

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING HELD  
ON MAY 24, 2017**

The Public Hearing was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, May 24, 2017. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jerry Donley, Terry Harris, Tim Feirick, Tom Lehrer, Bill Zuhl

OTHERS PRESENT: Attorney John Magyar, Recording Secretary Lindsay Krohne, Supervisor Bill Saunders, six members from the public.

ABSENT: Dave Grabemeyer, John Tidey, Building/Zoning Administrator Todd Herter

**MOTION TO APPROVE AGENDA**

Tim Feirick motioned, seconded by Tom Lehrer, to approve the May 24, 2017 agenda as amended. Motion passed by voice vote.

Tom Lehrer read the public notice aloud and stated no written correspondence was received.

Attorney John Magyar stated that Section 14.03 A, #ø 1-4 as well as 14.08 N: Open Air Business would give the Planning Commission members enough standards to evaluate the application for a Special Use Permit. He also stated that he doesn't think they should attempt to apply new standards that the Township Board hasn't passed yet.

Terry Harris questioned whether they wanted to add "Food Truck Park" into the definitions. John Magyar stated that they cannot amend the ordinance as they have no power to do so. Terry Harris replied that they were just going to use what was already written.

Terry Harris read aloud Section 14.02 A Application and Review Procedures for Special Land Use.

Bill Zuhl stated that on the Public Hearing Notice, two tax identification numbers were listed when there was only one listed on the application. Mr. Craig Wiker, the property owner, responded stating they had been combined.

Terry Harris read through Section 14.03. Discussion followed.

Attorney John Magyar stated that he would like the owner's to address waste disposal, stating that to his understanding, the trucks wouldn't be able to hook up to the sanitary sewer without approval, especially as it relates to grease traps. He stated that he would like to get a brief statement from the applicant on what the project is.

The applicant, Sue Wiker, stated that the proposed food truck park location would have a maximum of five trucks parked on a temporary basis. She stated they would have 24-26 parking

spaces, a small outdoor area for dining, and would be far enough off the road for safety purposes. She stated they may have bag games for customers, but would not allow parties or alcohol. In regards to disposal, Sue stated that she was following the pattern of a food truck park in Traverse City, by having a grease trap installed on the property. She added that they would provide a trash receptacle.

Terry Harris questioned if the trash area would be enclosed, as he was considering the neighbors. Sue stated that she did not believe a fence around the trash receptacle was required.

Terry Harris questioned if a commercial waste company would periodically come and pump the grease trap, and Sue stated yes. She mentioned that a 1600 gallon grease trap would likely only need emptied once a year.

Terry Harris also voiced his concern for customers parking alongside M-152 to run up and grab something to eat, and causing a vehicular accident. Sue Wiker answered that there are easy ways to prevent parking alongside the road. She added that she had a to-scale drawing showing the layout. She stated that 40% of the property is for parking.

Jerry Donley questioned where the operators of the food trucks would be staying overnight, as they couldn't stay at the food truck park. Sue answered that they typically get a hotel, but she was looking to recruit local food trucks. Sue added that out of town vendors may rent a cottage, but she was not providing housing.

Jerry stated that they would have temporary electric, like a campground. Sue agreed. Jerry also questioned their starting and ending dates. Terry Harris answered that they had discussed at the previous meeting, that their intentions were to tentatively operate from Memorial Day through Labor Day.

Terry read through Section 14.03 B, C, and D, as well as Section 14.05.

Jerry questioned if the township would require any operational fees from the food trucks. Sue replied that the food trucks would have to apply for a permit to conduct business, and also a permit from the health department. She added that she believed they also needed a permit from either the township or the city. Attorney John Magyar stated that it would be up to the Township Board if they would require a fee.

Terry Harris read through Section 14.08, Specific Land Use Standards, referring to K: Restaurants with drive-through facilities and N: Open air businesses. Attorney John Magyar stated that he didn't believe these were specific to this request. Terry Harris agreed.

Applicant Craig Wiker provided the Planning Commission with the scaled plot showing the layout of the proposed park. Terry Harris stated that he did not believe stacking of spaces applied, and Tom agreed. Terry Harris stated that there was a 20ft front yard setback and 10ft side and rear yard setback. He asked if they would like to require that for this request, and recommended that the north side require at least a 10ft setback. He stated that #4 in Section 14.08 regarding access driveways was a road commission requirement. He then read through N:

Open air businesses. Craig Wiker stated that they were going to use the existing parking lot and bring in something else for the rest.

Bill Zuhl referred to Section 13.03 Off Street Parking Requirements and stated that they met the requirement.

Terry Harris opened the public comment at 7:43 p.m.

