

Village of Onekama
Special Meeting Minutes-November 4, 2016

President Burger called meeting to order at 4:p.m.

Roll Call: Ken Bauer, Ralph Drumm, Rod Hudson, Rudi Milasich and Wayne Miller, present. Also present clerk Ruth Hudson. Alice Hendricks and Treasurer Nikki Jach/absent.

Also in attendance Zoning Administrator-Bob Hall, Blarney Castle owner-Dennis McCarthy, Pat Bentley-Spicer Group Project Engineer and Eric Johnson-environmental engineer/Blarney Castle Oil.

Pledge of Allegiance was led by President Roger Burger.

The purpose of this special meeting: To consider the request from Blarney Castle for a special use permit.

Dennis McCarthy thanked the Village Council for its support during this process and the help they received from Bob Hall with the paperwork. Mr. McCarthy also stated that all underground tanks from his two gas stations in the village would be removed. He also stated that the Spirit Station may eventually be torn down but the Easy Mart Blarney station could be rented out or used for offices.

Pat Bentley/Spicer Group

Addressed concerns with regard to the % of impervious surface that was needed to be in compliance with the Village Zoning. He went into detail, which satisfied the council, as to how the storm water runoff would be captured and re directed.

Eric Johnson/Blarney Castle Oil

An environmental impact study was done and the contaminants that were identified were within the acceptable level and no action was necessary.

Another concern of some trustees was a free standing sign that was being requested but not in compliance with the zoning. Much discussion followed during which Blarney Castle said they were looking at different options for signage.

Much discussion followed in accordance with 86-11 of the Village Zoning Ordinance to review the standards of which the findings of the council are based with regard to granting the Special Use Permit to Blarney Castle. Those findings and facts are as follows:

Findings of Fact and Conclusions

Section 8610.B --The Village Council shall approve the request for the Special Use Permit if the request is in compliance with:

....

2. other applicable ordinances;

Finding of Fact: There are no other applicable ordinances.

CONCLUSION: The request is in compliance with 8610.B.2

3. State and Federal law;

Finding of Fact: The Village's expert, Christopher Grobbel, submitted a 9/21/2016 Report ("Report") which finds that " Applicant has met or exceeded Michigan Dept. of Licensing and Regulatory Affairs for underground storage tank system (UST)/dispensers leak prevention, release detection, spill and overflow prevention, secondary containment, corrosion protection, operator training, storm water treatment system operation and maintenance plan, and spill response contingency plan (Report p.1).

Finding of Fact: Delineation of Wetlands at the site is valid and reliable in accordance with state and federal protocols and standards (Report p.1).

CONCLUSION: The request is in compliance with 8610.B.3

Section 8610.B-- The Village Council shall approve the request for the Special Use Permit if the request is in compliance with:

4. the standards set forth in Section 8611.

Section 8611 The standards for determining whether a Special Use Permit shall be granted are that the requested Special Use:

....

- B. Will be compatible with adjacent uses of land and with the natural environment;

Finding of Fact: The proposed Special Use provides for the preservation of the adjacent wetlands by reducing the storm water runoff into Portage Lake (Public Hearing Minutes p.3)

Finding of Fact: The removal of the larger Warehousing/Storage Building has increased the view of Portage Lake from M22.

Finding of Fact: The lot to the east and the lot across M22 to the north of the proposed Special Use are already developed, and the lot adjacent to the west side of the proposed Special Use, which is undeveloped, will be protected by the landscaping which applicant proposes to place on the western side of the proposed Special Use.

CONCLUSION: The proposed Special Use will be compatible with adjacent uses of land and with the natural environment.

- C. Will be constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity

Finding of Fact: Site Plan at page 7 proposes that trees be added approximately 40 feet off the western property line, that shrubbery be added along the western property line, and that shrubbery be added along the sidewalk next to M22.

CONCLUSION: The proposed Special Use will be compatible with adjacent uses of land and with the natural environment.

- D. Will be compatible with the capacities of public services and facilities affected by the Special Use such that there will not be excessive additional requirements for services or facilities at public cost.

Finding of Fact: The Village Sewer System has the capacity to absorb the increase in wastewater from the proposed Special Use and the applicant will have pay sewer fees for the wastewater generated by the proposed Special Use.

