

**BINGHAM TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
October 6, 2005**

CALL TO ORDER: 7:00 P.M.

ROLL CALL: Cathy Jasinski, Mike Park, Will Bunek, Phil Anderson, Bob Gregory, Mary Bush and Jaunita Send.

Guests: Steve Patmore, Gene Kelly, Tracy Mikowski, Joe Osterling, Carol Husby, Duane Bingel, Nancy Kiley

**AGENDA APPROVAL:
MOVE BY BUNEK SUPPORT BY PARK TO APPROVE THE AGENDA AS PRESENTED**

Aye: All Motion carried.

MINUTES OF SEPTEMBER 1, 2005: Changes were noted on page 1 (add “use”) & 2 (indicate that the Marion Twp Ordinance Committee to give report in November) and under Dog Kennels clarify that the zoning administrator’s interpretation indicates that this was not a special use. Change “September” to “October”.

MOVE BY BUNEK SUPPORT BY ANDERSON TO APPROVE THE MINTUES OF SEPTEMBER 1, 2005 AS CORRECTED.

AYES: ALL MOTION CARRIED

PUBLIC COMMENT: None

PUBLIC HEARING: Varley-Kelly Special Land Use Permit

Steve Patmore spoke on behalf of Varley-Kelly LLC. Patmore stated that the applicant was proposing a 16,800 square foot building on commercial zoned property. For the purpose of storing lumber. Patmore stated that the applicant meets the setbacks and is proposing use of 24.9 % of his property.

Planner Rollenhagen stated that the applicant does indeed meet the setbacks and well as other standards imposed. She added that the applicant had also produced a landscape plan and she had spoken with Steve Christianson, Drain Commissioner and therefore other then producing all applicable permits, the applicant has satisfied all requirements and she recommends approval.

Public Comment: None

Commissioner’s comments: Commission voiced concerns over the statement that the applicant may allow for additional storage at a later date. They stated if the “use” changed then the applicant should be required to come back before the commission.

MOVE BY BUNEK SUPPORT BY ANDERSON TO GRANT VARLEY-KELLY LLC A SPECIAL LAND USE PERMIT AS SUBMITTED AND REVIEWED HOWEVER SHOULD THE USE CHANGE TO ALLOW FOR SELF STORAGE THE APPLICANT WILL NEED TO COME BACK BEFORE THE COMMISSION.

AYES: ALL MOTION CARRIED

Bayview Pines/Bayside Pines:

Steve Patmore spoke on behalf of the applicant and indicated that the applicant was seeking to amend their Special land Use permit with the following revisions:

Shift the Footprint of the Bayside Pines condominiums South 50 feet from the North line and 80 feet from the south lot line.

Addition of a Gazebo

Allow for 32 slips (11 docks)

Rochelle stated that the plan complies with the zoning ordinance and that the planning commission, through cluster housing has the ability to alter the setbacks and allow for revision as to the condominiums.

Public Comment:

Chair Gregory read a letter received from Beulah Jakielek and Dan and Joyce Gorden.

Carol Husby stated she was concerned about the marina and blocking her view.

Commission comments:

The commission discussed the placement of the docks and indicated that the Department of Environmental Quality and the Army Corps of Engineers would have the final say on this portion of this project.

The commission discussed the placement of the Gazebo and whether or not it could be viewed from the road.

The biggest concern voiced by the commission was the increase in the condominium buildings. The building size increased by 38 feet. The commission felt that moving it from the North lot line was a good idea, however did not feel it justified an additional 38 feet. The commission requested that they be provided a copy of the architect plans to see why the increase was necessary.

MOVE BY BUNEK SUPPORT BY JASINSKI TO TABLE THE PUBLIC HEARING UNTIL NEXT MONTH TO ALLOW THE APPLICANT TO BRING THE NEW

PLANS TO THE COMMISISON.

AYES: ALL MOTION CARRIED

AMENDMENT: 4.3 KEEPING DOGS

Chair Gregory read the amendment to the audience.

Public Comment:

Tracy Mikowski spoke about banning a business from an Agricultural District
Joe Oesterling stated that Elmwood Township allows for boarding of dogs as a special use.

\

Public Hearing Closed:

Commission Comments: Mike Park stated he did not like banning “cottage industries”
He added that Bingham Township is home to many self employed people and it is wrong to arbitrarily ban this.

Phil Anderson stated he would not like to live next door to a kennel; however the Township should explore language that may allow this as a special use.

Jasinski stated she never sought to ban boarding of dogs she asked to have clarification of a commercial use in the Agricultural District. She also asked why this “home business” did not require a home occupation permit or home business permit. If we are going to allow dog kennels for hire then it should be a special use.

Gregory stated that the language presented is to prevent future endeavors of this kind.
Will Bunek stated that by adopting this language the commission is reacting to a problem, and not trying to solve it.

MOVE BY PARK SUPPORT BY SEND TO REFER THIS LANGUAGE BACK TO THE COMMITTEE TO COME UP WITH LANGUAGE TO TAKE TO PUBLIC HEARING.

AYES 6 1-NAY JASINSKI MOTION CARRIED

Steve Patmore asked if the commission would consider amending the height standard for cupolas and decorative items. He also asked if the commission would consider measuring differently as with new construction designs in the past he had to turn away several plans due to height compliance. The commission voiced concern over visual impact and protecting view sheds.

NEW BUSINESS:

Rochelle presented amended language regarding Administration and Enforcement. Rochelle stated that she made changes to the noticing requirements for ZBA hearings as well as SLUP noticing requirements do require 1 publication rather than 2. The commission made minor changes.

MOVE BY BUNEK SUPPORT BY PARK TO AMEND ARTICLE 15.3.3
ADMINISTRATION AND ENFORCEMENT AS PRESENTED WITH MINOR
ADDITIONAL CHANGES AND SET THIS MATTER FOR A PUBLIC HEARING
NEXT MONTH.

AYES ALL MOTION CARRIED

100 foot Agricultural Buffer:

A committee consisting of Mike Park and Rochelle drafted an amendment to 12.2.1. The commission in the past few months had a couple of applicants ask about waiving the 100 foot buffer zone for those projects adjacent to agricultural properties. The language presented indicated “if certain conditions were present”. The commission felt that the conditions should be outlined prior to adoption.

MOVE BY BUNEK SUPPORT BY SEND TO SEND THE LANGUAGE BACK TO
COMMITTEE FOR FURTHER CHANGES AS EXPRESSED THIS EVENING.

AYES: ALL MOTION CARRIED

Site Plan Review and Special Land Use:

The committee stated they had been working on separating Article XI. The language was presented by the committee for Special Land Use and the committee stated they were still working on Site plan Review. The committee stated that they hoped to have language ready for next month.

Marion Township Ordinance: To be discussed on next month’s agenda.

Communications and Reports:

Chairman-Gregory read correspondence received from the Lake Leelanau Lake Association.

Township Board Report: Mary indicated that the Township turned down the maintenance for the septic for the Rolling Hills Project.

Zoning Administrator Report: Written Report Submitted. Rochelle stated that 12 permits were issued last month. She added that a SLUP report was received from Mawby Vineyards.

Public Comment: None

November Agenda:

**Public Hearings: Article 15.3.3
Bayside Pine Continued**

**Old Business: 100 Foot Buffer Language
SPR/SLUP
Dog Kennel Language
Committee Report on Marion Master Plan and Ordinance**

Move by Park support by Bunek to adjourn at 10:10 p.m.

Ayes: All Motion Carried

Respectfully Submitted,

**Dorothy Petroskey
Bingham Township Clerk**