

**BINGHAM TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
December 2, 2004**

CALL TO ORDER: 7:03 P.M.

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

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

AYES: ALL MOTION CARRIED

APPROVAL OF THE NOVEMBER 4, 2004:

MOVE BY BUNEK SUPPORT BY JASINSKI TO APPROVE THE MINTUES AS PRESENTED.

AYES: ALL MOTION CARRIED

PUBLIC COMMENT: No Comments.

PUBLIC HEARINGS:

1. **Rolling Hills Site Plan Review.**

Kevin Enders from Gosling Czubak presented the site plan with changes. He noted that that they have provided access to the open space for Unit One. They have also adjusted the width to depth ratio and added language to the Master Deed and Bylaws that relates to landscaping and clear cutting.

Gordon Hayward stated he still had two concerns. The first was that the language in the bylaws did not clearly address the landscape issues that are necessary pursuant to 12.6. The second issue was “usability” of the open space. He stated that the open space access on lot one was only about 20 feet wide.

The commission reviewed the by-laws as it related to clear cutting. Jasinski suggested language be added that allows for minimal tree removal. Jasinski questioned ridgeline development. Enders stated that they do not anticipate and development on the ridgeline. Bunek questioned lot one and marking the open space area to prevent trespassing.

PUBLIC COMMENT:

Phil Anderson asked what provides that the developers/association will abide by the zoning ordinance or that the by-laws will be enforced.

John Korr stated that the Master Deed/By-Laws empower the association. He added there will always be an association to see that the By-laws are being followed. Additionally the association has to follow the zoning ordinance.

Public Hearing Closed.

MOVE BY BUNEK SUPPORT BY JASINSKI TO GRANT SITE PLAN APPROVAL TO ROLLING HILLS SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Page 15 of the Bylaws will include “Only minimal tree removal to enhance views.**
2. **The Site Plan will meet section 12.6.11 and 12.6.12.**
3. **The trail (open space) will be marked in areas that are less then 30 feet wide.**
4. **The applicant shall have applicable permits prior to construction.**
5. **The applicant will meet all Planner Hayward’s Findings of Fact.**
6. **The approval is based on the site plan presented which is a scale of 1” to 60’.**
7. **The conceptual sign presented will comply with the sign standards and lighting standards in the ordinance.**

THE APPROVAL IS SUBJECT TO REVIEW OF MASTER DEED AND BYLAWS BY THE TOWNSHIP ATTORNEY AND APPROVAL BY THE TOWNSHIP BOARD.

Ayes: All Motion Carried

Public Hearing:

BINGHAM VALLEY CLUSTER SITE CONDOMINIUM:

John Korr presented the site plan which includes 20% of Open Space and incorporates the 100 foot setback requirement. Planner Rollenhagen stated the applicant has requested that should approval be granted, that a condition be added that should the standards changes as to the 100 foot setback, that the applicant not be bound to the 100 feet.

The applicant discussed health department approval and that the new road Bingham Valley Court would be gravel and would not be paved at this time. Planner Rollenhagen asked about landscaping and the common areas. Rollenhagen recommended that similar language be incorporated into the Master Deed and Bylaws as was done for Rolling Hills approval. Jasinski asked about Ridgeline development and John Korr stated that there would be no development on the ridgeline.

PUBLIC COMMENT:

Wendy Schafer stated that she and her husband had purchased their home in May and were led to believe that there would be only 4 additional homes. They felt that they were misled. She and her husband Shane asked if the homes would meet the same standard as theirs. Kristen Harrison assured them that the same standards would apply.

Phil Anderson asked if this development was a cluster development and he was informed it was.

Public Hearing Closed.

Planner Rollenhagen stated the plan met the open space criteria and meets the standards of the zoning ordinance. Rollenhagen discussed the 100 foot setback issues and the applicant's desire to not be bound to this standard if the standards change. The landscape plan was briefly discussed.

