proposed temporary barbeque at the Aiuto property at 11100 M-52 (or noted as 10940 M-52 in Sirvinskis Executive Summary – hand-dated 08/03/06 – PC). Sirvinskis distributed the Executive Summary for Chef Chris' BBQ Shack outlining the proposed plans for a mobile barbeque kitchen. Planning Commissioners and Enos the recommendations for the Portable Barbeque Stand outlined the Carlisle/Wortman memorandum titled Teri Aiuto Properties (dated 07/17/06 – two pages). Enos indicated that he is reconsidering the recommendation in the Carlisle/Wortman memorandum. Enos and Planning Commissioners discussed the options for allowing the business. Enos indicated that the business can be denied outright or could be allowed as a conditional use (as temporary use). Enos indicated that the use could be viewed as a restaurant so that a sketch would be needed to outline where the parking would be and what the proposed days of operation would be, and what the hours of the operation would be.

Sirvinskis indicated that he is researching the County license for public events and the vendor license. Enos inquired if Sirvinskis would be obtaining the license through the Washtenaw County Health Department. Enos inquired how often Sirvinskis would be on the proposed site with the mobile barbeque kitchen. Sirvinskis indicated that he has a number of weekends available for next year. Sirvinskis indicated that the mobile barbeque kitchen would be positioned to the left of the building as you face the building. The group discussed that the proposed location would have access from Ann Arbor Street and M-52. Sirvinskis indicated that the mobile barbeque kitchen would only be in operation on the weekends. Neigebauer inquired if Sirvinskis is already licensed for the operation. Sirvinskis indicated that the unit is currently being built and he is pursuing the licenses. Enos inquired if the Township has a vendor license and Widmayer advised that the Township does not. Enos indicated that the Planning Commissioners could consider the mobile barbeque kitchen as a restaurant. Widmayer inquired if Sirvinskis would be renting space from the Aautos. Sirvinskis indicated he would. Enos inquired if the mobile barbeque kitchen would be parked there when not in use. Sirvinskis indicated that the kitchen needs to have routine weekly maintenance that would be done off-site. Sirvinskis indicated that the kitchen would be stored in a barn when it is not onsite.

Neigebauer inquired if the kitchen would be used only in the summer. Sirvinskis indicated he is not sure how the kitchen operates in the winter so it may be only during fair weather. Nick Aiuto indicated that the mobile barbeque kitchen would have the same place on the property each time the Sirvinskis returns. Siersma noted that it may not be acceptable to operate on private property. Planning Commissioners discussed the rib joint in the Irish Hills. Sirvinskis indicated that he was looking for a setup that would be quick for the customer. Sirvinskis advised that his long-term goal is to open a barbeque restaurant. Enos noted that the operation could be considered a drive-in restaurant which could be allowed as a conditional use. Enos advised that the conditional use would require a public hearing and information from the applicant including a sketch of the location of the kitchen on the property, the hours of operation, proposed days of operation, proposed traffic flows to and from the location on the property, and the plans for trash removal.

Enos indicated that there is not a lot of Community Commercial in the Township and that it would be nice to have a lot of uses on the proposed property. Aiuto commented that permitted uses under Community Commercial does not allow a drive-in restaurant. Enos indicated that the outdoor furnace sales could be packaged as part of the conditional use application. Daubner indicated that he would like to see some more research and discussion on the mobile barbeque kitchen. Neigebauer inquired if the operation would be licensed through the State. Enos encouraged Sirvinskis to research the County licensing options, research the vendor license, do a site plan/sketch, outline the days and hours of operation, and outline proposed smoke and noise from the operation. Enos and Sirvinskis discussed the rural look of the mobile barbeque kitchen. Enos encouraged the Planning Commissioners to research and discuss before making a decision. The Planning Commissioners discussed that approval of the temporary unit would set a precedent for other requests. Sirvinskis indicated that he is not in a hurry for a decision since the proposed operation would not begin until Spring/Summer 2007. Neigebauer inquired if the kitchen would run off a generator or electrical plug. Sirvinskis indicated that the kitchen can run off of both power sources. Sirvinskis indicated that the health departments like these mobile barbeque kitchens because they are newer and are set-up for easy cleaning and maintenance. Sirvinskis thanked the Planning Commissioners for their input.

