

Bingham Township Planning Commission
Meeting Minutes
May 1, 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, Cathy JASINSKI, Ron COLLINS, Mike PARK, Marsha WALTON, Will BUNEK and Don KIESSEL. Staff present were Steve Patmore, Dan Carlson and Dorothy Petroskey. Also present were Stuart Whittaker, Russel Clark, R. Clark Associates, Ken Ockert, R. Clark Associates, Wayne Kiley and Kay VanSteenis.

AGENDA APPROVAL

Gregory pointed out that there was a typographical error on the agenda as to the approval of the minutes.

MOTION BY COLLINS SECOND BY KIESSEL TO ACCEPT THE AGENDA AS PRESENTED.

AYES: ALL MOTION CARRIED

Walton noted spelling error on page three, and on page 4, the second motion needed to add the word "change" and the section number was incorrect.

MOTION BY BUNEK SECOND BY COLLINS TO APPROVE THE MINUTES OF APRIL 10, 2003 AS CORRECTED.

AYES: ALL MOTION CARRIED

PUBLIC COMMENT: Wayne Kiley, Bay View Condominiums, stated he had flown in this evening and had hoped that his project would be on the agenda. He asked that his project be heard at the June meeting as a specific agenda item. He also would like the commend the planning commission on their effort to improve the Ordinance as it will benefit all.

OLD BUSINESS:

A. Board Recommendations on Zoning Ordinance Amendments

1. **Outdoor Lighting Standards:** Collins stated this Ordinance was approved with Line 6 of Section 12.10.2 deleted.

2. **Standards for Private Road and Driveway Development:** Collins added this amendment was approved with minor language clarification. The Board also

recommended that definitions for secondary access road, emergency access road and road stub be added to the ordinance.

Jasinski noted that County Planning had pointed out some authorities that have been incorrectly written in our Ordinance. Jasinski looked these up and indeed these Acts are incorrect in our Ordinance. First, 12.2.5 A where it uses the Subdivision Control Act as an authority needs to add “as amended”. Also on page 1, the Soil Erosion and Sedimentation Control Act, P.A. 347 of 1974 should be P.A. 451 of 1984 1994 and on the last page the Public Act quoted should read P.A. 139 of 1972.

MOTION BY JASINSKI SECOND BY BUNEK TO CORRECT THE FOLLOWING CLERICAL ERRORS: SECTION 12.2.5 PARAGRAPH A TO ADD AS AMENDED AFTER THE SUBDIVISION CONTROL ACT, P.A. 288 OF 1967, MCLA 560.101 ET SEQ; ALSO THE SOIL EROSION AND SEDIMENTATION CONTROL ACT, P.A. 347 OF 1974 SHOULD READ P.A. 451 OF 1994 AND TO CORRECT PARAGRAPH 13E TO READ MICHIGAN P.A. 139 OF 1972 AS AMENDED AND STRIKE MICHIGAN PUBLIC ACT 134 OF 1972 AND APPROVE THESE CHANGES UNLESS LEGAL COUNCIL SUGGESTS THIS MATTER NEEDS TO BE TAKEN TO PUBLIC HEARING AT THE JUNE MEETING.

AYES: ALL MOTION CARRIED

3. **Standards for Residential Developments:** The Board approved this ordinance with the recommendation that the planning commission define residential development and secondary access road.
4. **Clustered Housing Developments:** Ron stated that this Ordinance was approved with the recommendation that Section 10.5 (Design Objectives) be clarified regarding Dick Ford’s Comments. Midge and Ron met with Mr. Ford before the Board’s meeting. Mr. Ford felt the planning commission should make it clear that the planning commission considers the design objectives and not the applicant. He made some suggestions that Ron tried to incorporate into the language.

Kiessel felt that the new design objectives put the developer in a predicament. Collins added that the preceding language “Follow these guidelines as much as practical” gave the developer the necessary leeway. He added that it is up to the planning commission to state what needs to be maintained.

