

**Bingham Township Planning Commission
Meeting Minutes
April 1, 2004
Bingham Schoolhouse,
7171 S. Center Hwy, Traverse City**

Call to Order: 7:00 p.m.

Roll Call: Robert Gregory, Ron Collins, Mike Park, Will Bunek, Cathy Jasinski, Marsha Walton and Don Kiessel. Quorum present.

Staff Present: Steve Patmore, Gordon Hayward and Dorothy Petroskey

Guests Present: Midge Werner, Bill Grant, Stuart Whittaker, Tom & Carol Beeler, Noreen Kastys, Phil Anderson, Bev Kozarek, Sandra Laetz, Robert Laetz, Clark Southwell, Barb Coye, Dwayne Adams, Kristine Morris, Linda Wilson, Fred Turkal, Catherine Allchin, Diana Jelenek, Karen Gleason, Merlin Lavrack, Marcia Lavrack, Bob Kohler, Jim Jerome, Sue Jerome, Lisa Danto

Agenda Approval: The Public Hearing for Trillium Project is scheduled for 8:00 p.m. The commission by consensus decided to take care of all other business until the hour of 8:00 p.m. **Move by Collins support by Park to approved the agenda as presented with the understanding that at 8:00 p.m., the commission will begin the public hearing.**

Ayes: All Motion Carried

Approval of the Minutes:

Move by Collins support by Bunek to approve the minutes as presented.

Ayes: All Motion Carried.

Public Comment:

Stuart Whittaker asked the reason for LTA being removed from tonight's business. The commission chair indicated it was at the request of the applicant.

New Business:

Ordinance Language for Agricultural Events: Rich Bahle presented the language last month for the commission's review. Pursuant to the Ordinance, the commission must review the language within 60 days. The commission discussed the purpose. Jasinski indicated that it is similar to winery and the winery language was tailored for the wineries. If considered, this language would have to be tailored to "Orchard events". The commission further questioned if

any other agricultural properties had expressed an interest. The commission wanted to speak with the applicant to decide where he was going with this idea and what was proposed.

Move by Kiessel, support by Walton to table until next month's meeting to get some ideas from the applicant.

Ayes: All Motion Carried

Master Plan Committee Formation:

The Master Plan is up for review this year and a committee was formed consisting of Walton as Chair, Kiessel and Bunek. The committee will review and present report to commission.

Communications and Reports:

Chairman Report: Chair Gregory read letter into the record received from Dan and Joann Tubbs in support of the Leelanau Trail. He noted it was received following last month's meeting. Presented letter received by Don Coe on the Leelanau Trail and presented agenda for the Leelanau Scenic Heritage Route Committee meeting.

Zoning Enforcement Officer Report: Written report submitted. Patmore added that he has had a lot of inquiry regarding height standards in the Township. He added that Red Lion Motor Lodge is looking at expansion of their non-conforming property

Patmore addressed the DEQ Environmental report that was in the agenda packets. The DEQ has asked the commission for input relating to property on West Bay Shore Drive regarding shared driveway use over wetland area.

Move by Bunek support by Park to ask the Bingham Township Supervisor to respond to the DEQ and indicated the Township Ordinance encourages shared driveways as well as protecting wetlands.

Ayes: All Motion Carried

Township Board Report: Collins stated there were minor amendments made to the cemetery ordinance. Additionally, they are working on the fire millage. Kiessel asked Collins if a Planner would be discussed for the next budget year. Collins indicated that there had been revenue sharing cuts this year, however they are beginning the budget process and it will be discussed.

May Meeting Agenda:

Continuation of Trillium Public Hearing

Continuation of Leelanau Trail Public Special Land Use Permit and Overlay Zone

Public Hearing on Amendments

**Move by Kiessel support by Park to take the following amendments to Public Hearing:
Road Definitions, 11.7 Preliminary Conference language change and Parking Standards.**

Ayes: All Motion Carried

Public Comments:

Bill Grant-asked about the Township's height restriction and felt this issue should be revisited.

Barb Coye-Asked about Agricultural Orchard Events and if they were allowed at Golf Courses.

PUBLIC HEARING:

Trillium Development:

Chairman Gregory read letter from Dick Ford into the record as well as letter received from Sandra Wilson's attorney Robert Vason regarding land use restrictions.

Chairman Gregory indicated that his company was in negotiations with Thomas Beeler on farming the existing trees on the subject property and removed himself from the commission for this portion of the meeting.