MOVE BY JASINSKI SUPPORT BY BUNEK TO GRANT SITE PLAN APPROVAL TO BINGHAM VALLEY CLUSTER SITE CONDOMINIUM BASED ON THE FOLLOWING CONDITIONS:

- 1. The applicant shall meet the landscape criteria of 12.6.11 and 12.6.12.**
- 2. The Bylaws will include language to allow for only minimal tree removal to enhance views and to provide for only clear cutting of area for septic, roads and structures.**
- 3. If the setbacks should change then the applicant shall not be bound to the 100 foot setback for the agricultural area.**
- 4. If the health department determines a common septic is necessary, then the applicant will need to come back before the commission.**
- 5. The applicant shall seek approval of the road access name.**
- 6. The applicant shall produce Master Deed and By-Laws.**

THE APPROVAL IS SUBJECT TO REVIEW OF MASTER DEED AND BYLAWS BY THE TOWNSHIP ATTORNEY AND APPROVAL BY THE TOWNSHIP BOARD.

Ayes: All Motion Carried.

New Business:

Bay View Pine Amendment:

Steve Patmore introduced the Bay View Pine's Site Plan Amendment. Patmore stated that the amendments include development on the waterfront side as well as a property

swap with adjacent landowners, revisions to the right of way, revision of Lot 1 and 28, removal of structure on west side, abandoning North driveway and keeping the south driveway, and adding the 3.47 acres on the waterside to the development that will include 5 condo units. Further the applicant would like to dedicate the remaining waterfront open space for all residents to use.

Steve Patmore encouraged all the commission members to walk the site.

The commission asked that this item be placed on next month's agenda providing that the applicant has all information to the Planner in a timely manner.

Proposed Cluster Language 9.2 Site Condominium/Agricultural 4.4 Special Uses

Rochelle presented draft language to take to public hearing. The commission discussed the "magic" number for 4.4. The commission agreed that projects that exceeded 5 lots would have to meet this section.

MOVE BY PARK SUPPORT BY JASINSKI TO TAKE PROPOSED ZONING AMENDMENTS REFERENCING SITE CONDOMINIUM ARTICLE 9.2 AND AGRICULTURAL DISTRICT SPECIAL USES 4.4 AS CORRECTED TO PUBLIC HEARING NEXT MONTH.

Ayes: All Motion Carried

Rental Language:

Rochelle presented some possible language to be incorporated into a Rental Ordinance. The commission by consensus agreed that rentals have been going on for a long time in Bingham and are necessary for the economy. The commission discussed enforcement concerns. Rochelle stated violations have been issued to homeowners for renting their homes during the summer. She added that the Zoning Board of Appeals could offer an interpretation as well.

Supervisor Foster indicated that Elmira Township has adopted an Ordinance. Further, that Elmira Township has a fee schedule for permits for rental homes. Foster added that perhaps this item could be addressed in the upcoming newsletter.

Rochelle will draft language for the commission to review that will allow transient rentals.

Old Business:

Master Plan:

Marsha Walton presented her proposed additions to the Bingham Township Comprehensive Plan to the commission members. Bunek stated he felt that the plan was

a good plan and the commission needs to work towards implementing the plan.

Rochelle will look into the noticing requirements for a public hearing.

Communications and Reports:

Chairman Report: Bob discussed joint planning partnership for change. He added this could also be looked at for a fire district as well.

Zoning Administrator Report: Rochelle submitted her written report as well as proposed meeting dates for 2005.

MOVE BY WALTON SUPPORT BY BUSH TO ADOPT THE MEETING SCHEDULE AS PRESENTED KEEPING THE MEETING DATES FOR THE 1ST THURSDAY OF EACH MONTH AT 7:00 P.M.

Ayes: All Motion Carried

Township Board Report: No report.

January Agenda:

**Public Hearings- Bay View Pines
Clustered Language**

**Old Business:
Rentals**

Public Comment:

Duane Amato thanked the Board for looking into the rental issue.

Duane Bingle asked that the Township look into grant availability.

Bob Foster indicated that Leelanau Farms was appealing the ZBA and has filed a complaint against the Township, Planning Commission and Board of Appeals

Meeting Adjourned at 10:58 p.m..

Respectfully Submitted,

**Dorothy Petroskey
Bingham Township Clerk**