

**BINGHAM TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MAY 5, 2005**

CALL TO ORDER: 7:00 P.M.

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

Guests: Fred & Kathy Utting, Wayne & Nancy Kiley, Ralph Sleight, Nancy Carlson, Dan & Nancy Carlson, Steve Patmore, Mark Buffum, Duane Amato and Bob Foster.

AGENDA APPROVAL: MOVE BY BUNEK SUPPORT BY SEND TO APPROVE THE AGENDA AS PRESENTED.

AYES: ALL MOTION CARRIED

MINUTES OF APRIL 7, 2005 MEETING MINUTES: MOVE BY BUNEK SUPPORT BY PARK TO APPROVE THE MINTUES AS PRESENTED.

AYES: ALL MOTION CARRIED

PUBLIC COMMENT:

Fred Utting and Dan Carlson had questions regarding agenda item Short Term Rentals.

Old Business:

New Business-Preliminary Review of Kwik Mart:

Rochelle stated that the applicant had provided the required documents. Mark Buffum asked if the commission had any questions. Commission members agreed that the applicant has met the requirements.

MOVE BY BUNEK SUPPORT PARK TO APPROVE THE FINAL SITE PLAN-LANDSCAPE PLAN AS PRESENTED BY KWIK MART.

AYES: ALL MOTION CARRIED

Bayview Pines/Bayside Pines:

Planner Rollenhagen stated the applicant has provided the final site plan and provided the conditional checklist. Patmore recapped the previous meetings-Final Site Plan approval in November 2003, the Amended Site Plan that includes the waterfront and the revisions

requested.

The following Conditions were presented;

The master Deed and By-Laws and cross easements agreements to be reviewed by the Township Attorney. Further the applicant shall provide the Township with recorded copies.

All Buildings, including the Bayside Pines Condominiums shall receive a land use permit from the township.

The height of all buildings shall meet the requirements of the BTZO. The overall height shall include the Cupolas.

All outdoor lighting shall meet the Township Zoning Ordinance.

All signs shall meet the requirements of the Township Zoning Ordinance.

All applicable agency permits shall be received by the township.

On street parking along M-22 is prohibited. If parking on M-22 becomes a problem as determined by the Planning Commission, then additional off-street parking shall be construed.

A land use permit must be obtained for the Gazebo.

The abandoned driveway to the barn must be top soiled and seeded.

The shoreline greenbelt shown on the site plan must be maintained in accordance with the zoning ordinance.

The landscaping shown on the site plan must be preserved and maintained.

The commission discussed the plan and stated that the Cupola does not meet the height requirements of the Ordinance and this was not something that the commission had the authority to waive.

MOVE BY JASINSKI SUPPORT BY PARK TO GRANT FINAL APPROVAL FOR A SPECIAL LAND USE PERMIT AND SITE PLAN REVIEW WHICH IS CONDITIONAL BASED ON THE APPLICANT OBTAINING ALL NECESSARY PERMITS, REVIEW OF THE MASTER DEED AND BYLAWS BY THE TOWNSHIP ATTORNEY AND APPROVAL BY THE TOWNSHIP BOARD. FURTHER THAT THE PLANNER SHALL PREPARE A FINAL SITE PLAN AGREEMENT WHICH WILL LIST ALL CONDITIONS AS STATED IN PREVIOUS MEETING AS WELL AS THOSE IMPOSED THIS EVENING.

AYES: ALL MOTION CARRIED

Applicant Wayne Kiley asked the Board how to go about increasing the height restrictions.

Short-Term Rental Language:

Fred Utting spoke against short term rentals and stated he has one next door that has caused over-crowding on the beach and parking problems.

Dan Carlson spoke for Cynthia Wilson, and Al & Helen Stumpfig. He stated that this was an emotional issue and cited the following: The BTZO had Poor Ordinance Language/Vulnerable Language that leads to litigation; Input taken from file in drafting the Ordinance; Year Round Homes/Year Round Residence; Stability of Neighborhood. He asked if any member of the Board needed divulge to the audience their inability to address this issue without bias. He also asked if each member could state their opinion for the record. He further asked if the commission would involve the community in drafting language. He further stated that if the Board wished to allow short-term rentals then there must be some conditions.

Kathy Utting asked what the difference was between a bed and breakfast and a short-term rental.

Duane Amato spoke in favor of Short Term Rental Language and thanked the commission for drafting language. He added that he had spoke with the Sheriff's Department whom indicated they have not received complaints.

Nancy Carlson spoke against short term rentals and stated that the change of residents on a weekly basis led to uncertainty in the neighborhood.

Bob Gregory read a letter from Gene Kelly into the record regarding short-term rentals.

Ralph Sleight stated he spoke with the Assessor and short term rental do not lower property values.

Planning Commission Discussion:

Jasinski stated that the commission needed to decide if they wanted this ordinance to be a use by right or use by condition. Committee members stated that when drafting this language they took everything into consideration. The consensus was to make it a use by right.

MOVE BY BUNEK SUPPORT BY BUSH TO TAKE DRAFT ORDINANCE AMENDMENT 05-001 SHORT TERM RENTALS AS PRESENTED AND ADDING THIS AS A USE BY RIGHT TO ARTICLE 4, (4.2) ARTICLE 5 (5.2) AND ARTICLE

6 (6.3) TO PUBLIC HEARING AT THE JUNE 2005 MEETING.

AYES: ALL MOTION CARRIED

Zoning Ordinance Amendment Section 4.4/9.2:

The commission discussed the proposed amendments. The Zoning Administrator will talk with the MTA Attorneys this week to get clarification on the amendments as well as Article 11.

Communications and Reports:

Chairman Report: No report

Zoning Administrator Report: Rochelle submitted her written report.

Township Board Report: The Board thanked Marsha Walton for all her hard work these past three years. Bob Foster also thanked Rochelle for all her hard work. Foster indicated that a settlement had been reached with Leelanau Farms and would be discussed at a special joint meeting on May 23, 2005. The Joint meeting agenda would include discussion on the Leelanau Trail as well.

Public Comment:

Norene Kastys spoke regarding acreage minimum and clustered housing.

May Agenda:

Public Hearings: Rental Language
Leelanau Farms Site Condominium Review

Old Business: Cluster Language
Site Condominium Language
Site Plan Review/Special Land Use

Meeting Adjourned at 8:30 p.m.

Respectfully Submitted,

**Dorothy Petroskey
Bingham Township Clerk**