Nick Aiuto indicated that the Bear Claw Café is no longer going to happen. Planning Commissioners continued with discussion of the outside furnace sales at the same property. Enos reviewed the recommendation outlined in the Carlisle/Wortman memorandum titled Teri Aiuto Properties (dated 07/17/06 – two pages). Aiuto inquired if the outside furnace sales are allowed under Section 903, Item L as Open Air Display as a hardware item. Enos advised the open air displays are attached as part of an existing store. Aiuto indicated that the furnaces are intended for outdoor use so the display of the furnaces outside is logical. Widmayer inquired if sales for the furnaces are done inside the adjacent building. Aiuto indicated that sales are completed offsite and that brochures on the units are inside the furnaces. Planning Commissioners and Aiuto discussed the cut-off number for display items outside. Enos indicated that the Planning Commission can allow it but provide a means for the Township to control it. Aiuto indicated that the tenant with the outside furnace sales has a limited space available. Aiuto indicated that the space is leased. Widmayer commented that he would like to see the number of units on display limited and the space limited as well. Aiuto indicated that all the space available to the tenant is used and that the tenant would have to stack the units to display more. Neigebauer inquired how long the lease is for the tenant. Aiuto indicated that the lease is one year. Aiuto indicated that the signage looks professional and bases for the units were installed to eliminate grass growing up.

Enos indicated that Aiuto could go before the Zoning Board of Appeals for a review to see if the sales are an Open Air Display or Aiuto could apply for a conditional use permit which would give the Township a chance to regulate the conditions. Stumpo indicated that the property used to display the outside furnaces is leased to party, so the issues may not be as straight forward. Planning Commissioners and Enos discussed that the conditional use would require the property

owner apply for the permit and that the conditional use would run with the portion of the property. Widmayer indicated that the conditional use is like a rezoning that would allow the same use in the future. Widmayer indicated that if the mobile barbeque kitchen is approved, there could be two different conditional uses on the same property. Enos indicated that a site plan/sketch would be needed so that if changes are proposed in the future, the property owner would have to amend with the Township. Enos noted that conditional use does not require a site plan but that the Planning Commission can request it. Enos noted that a sketch would be adequate.

Daubner indicated a conditional use would lock the use to a specific portion of the parcel. Widmayer indicated he would like to see a conditional use so that the location of the use is permanent. Enos expressed concern for the conditional uses changing location over time. Enos indicated that the Township can monitor the conditions for the conditional uses on the property. Neigebauer inquired if the site plan/sketch would include the actual layout of the conditional uses on the parcel. Enos indicated yes. Enos also indicated that the use would be included in the permit so that the use of the portion of the property is limited to the single use in the future. Enos suggested that Aiuto contact Macomber to see if the Section 903, Item L - Open Air Display applies. Enos also indicated that he will contact Macomber to discuss. Aiuto indicated that his wife has been in contact with the Township so he is unsure what has transpired. Enos indicated that he and Aiuto will contact Macomber and then decide on the next step. Planning Commissioners continued with discussion on the mobile barbeque kitchen. Aiuto indicated that the limit to the number of outside furnaces can be summarized in a letter to the tenant with a copy to Macomber or the lease with the tenant can be amended with a copy to Macomber.

Aiuto indicated that a dance studio is considering the space remaining in the building at 11000 M-52. Enos indicated that the dance studio is a permitted use and that he can write a letter to the fact. Enos inquired about the vegetable stand at the property. Enos reviewed the recommendation outlined in the Carlisle/Wortman memorandum titled Teri Aiuto Properties (dated 07/17/06 – two pages). Aiuto advised that a trial weekend of sales was completed and that the vegetable stand owners were told by someone that it was not allowed. Widmayer indicated that the stand may not be allowed unless the produce was grown on the property. Aiuto inquired if the stand could be permitted as a fruit market which is an allowed use in Community Commercial. Enos indicated that Macomber may help with this question. Enos indicated that he and Aiuto will contact Macomber and then decide on the next step.

