

SANDS TOWNSHIP PLANNING COMMISSION MEETING
SANDS TOWNSHIP OFFICE COMPLEX
October 15, 2024

1. **Call to Order and Pledge of Allegiance:** Shelley Brauer called the meeting to order at 6:30 p.m.
2. **Roll Call:**
 - Present:** Shelley Brauer, Cory Bushong, Suzanne Sundell, Pam Lajewski-Pearson, Justin Yelle
 - Absent:** none
 - Employees in Attendance:** Randy Yelle (zoning administrator), Barb Kransi (recording secretary), Thomas Wahlstrom (fire chief)
 - Public in Attendance:** Jeremy Pickens, Kevin Koch, Devin Mahoney, Liz Mahoney, Mary Kay Johnson, Carl Johnson, Richard Nebel, Eric Brown, Jean Johnson, Spencer Johnson, Jeremy Johnson, Brooke LaBelle, Julie Elder, Guy Smith, David Lawler, Jim Noe, Adam Muscarella
3. **Agenda:** Commissioner Sundell moved; Commissioner Bushong seconded motion to approve the agenda
Ayes: 5 Nays: 0 Motion carried.
4. **Minutes:** Commissioner Bushong moved; Commissioner Lajewski-Pearson seconded motion to approve the minutes from the September 17, 2024 Planning Commission meeting as presented
Ayes: 5 Nays: 0 Motion carried.
5. **Public Comment:** Several attendees reserved time and indicated their intention speak.
6. **Business:** Jeremy Johnson, representing The Preserve, LLC and Kona Hills, requested an amendment that would remove requirement number eight for “dedicated and approved emergency egress used for emergencies only” to previously approved SUP22-01.
 - a. Public hearing SUP22-01
 - Commissioner Brauer opened the public hearing.
 - Randy Yelle summarized the request to remove condition of previous approval number eight for “dedicated and approved emergency egress used for emergencies only” to SUP22-01.
 - Mr. Yelle noted that the township’s legal counsel, Jeremy Pickens, and the Sands Township fire chief were present at the meeting.

- Requestor input – Jeremy Johnson:
 - ❖ Introduced himself as the representative for The Preserve, LLC, which is the owner of the proposed Kona Hills Campground and handed out a packet of information.
 - ❖ Summarized the request to remove condition of approval to SUP22-01 number eight, the requirement for “dedicated and approved emergency egress used for emergencies only.”
 - ❖ Presented a proposal for a non-dedicated roadway alternative that he stated met the requirements of the state of Michigan, the Department of Transportation, and Article X of the Sands Township Access Management ordinance.
 - ❖ Reminded commissioners that he has been working on solutions for this project for several years and has no reasonable alternative.
 - ❖ Referred commissioners to the packet he shared, which included an update to the status of the conditions of approval, the alternatives that have been explored and their outcomes, and update on the new main entrance that is currently being constructed.

- Public input
 - ❖ Mary Kay Johnson: Read a statement representing herself, her husband Carl Johnson, and Spencer and Jean Johnson who collectively own 124 acres of land adjacent to the proposed campsite. The statement expressed concerns about forest fire risks associated with campfires as a result of the topography and winds at the property. She noted a recent fire at the Raging River Campground required response from several municipalities. She believes removing the current condition will lessen the safety of surrounding properties, and that the owners’ investment in the Kona Hills project should not reduce what was previously determined to be prudent safety measures. Ms. Johnson requested that the commission deny the amendment to SUP22-01. She then shared copies of her statement with the commissioners.
 - ❖ Spencer Johnson: Stated that The Preserve had secured a grant for the road, and started construction without knowing that the access would be approved. He believes that The Preserve is trying to force the commissioners to approve the amendment because of the work that has already been done.
 - ❖ Brooke LaBelle: Her family owns 29 acres adjacent to the proposed campground. She stated that there has never been a fire on the Kona Hills property. She expressed concerns about fire risk, the cost of fire management, and the safety of surrounding property owners, as well as drivers at the intersection with Highway 41.
 - ❖ Carl Johnson: Corrected Ms. LaBelle and stated that there had been a fire or fires in that area, and that speedy fire response would be critical.

