

BINGHAM TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
April 10, 2003

GREGORY called the meeting to order at 7:00 p.m., at the Bingham Schoolhouse, 7171 S. Center Highway, Traverse City, MI. Members present were Bob GREGORY, Ron COLLINS, Mike PARK, Marsha WALTON, Will BUNEK and Cathy JASINSKI. Staff present Steve Patmore, & Dorothy Petroskey. Others present were Richard VanSteenis, Brad Kaye, Gourdie- Fraser, Jim Mebert, Ken Dezur, Stuart Whittaker.

AGENDA APPROVAL-Gregory asked that we add under New Business a. VanSteenis preliminary Application Discussion and move New Business before Old Business.

Move by Collins Second by Park to approve the Agenda as amended.

Ayes: All Motion Carried

APPROVAL OF MINUTES OF MARCH 6, 2003. Typographical changes were made along with changing the word Defeat to Reconsider on the Second Motion on Page 2 .

Move by Jasinski Second by Collins to approve the minutes as corrected.

AYES: ALL Motion Carried

Public Comment:

Jim Mebert, asked why the assessor has the trail assessed as Agricultural. Gregory suggested that Mr. Mebert raise this question at the Board level and discuss the same with the Board of Review.

NEW BUSINESS:

Discussion regarding Pre-Application Conference on Van Steenis Property
Patmore stated that a pre-application meeting was held on the Hilltop Corner Project. Commission members Park and Collins met with Patmore, Brad Kaye and Richard VanSteenis. They are proposing minor additions to existing commercial and would like to add a new building on the parking area. Patmore states that there are two (2) areas of concern: 1) Lot coverage and 2) number of parking spaces.

Patmore asked if the planning commission allowed any flexibility with the parking. The request is whether the planning commission wishes to look at the PUD portion of the Ordinance and address Lot Coverage and Parking. Most PUD's give the planning commission flexibility in design.

Richard VanSteenis addressed the commission. He sated that West Bay Shore Village

has been in existence for 30 years. They have 7 houses built on 13 lots. The project houses office spaces and a winery. They would like to extend the South End of the building. They would also like to have site condos in the commercial—each retailer would own their own space, a total of 6 in all. The applicant passed out information regarding PUD's along with a proposed site plan, breakdown of square footage and a footprint of how each space is laid out.

The applicant stated he is asking for support from the P.C. and clarification on the 25% lot coverage.

Brad Kaye-Gourdie Frasier added that they would like the commission to review the PUD language from various Townships that have been presented. Gregory asked Kaye which PUD would best fit this project and Kaye responded that Garfield is much more specific.

Jasinski recalls there was a question about the Statutory Enabling Act and a problem with our PUD. Patmore suggest that we put the PUD on next month's agenda and in the meantime do some research. Bard Kaye stated they need some direction. Gregory indicated that the commission needed to review the PUD language before they could give any direction.

ALTERNATIVE FOR LOT SPLITS BETWEEN RAILROAD AND CENTER HIGHWAY-

Steve Patmore presented written report indicating the problems and possible solutions to these problems. (See attached) . Patmore suggested that we state that the owners of these lots do have a hardship. Mebert asked what constitutes a hardship. Gregory offered we could give the ZBA guidelines to apply this. Collins offered that the township Board looked at this and tried to come up with a solution. Does not feel the property owners should have to go to the ZBA and prove a hardship. He feels we need to address this issue. Gregory suggests that we find out how many parcels these effects and the sizes of these parcels and address this issue next month.

6.7 NON PUD COMMERCIAL DISTRICT BUFFER ZONE

Patmore prepared proposed additional language. Discussion ensued on whether to lower the 85 foot buffer zone and allow for a minimum amount. General consensus was to make minor changes as follows:

All commercial Districts must include an 85 foot wide buffer zone between the commercial District and any adjacent District. This zone may not be used for any business purposes such as structure, parking lot or storage.

The Buffer Zone may be reduced to a minimum of 35 feet, at the discretion of the Planning Commission, if a combination of buffers such as trees and shrubs (of various

heights and types), berming, fencing and/or wall must be provided. The Planning Commission shall determine the scope and intensity of the buffer depending on the type of the Commercial use proposed.

MOVE BY JASINSKI SECOND BY PARK TO AMEND 6.7 NON-PUD COMMERCIAL DISTRICT BUFFER ZONE TO INCLUDE THOSE CHANGES SUGGESTED BY ZONING ADMINISTRATOR PATMORE ALONG WITH THOSE CHANGES MADE THIS EVENING AND SCHEDULE A PUBLIC HEARING FOR JUNE 2003.

AYES: ALL MOTION CARRIED.

OLD BUSINESS:

TART- Patmore stated that we had not received any application from TART to go to the ZBA. As for this evening, Bob Otwell asked to be removed from this evening's agenda and to be put on next month. The planning commission voiced concerns at the length of time this has been taking. The Chair requested the recording secretary draft a letter to TART stating we will be placing them on the August Agenda and if they have not met with the ZBA, a decision may be made on this application.