F. REPORTS AND CORRESPONDENCE

Reports

1. Report of Chairperson:

Kopka indicated that the Township should review the site condominium ordinance. Enos indicated he will review and provide feedback at the next meeting. Enos indicated that the fees should be reviewed as well and noted that the issue is on tonight's agenda.

2. Report of Township Board Representative:

Widmayer indicated that there has been debris dumping out on Mahrle Road and that limestone is being considered for Grossman Road, pending the cost information from the Road Commission. Widmayer advised that Hickory Lane was inspected and approved as a private road. Widmayer also indicated that three land splits have been completed. Widmayer indicated that the pay for the fire chief and personnel had been reviewed and recommendations forwarded to the Township Board. Widmayer indicated that the pay for the recording secretary for the Planning Commission needs to be reviewed.

Motion made by Widmayer and seconded by Daubner to recommend to the Township Board to raise the pay for the recording secretary to \$12.50 per hour as well as allow \$2.00 per hour technical fee for hours worked at home (technology fees covers costs associated with phone calls, faxes, e-mail functions, computer time, office supplies, and copy machine functions associated with work related to Manchester Township Planning Commission).

Voice vote: ayes all. Motion carried.

3. Report of Zoning Board of Appeals:

Kopka advised that no meeting had been held.

4. Report of Planning Consultant:

Enos updated the group on the following items:

- ☞ Fee schedule review – good time for review
- ☞ Mining ordinance – being worked on
- ☞ Hungry Wolf – Macomber has met with Hungry Wolf who has indicated that the landscaping will be finished.

5. Reports of Committees:

a. SWWCOG:

Daubner advised that no meeting had been held.

b. Traffic:

None.

c. Township/Village Liaison

Daubner advised that no meeting had been held.

6. Correspondence

Kopka advised that the following items had been received:

- Land Division Application copy
- Planning and Zoning News
- Purchase of Development Rights conference in Scio Township on 08/30/06

- Planning for Agriculture conference in Clare on 08/29/06

G. UNFINISHED BUSINESS

1. Ordinance Amendments - Adult-Oriented Businesses, Zoning Enabling Act (PA 110 of 2006), and Community Wastewater Utility Systems

Enos advised that the Township attorney has reviewed the proposed changes for the adult-oriented businesses, Zoning Enabling Act (PA 110 of 2006), and the Community Wastewater Utility Systems.

Motion made by Widmayer and seconded by Neigebauer to write a resolution and recommend to the Township Board the Adult-Oriented Businesses language to ordinance.

Voice vote: ayes all. Motion carried.

Motion made by Daubner and seconded by Neigebauer to write a resolution and recommend to the Township Board the changes to the ordinance for the Zoning Enabling Act (PA 110 of 2006).

Voice vote: ayes all. Motion carried.

Motion made by Neigebauer and seconded by Daubner to write a resolution and recommend to the Township Board the Community Wastewater Utility Systems language for any private sewer system through a conditional use with site plan review and approval by the County and Township Board.

Voice vote: ayes all. Motion carried.

2. Review of Fee Schedule

Planning Commissioners discussed the Fee Schedule Comparison (one-page – prepared by Carlisle/Wortman – hand-dated 08/03/06-PC). Planning Commissioners also reviewed the Manchester Township Fees (one page – dated 08/09/05). Planning Commissioners suggested changes to the Conditional Use, Site Condo, Planned Unit Development (PUD), Rezoning, Subdivision Plat, Zoning Board of Appeals, Special Planning Commission Meeting, Special Township Board Meeting, and Pre-Conceptual Meeting categories.

Motion made by Daubner and seconded by Neigebauer to redraft the proposed revisions to the Manchester Township Fees and recommend to the Township Board.