CONCLUSION: The proposed Special Use is compatible with the affected public services and facilities.

- E. Will be consistent with the general public health, safety and welfare

Finding of Fact: Applicant has stated that the underground tanks which will be installed at the proposed special use will be state-of-the-art, fiberglass double walled tanks and that it would like to remove 9 older model tanks at the two existing Service Stations. (Public Hearing Minutes at p.2)

Finding of Fact: The Village's Environmental Expert has determined that applicant meets and exceeds the DEQ water quality protection standards. (Public Hearing Minutes at p.3)

Finding of Fact: Applicant will install two Bio-Infiltration Basins which will reduce significantly storm water runoff into Portage Lake. (Public Hearing Minutes at p.3).

Finding of Fact: Any spillage of gasoline at the pumps will be routed through a storm water sewer and a mechanical all-water-separator before being routed to East Bio-Infiltration Basin. (Public Hearing Minutes at p.3).

CONCLUSION: The Special Use, as proposed, will be consistent with the general public health, safety and welfare.

- F. Will be consistent with the plan for physical development of the Village in the Master Plan adopted by the Village Council

Finding of Fact: Applicant has two older Gasoline Service Stations in the Village, and replacing those stations with a modern Station and an expanded and modernized Convenience Store improves the physical development of the Village.

CONCLUSION: The proposed Special Use is consistent with the plan for physical development of the Village in the Master Plan.

Section 8610.B-- The Village Council shall approve the request for the Special Use Permit if the request is in compliance with:

- 1. the conditions imposed under this Ordinance;

Section 8611 The standards for determining whether a Special Use Permit shall be granted are that the requested Special Use:

- A. Will be consistent with and promotes the intent and purposes of the Ordinance, both generally and for the particular district
- G. Will be, designed and constructed, in compliance with all applicable general regulations and specific district and overlay regulations and standards listed elsewhere in this Ordinance

Finding of Fact: The Site Plan at page 2 proposes that a free-standing Gas Station Sign be erected abutting the existing side walk, which runs along M22, at a point approximately 50 feet to the West of the proposed Gas Pump Island.

Finding of Fact: Sec.1015.A.3.b provides that “Signs on non-residential parcels in the Commercial Residential District . . . shall be limited to one sign on or attached to each building wall”

CONCLUSION: The Special Use Permit, as proposed, is not in compliance with applicable general regulations of the Zoning Ordinance, is not in compliance with the conditions imposed under the Zoning Ordinance and is not consistent with the intent and purposes of the Zoning Ordinance. Therefore, the applicants request for issuance of a Special Use cannot be approved other than with conditions.

Motion by: Rudi Milasich

Seconded by: Wayne Miller

Based upon the Council's review and consideration of the record evidence, including the Recommendations Decision by the Planning Commission and the Public Comments made at the Village of Onekama Planning Commission's Public Hearing and based upon the Findings of Fact and Conclusions set forth above, I move that the request of the applicant that a Special Use Permit be issued in Case 2016-01 be granted subject to the condition either that the Gas Station Sign be constructed and erected in compliance with Sec.1015.A.3.b of the Zoning Ordinance or that the applicant submits to the Zoning Board of Appeals under Sec.9604.B. a written request for, and is granted, a non-use variance for the free standing Gas Station Sign.

Members Voting Aye: Ken Bauer, Ralph Drumm, Roger Burger, Rod Hudson, Rudi Milasich, Wayne Miller

Members Voting Nay: none

Members Absent: Alice Hendricks

MOTION AND DECISION DECLARED ADOPTED

Dated: November 4, 2016

Ruth Hudson, Village Clerk
Village of Onekama

STATE OF MICHIGAN)
)ss.
COUNTY OF MANISTEE)

I, the undersigned, the duly qualified and acting Clerk of the Village of Onekama do hereby certify that the foregoing is a true and correct copy of a Motion and Decision adopted by the Council of the Village of Onekama at a Special Meeting held on the 4th Day of November, 2016, the original of which is on file in my office. Public notice of said meeting was given in accordance with law.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this date, 4th day of November, 2016.

Ruth Hudson, Village Clerk
Village of Onekama

Meeting adjourned at 4:45 p.m.

Respectfully;

Ruth M. Hudson/clerk