Terry Harris questioned sanitary facilities (restrooms). Craig Wiker stated that they were planning to use porta-potties.

Tim Hull stated that there were four types of licensure for food trucks and if the township provides the permit are they involved in checking licensure? John Magyar answered that it is up to them to deal with permit violations. Bill Zuhl added that the township would only be permitting the food trucks to operate there, and everything else would be up to the health department. Attorney John Magyar stated they could add a condition that would require adequate sanitation, and the health department would determine what is adequate. He also stated that without conditions you have nothing you can enforce.

Bill Zuhl recommended the conditions: North side set back, five food truck maximum, sanitary permit, 24-26 parking spaces, and no sale of alcohol. Sue Wiker asked if they had to include the five food truck maximum. Discussion took place and it was decided to add the condition. She also asked if no sale of alcohol had to be included since they didn't have a liquor license. Discussion took place and the Planning Commission agreed to add it, due to the trucks possibly having a liquor license.

Jerry Donley recommended changing the wording of "food trucks" since some may be trailers, and it was decided to use "units" instead.

Bill Zuhl questioned the 10x20ft building shown on the application. Sue Wiker replied that she decided not to have a permanent structure for the cleaning station. She mentioned a 16x20 portable shed which would provide them storage at the end of the season.

Craig Wiker stated that the well was already there and it was a matter of running the lines.

Jerry Donley commented on restricting the piece of property to make sure there is no storage there in the winter, for example, boats. Tom Lehrer stated that there are boats right next to it at the marina. He stated that he thinks they're looking for a problem.

Bill Zuhl commented on hours of operation. Terry Harris stated that they discussed hours of operation at the previous meeting. Craig Wiker stated that it is not unrealistic to extend to 11:00 p.m. due to the late sunset, summer, and customers may want ice cream late at night, for example. Terry Harris commented that they don't dictate the hours of operation for any other businesses in the township.

The conditions were reviewed: no occupancy, 20ft front yard setback, 10ft side and rear yard setback, sanitary disposal, no alcohol sales permitted, 24-26 parking spaces, and maximum five food trucks.

Tim Feirick questioned lighting requirements in the parking lot. Terry Harris stated that they would have to follow the lighting ordinance.

There were no written comments received. Public Comment was closed at 8:05 p.m.

### **MOTION TO CLOSE PUBLIC HEARING**

Jerry Donley motioned to close the public hearing. Bill Zuhl seconded. Motion passed by voice vote.

### **REGULAR PLANNING COMMISSION MEETING**

Jerry Donley motioned to open the regular Planning Commission meeting, Tim Feirick seconded. Motion passed by voice vote.

### **APPROVAL OF MINUTES**

Tom Lehrer motioned to approve the April 26, 2017 Silver Creek Township Planning Commission minutes. Bill Zuhl seconded. Motion passed by voice vote.

### **COMMUNICATIONS**

Secretary Tom Lehrer stated that there were no written comments received.

### **PUBLIC COMMENT**

None.

### **TOWNSHIP ATTORNEY'S REPORT**

None.

### **BUILDING/ZONING ADMINISTRATOR'S REPORT**

None.

### **NEW BUSINESS**

### **MOTION TO APPROVE FOOD TRUCK PARK SPECIAL USE PERMIT**

Tom Lehrer motioned to approve the Food Truck Park Special Use Permit with discussed restrictions. Tim Feirick seconded. Motion passed by roll call vote:

Yes: (5) Jerry Donley, Terry Harris, Tim Feirick, Tom Lehrer, Bill Zuhl

No: (0)

Absent: (2): Dave Grabemeyer, John Tidey

Bill Zuhl commented that to make sure everything is nice and clean, they should add letter E: Food Truck Parks in the definitions of Section 2.16. John Magyar stated that they would be required to have a public hearing to amend the ordinance.

Terry Harris asked if they should add both Food Truck and Food Truck Park to the definitions. Discussion took place about removing motorized vehicle from the definition and rewording food truck to describe any portable unit, such as a truck or trailer.

Terry Harris stated that he would put together the restrictions.

### **UNFINISHED BUSINESS**

### **COMMISSION MEMBER COMMENTS**

Terry Harris stated that there is currently nothing on the agenda for a June meeting, and the only item needing discussion would be on the public hearing. He stated that he would make the decision in the next few days regarding the next meeting date.

### **PUBLIC COMMENT**

None.

### **MOTION TO ADJOURN**

Tom Lehrer motioned to adjourn the meeting, Tim Feirick seconded. Motion passed by voice vote.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

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Lindsay Krohne  
Recording Secretary

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Tom Lehrer  
Planning Commission Secretary

To be approved at the next scheduled Planning Commission meeting