Voice vote: ayes all. Motion carried.

Siersma indicated he would revise the fee comparison.

H. NEW BUSINESS

1. Extraction Ordinance

Planning Commissioners and Siersma discussed the work that Freedom Township is doing to their extraction ordinance. Siersma indicated that Southwestern Washtenaw Council of Governments

has a goal to use one ordinance for the whole area. Siersma advised that Bridgewater Township drafted a good ordinance which the Township has used as a template for the proposed ordinance. Siersma referenced the 27 page proposed extraction ordinance (prepared by Carlisle/Wortman). Siersma indicated the proposed language is a general law ordinance for the Township Board to review and it would replace the current ordinance in its entirety.

Daubner confirmed that the extraction ordinance would be part of the general law ordinance. Siersma indicated that he needs to check to see if the extraction ordinance is referenced in the zoning ordinance. Siersma indicated that the Township Board would hold a public hearing and would replace the old ordinance entirely. Planning Commissioners discussed the status of the Freedom Township ordinance work. Siersma advised that he compared the existing extraction ordinance with the proposed ordinance and found the language similar and that the new ordinance takes it to a new level. Siersma indicated that the proposed ordinance should be reviewed by the Township Attorney. Siersma advised that the Township Board will likely wait for the attorney review.

Motion made by Neigebauer and seconded by Daubner to recommend to the Township Board and the Township Attorney to review the 27-page proposed extraction ordinance (prepared by Carlisle/Wortman).

Voice vote: ayes all. Motion carried.

2. LIAA Grant

Enos outlined the Land Information Access Association (LIAA) planning grant that is available. Enos advised that LIAA is a non profit organization that will be looking into a boundary area plan, land available for 425 agreements, model ordinance, open space, and transition space for SWWCOG. Enos indicated that the \$45,000 grant was awarded with a 20% match. Enos advised that Washtenaw County is contributing \$5,000 and that they are asking communities to contribute \$1,000. Enos indicated that it would be a large amount of information for the Township to use for planning purposes. Enos noted that the information would be presented to SWWCOG at a meeting.

Motion made by Widmayer and seconded by Daubner to recommend to the Township Board to fund the \$1,000 for the LIAA grant.

Voice vote: ayes all. Motion carried.

Enos noted that many ideas from the grant can be used in the Township and that the model ordinance could be reviewed and adopted. Enos indicated that Carlisle/Wortman will prepare a letter to the LIAA and to the Township Board.

I. COMMENTS FROM COMMISSION

Stumpo commented that the outside furnaces on the Aiuto property look pretty good but that he understands the need to limit the number of units on display. Stumpo also commented that the mobile barbeque kitchen might bring something to the community but he also understands the

Township limiting the use. Stumpo indicated that the Township could reconsider doing vendor permits.

Daubner commented that if the mobile barbeque kitchen is approved, the same request could be done anywhere in the Township. Daubner inquired why the Bear Claw Café required review versus Ash Auto simply moved into the building. Planning Commissioners discussed that Ash Auto is a permitted use. Daubner inquired if a music studio is close enough to a dance studio for a permitted use for the remainder of the Aiuto building at 11000 M-52. Enos indicated he believes they are close enough to allow.

J. PUBLIC COMMENT

Macomber (Zoning Administrator) commented that the conditional use permits on file in the office have not been signed by the Chair of the Planning Commission. Macomber suggested that the permits are signed on the evening of the approval. Macomber indicated there is a home in Deer Valley where he is unsure if all the tenants are related. Macomber indicated he will research the issue. Planning Commissioners discussed the status of the Jackson house project.

K. NEXT MEETING

Next regular meeting – Thursday, 09/07/06 at 8:00 pm

L. ADJOURNMENT

Motion by Widmayer and seconded by Neigebauer to adjourn meeting at 9:46 pm.
Voice vote: ayes all. Motion carried.

Prepared by, Approved by,

Jennifer Crumb, MTPC Recording Secretary Mike Lowery, MTPC Secretary

Date