County Planning response to Amendments:

Patmore stated each member had received the County's responses to those amendments forwarded to County Planning after last month's Public hearings. Patmore suggested the commission take each amendment and review the recommendations.

LIGHTING ORDINANCE:

County Planning voted to recommend this Ordinance with a change to Section 12.10.2 Exceptions A-6 and add Public before Street Lighting.

MOVE BY JASINSKI SECOND BY COLLINS TO AMEND THE OUTDOOR LIGHTING ORDINANCE SECTION 12.10 BY ADDING THE WORD PUBLIC TO SECTION 12.10.2 EXCEPTIONS A 6 SO IT WILL READ AS FOLLOWS: "PUBLIC STREET LIGHTING APPROVED BY THE BINGHMA TOWNSHIP BOARD", AND RECOMMEND TO THE TOWNSHIP BOARD THEY APPROVE THIS ORDINANCE WITH THE AMENDMENT MADE THIS EVENING.

AYES: ALL MOTION CARRIED.

PRIVATE ROAD ORDINANCE

The Board discussed County Planning's concern as to paving. The commission felt confident with the Ordinance changes made. They did note that the County will only approve a road name with 5 or more residences and our ordinance requires the applicant

to have a name approve with 3 or more residences.

MOVE BY COLLINS SECOND BY PARK TO RECOMMEND TO THE TOWNSHIP BOARD THAT THEY APPROVE THE AMENDMENTS MADE ALONG WITH THE CHANGE MADE THIS EVENING TO SECTION 12.2.5 SUB PARAGRAPH A-4 CHANGES IT TO FIVE (5) OR MORE RESIDENCES.

AYES: ALL MOTION CARRIED

PROPOSED REVISIONS TO 12.1.1.A LOT STANDARDS

Dick Ford did questions the language “after a certain date”. Gregory suggests adding this to our 12.1 standards at the beginning of Section 12. Dick Ford did question the 100 feet and the will be meeting with Carlson and Patmore along with some members of the commission to discuss this. The commission by consensus feels this 100 feet will improve the rural character of the township and address safety issue.

Jasinski asked that it be put on the record the commission’s reasons for these standards. 1) To maintain the rural character. 2) Safety issues. 3) Rather than changing the density or lot sizes the commission felt these standards would help keep and create open space.

Patmore added that Ford was concerned with giving the resident the power to grant waivers. He suggested the commission delete Section 12.1.2 A3.

Commission discussed concerns with 12.1.2 4 as it relates to the Land Division Act. Consensus was to delete 4 and add “Private Road that services 3 or more parcels.”

MOVE BY COLLINS SECOND BY BUNEK TO DELETE SECTION 12.1.2A3 AND SECTION 12.1.2 4 TO READ PRIVATE ROAD THAT SERVICES 3 OR MORE PARCELS AND RECOMMEND TO THE TOWNSHIP BOARD THAT THEY APPROVE SECTION 12.1.2 STANDARDS FOR RESIDENTIAL DEVELOPMENTS ALONG WITH THE CHANGES MADE THIS EVENING.

AYES: ALL MOTION CARRIED

CLUSTER SECTION X.

Commission discussed the County’s comments and recommendation along with comments Dick Ford had shared with Patmore.

Patmore suggested changing the intent to reflect incentives. Section 10.1 was amended to state: “It is the intent that the developer meets the design objectives in Section 10.5.” The commission also added “Generally the Developer will experience an incentive using this portion of the Bingham Township Ordinance versus a typical non-cluster project”. It was noted that a grammatical change need to be made to Section 10.3.1 where units and acres and been inverted. The change was made to read (100 acres/”per 2 acre/ per unit”

rather than per unit per acre.

Another area of concern was 10.4.3 PERMITTED USES IN THE OPEN SPACE where changes were made as follows:

“Unless otherwise described in this Article, uses that are allowed in the zoning district in which the clustered development is located may be allowed in the Open Space including access roads, road easements or right-of-ways, commercial agricultural production of food and fiber and passive recreational uses shall be allowed. Structures may be allowed that are associated with passive recreational use subject to planning commission approval. Only Structures associated with passive recreational use subject to planning commission approval shall be allowed. The intent is to limit structures with in the dedicated open space. Proposed uses that, under current district standards, require a Special Use Permit shall meet all applicable standards.

MOVE BY BUNEK SECOND BY PARK RECOMMEND THE TOWNSHIP BOARD APPROVE THE ARTICLE X AS AMENDED ALONG WITH THE CHANGES MADE THIS EVENING.

AYES: ALL

MOTION CARRIED

CHAIRMAN REPORT: Gregory informed the Commission that the Township Board will be honoring Bill Grant for his years of service at their May 19, 2003 meeting. They would like to have the commission attend.

Zoning Administrator Report: Steve provided the commission with his written report. He advised the commission that there were many projects in the wings. He was still waiting for formal applications on most of the projects.

Township Board Report:

Ron Collins stated that the Board is working on the budget for the next fiscal year.

May Agenda:

New Business: PUD Language

Old Business: Lots Split by Rail Corridor

Meeting Adjourned: 10:36 p.m..

Respectfully Submitted,

Dorothy Petroskey