- ❖ Kevin Koch: Stated he had appeared at a previous meeting and was appearing again to support his friend Devin (another member of The Preserve, LLC). The difference this time was that Mr. Koch had visited the property. He understands the desire to keep the property unencumbered but the positive is how many people would be able to enjoy that view. He noted how hard the “young people” have worked to bring the project to fruition. He asked that the commission approve the amendment.
 - ❖ Brooke LaBelle: Asked about the actual width of the road. Commissioner Brauer stated that specific information about the road would be determined in the discussion to follow.
- Commissioner Brauer closed public hearing at 6:46 p.m.
- Planning Commission questions and comments
- ❖ Commissioner Brauer asked whether the proposal meets the requirements for speed and distance between driveways, and whether the campground driveway is in Sands Township. Randy Yelle clarified that U.S. Highway 41 is a five-lane highway at that point. Jeremy Johnson stated that the driveway is fully in the city of Marquette. Randy stated that MDOT does not have a requirement for distance between driveways.
 - ❖ Commissioner Brauer asked about plans to widen the driveway. Mr. Johnson stated that the driveway is 20 feet wide except for a 400-foot section that will be widened after a resident’s electricity is moved and a utility pole is relocated.
 - ❖ Commissioner Brauer asked the fire chief, Tom Wahlstrom, if a firetruck can get up the driveway. He stated that his concern is not with the width, but with the final grade. 7 to 9 percent is the optimal range for getting a truck up there. Chief Wahlstrom is working with Jeremy Johnson to get that information once the road widening is complete.
 - ❖ Commissioner Brauer asked the width of a firetruck. The chief stated that they are nine feet wide and clarified that a full-size pick-up is about seven feet wide.
 - ❖ Commissioner Lajewski-Pearson asked if campers could evacuate at the same time a firetruck is responding in the opposite direction. Chief Wahlstrom stated that at 20 feet, a firetruck and a vehicle going the other direction could safely pass.
 - ❖ Commissioner Brauer asked about drop offs on the sides of the driveway. Jeremy Johnson stated that where there is a drop-off they have brought in boulders and further clarified when the widening of the road is complete there will be far less of a drop.
 - ❖ Commissioner Brauer asked the township attorney, Mr. Pickens, about potential liability for the township. Mr. Pickens stated that unless the township was found to have done something “grossly negligent” it is very unlikely that the township would have liability. Clarified that MDOT and Sands Township requirements can co-exist, and that MDOTs approval does not negate the conditions Sands Township imposed.

- ❖ There was additional conversational about the grade of the roadway. Jeremy Johnson restated the plan to cut the grade down.
- ❖ The city of Marquette would be the first to respond to an incident at the campground, followed by Chocolay Township, then Sands Township. Jeremy Johnson noted that the city of Marquette has specialized wildfire responding vehicles.
- ❖ There was a discussion about gated access. The property will be gated in the winter. Jeremy Johnson stated that he preferred to not gate it during its open season but that he is open to implementing something similar to Presque Isle, where the gates are closed after a designated time.
- ❖ Discussion ensued about turnaround capabilities of trailers and campers and it was determined there is sufficient space for bigger vehicles to navigate, if necessary. It was further clarified that all reservations must be made online in advance.
- ❖ Commissioner Sundell asked about traffic if there were an incident at the campsite location. Chief Wahlstrom stated Sands Township will work with the city of Marquette fire department to create a pre-plan that would address traffic management in the event of an incident.
- ❖ Commissioner Yelle stated that the original requirement eight was mainly intended to be consistent with the requirements for Raging River. Jeremy Johnson said that he wants and intends to continue to pursue additional access.
- ❖ Commissioner Brauer expressed concerns about people making a left turn out of the campground. She also asked whether the site will be open to hikers who are not campers. Jeremy Johnson reiterated that the goal of the project is to open the area up for residents and visitors to enjoy and the campground is intended to make that financially feasible. Devin Mahoney also mentioned that they are performing forestry management and thinning smaller trees creating a healthier forest environment.
- ❖ Commissioner Yelle reiterated that he believes the requirement was intended to be consistent with Raging River. Mr. Pickens stated that while such continuity is desirable, each SUP stands on its own and can be addressed individually. Commissioner Yelle shared his opinion that 42 campsites across 80 acres will not generate significant traffic on a regular basis. He further stated that the risk of campground traffic turning left onto U.S. Highway 41 is no greater than any other controlled intersection.
- ❖ Jeremy Johnson stated that the project has already made the property safer by creating roads and access where none existed.
- ❖ Commissioner Yelle and Mr. Yelle confirmed that, when completed as stated, the driveway/roadway will meet the requirements of a private road.