8:00 p.m. Public Hearing Trillium Development

Applicant representative Steve Patmore introduced the project and gave the project history. He indicated this project consisted of 184 acres and that 80 parcels were proposed. He stated that he had received preliminary approval from the Road Commission on the proposed roads.

Tom Beeler, owner of Trillium development stated it was his intent to farm the land unless one of the following occurred: it was not profitable to farm, if the housing demand increased or the Township changed the density in Bingham. He added he felt he had met the criteria of the cluster housing.

Public Comment:

Clark Southwell-Has lived at current address for 17 years. Would like to see the current character of Bingham Township kept in tact. He feels this project will negatively impact his property values.

Bob Laetz- Stated the area is low-density rural setting.

Linda Wilson, Stated that Kohler Road is dangerous. She added that Lawrence Road is a Natural Beauty Road and could be impacted.

Lisa Danto-feels this project will be increase her taxes as more services will be needed. This will add 15% growth rate where 5% is considered optimum.

Diana Jelenek-Has lived on Pleasant Hill Road for 30 years. Suggests an orderly transition. Concerned that her father's bedroom window is 34 feet from the proposed road entrance.

Kristine Morris- Concerned about the aquifers and the increase in lighting.

Barb Coye- Concerned about Lawrence Road and increase of traffic on Otto Road. Also concerned about 80 septic. Suggests smaller cluster with more green space. She added that this development will set a precedent for all future developments of this size.

Phil Anderson- Presented letter. Feels this project does best meet the health safety and welfare of the residents of Bingham. Does not feel this project is in line with the Master Plan. Would like to meet with the developer to discuss the project.

Catherine Allchin- Questioned Mr. Beeler's intent to farm. Read letter from Bob Chapman.

Sandy Laetz- Concerned about the wildlife this project could impact.

Barb Coye- Questioned time frame on site plan approval.

Bob Kohler- Concerned about the increase of cars on Kohler Road. Asked about frost drainage.

Noreen Kastys-Presented diagram showing how the proposed development could impact the area with the increase in homes.

Lisa Danto – Questions density and the Master Plan.

Megan Allchin- Stated that people come together during a crisis. Asked the developer what the citizens could do to make a difference.

Acting Chair Collins indicated this commission has worked the last several years addressing density in Bingham Township. Kiessel added that if the commission turns this project down, the applicant has the right to develop this property into two-acre parcels.

Public Comment Closed:

Planner Gordon Hayward's Report- (See report attached to official Meeting Minutes) Gordon read from his written report. He stated that the applicant would need to meet criteria for several areas of the ordinance, specifically, the Article X-Cluster Housing Ordinance, Article 4-Agriculture District, Article V-Residential District, Article 11-Site Plan Review, Article XII-

Standards and Art 9 Site Condominium Development. He also added that by right the developer could divide the property into 2-acre parcels and have 78 lots. He presented a site plan the applicant had prepared.

He added that the applicant would need to work with the commission on the design objectives in Article X Cluster Housing.

Hayward indicated that pursuant to Article IX, the applicant would need to prepare a hold harmless agreement for improvements. Gordon was also concerned with the depth width ratio, however the current ordinance language does not address this.

Hayward indicated that New Designs for Growth could review the project and help make suggestions.

The Applicant presented their response. Patmore added that the Master Plan Future Land Use Map shows higher density in this area as well as encouraging cluster developments.

Commissioner's Comments:

Kiessel stated that if there are no time constraints, the developer could take input received this evening and address the same. Kiessel added that the design objectives need to be reviewed with the applicant. Jasinski agreed and stated that the intent of the open space provision was to keep it as contiguous as possible. Further, she felt the roads need to be looked at further. Kiessel stated that the applicant is setting a precedent.

The applicant stated that he could just as well divide into two-acre parcels. He added that projects with open space demand maintenance and no one to maintain it. If recreational equipment is provided then you have liability insurance to deal with. He stressed he was trying to put in affordable housing. Collins suggested tabling until next month.

Supervisor Werner reiterated that New Designs for Growth had a peer review committee that could review the plan and help make positive suggestions. They work with the developer to meet criteria.

The Applicant stated he would look into the peer review committee.

Due to the late hour, the Chair tabled further discussion until next month.

Public Comment- Stuart Whittaker asked the commission to review the issue of yield signs on the trail and suggested dual signage.

Meeting Adjourned at 10:50 p.m..

Respectfully Submitted
Dorothy Petroskey