- b. Following commissioner questions and discussion, Commissioner Lajewski-Pearson moved to deny the requested amendment.

The motion was not seconded, and therefore failed.

Commissioner Bushong then moved to approve the requested amendment, removing the condition of approval number eight and adding the following conditions:

- Access road approximately 400 feet to have maximum nine percent grade and 20 feet of usable width.
- Access road will meet the requirements of the city of Marquette and the remaining conditions of SUP22-01.
- Owners will obtain signed approvals from the fire chiefs (or designees) of the city of Marquette, Chocolay Township, and Sands Township.
- Planning Commission review of incidents and accidents after 12 months of campground operation.

Commissioner Sundell seconded the motion.
Ayes: 4 Nays: 1 Motion carried.

7. Business: SUP24-05 - Eric and Lynn Brown request to operate a short-term rental business at their property at 20 Timber Creek Road (parcel 52-14-112-052-20). The request was tabled in the September 17, 2024 meeting.

a. Public hearing tabled SUP24-05

- Commissioner Brauer turned the hearing over to Commissioner Bushong due to her conflict of interest as a neighboring resident.
- Commissioner Bushong opened the public hearing.
- Requestor input
 - ❖ Eric Brown provided the information packet to Commissioner Justin Yelle, who was absent from the September meeting.
 - ❖ Mr. Brown confirmed with Mr. Yelle and Mr. Pickens that the short-term rental is an approved use.
 - ❖ Mr. Brown asked why and SUP is required if the rental is an approved use; whether there is a written township short-term rental policy; and how many short-term rentals exist in Sands Township and are they subject to the same conditions being considered for his.
 - ❖ Mr. Yelle clarified that a short-term rental is an acceptable use with an approved SUP.
- Public input
 - ❖ Commissioner packets included a letter from Ed Brauer, a neighboring resident on Timber Creek Road requesting denial of the SUP.
- Commissioner Bushong closed public hearing.
- Planning Commission questions and comments
 - ❖ Commissioner Lajewski-Pearson clarified that the issues discussed at the September meeting, such as the covenants, were included in the minutes and did not need to be addressed again.
 - ❖ Mr. Pickens clarified that while the covenants may not be recognized, if the land use is not “harmonious,” that may be considered.
 - ❖ Commissioner Lajewski-Pearson reviewed the requirements of Zoning Ordinance Section 704(D).
 - ❖ Commissioner Yelle stated that the requirements of 704(D) are clearly not met.

- b. Following commissioner questions and discussion, Commissioner Lajewski-Pearson moved that SUP24-05 be denied but allowing for Mr. Brown to finish the rentals booked through the end of October.

Motion seconded by Commissioner Sundell.

Ayes: 4 Nays: 0 Abstain: 1 Motion carried.

8. **Business:** Pet Ordinance draft - The Sands Township Board declined to approve the recommended changes to the Dog Ordinance. They determined that changing “dog” to “pet” was too broad, and instead recommended changing “dog” to “dog and cat” as appropriate.

- a. Commissioner Lajewski-Pearson requested a change to the leash requirement to accommodate those who use an electric fence or collar. Language will be revised to indicate “control” of the dog or cat.

- b. Following commissioner questions and discussion, Commissioner Bushong moved that the Pet Ordinance draft be revised to reflect “dog and cat” as appropriate and to include the additional revisions to the leash section.

Motion seconded by Commissioner Yelle.

Ayes: 5 Nays: 0 Motion carried.

8. **Dates for next year:** Confirmed January 21, April 15, May 20, June 17, July 15, and September 16, 2025

9. **Planning Commission Bylaws:**

Commissioner Lajewski-Pearson moved to maintain the current chairperson, vice-chair and secretary.

Motion seconded by Commissioner Sundell.

Ayes: 5 Nays: 0 Motion carried.

10. **Zoning Authority and MCSWMA Reports:** None

11. **Public Comment:**

David Lawler shared his favorable experience with and recommendation of the MSU Extension - Citizen Planner Program.

12. **Commissioners Comment:** None

13. **Adjournment:** Commissioner Shelley Brauer adjourned the meeting at 8:07 p.m.

Shelley Brauer
Chairman

Pam Lajewski-Pearson
Secretary

Barb Kransi
Recording Secretary