Collins asked what the commission would like him to bring back to the board. Bunek offered he liked the changes that Collins had come up with. Walton concurred. Park agrees with Kiessel that this could put an excessive burden on the developer, but there is also a positive side. It will make people work a little harder on protecting our

wetlands/woodlands. Jasinski stressed that these are guidelines/objectives—not requirements.

MOVE BY BUNEK SUPPORT BY WALTON TO ADOPT 10.5 DESIGN OBJECTIVES IN THE CLUSTER HOUSING ORDINANCE WITH THE HIGHLIGHTED CHANGES MADE AS AMENDED AND TAKE IT TO PUBLIC HEARING.

AYES 6

NAYES 1 KIESSEL

MOTION CARRIED

5. **Proposed Revisions to Lot Standards:** Collins stated this amendment was not approved. Dick Ford’s main concern was this standard would not be imposed uniformly. He felt this would have created legal problems down the road. Discussion ensued. Jasinski stressed that the whole reason we did not increase the density and followed this strategy was to protect open space. Collins stated that Ford said we could do this if we made it uniform across all districts.

B. LOTS SPLIT BY RAIL CORRIDOR

Steve Patmore indicated that he had looked through the plat maps and found approximately 22 lots affected. He stated the biggest problem is many of these lots are nonconforming and the setbacks make it difficult to add on or build. There are a few options. 1) Go to the ZBA for a variance. 2) Rezone these lots to residential. 3. Put in an overlay zone. Gregory asked if this was an issue that needed to be looked at further. Carlson stated that there was a homeowner that has been before him with this difficulty. Kiessel felt that the ZBA should handle this on a case by case basis and allow the Township Board to reduce/waive the fee. The planning commission agreed by consensus.

NEW BUSINESS:

P.U.D. Language. Jasinski looked into the questions regarding the PUD language. One of the questions was if the planning commission could adjust parking or lot coverage requirements. Jasinski stressed that the P.C. did not have this authority under our ordinance. Patmore stated that our ordinance language did not allow for any provision for an amendment. It also was only for commercial districts. He stated that there is no flexibility in our language. He also added that we have not been given a formal request to review this language and we may want to wait. Kiessel added that this fall we may want to review the language but our plate is full right now.

CHAIRMAN REPORT:

Gregory offered that the recording secretary had prepared a formal special land use permit for the Leelanau Club with all conditions listed from this last amendment along with the conditions imposed in 1998 and 1999.

ZONING ADMINISTRATOR REPORT

Carlson stated that Mr. Kiley will be put first on next months agenda; however, we were still lacking some documentation.

Carlson introduced the Shugart project. This project will need to go to Circuit Court to vacate a portion of the platted area and combine some lots for a site condo project.

Dick Ford did not see a conflict if the planning commission was to review this project at the same time that this matter is before the court. However, any granting of a permit would be based upon the Circuit Court decision.

Ross Clark, Clark and Associates briefly addressed the planning commission with their intent. He stated that there are 10 lots. They plan on making 5 lots and building on 4 of these lots. Carlson stated that the Township had received a letter this week from the Sugart's attorney and Gregory suggested that this be forwarded to Dick Ford.

The 3rd project is the Red Lion expansion. However, the township is not in receipt of all the documentation. So there is a possibility of 3 candidates for next month's agenda.

TOWNSHIP BOARD REPORT:

Ron Collins stated that the Board had re-appointed Cathy Jasinski and Don Kiessel to the Planning Commission for another 3 year term.

JUNE MEETING AGENDA:

Public Hearings- Cluster Amendments
PUD commercial Language

Preliminary Consideration

Bay View Pines
Shugart Project

Gregory asked if there was anyone who would look into defining Shared Driveway Maintenance Agreement; Secondary Road Access; Emergency Road Access; Road Stub and Residential Development. Marsha Walton agreed to take on this task.

Public Comment: Park asked for the commission to once again look at the possibility of hiring a part time planner to assist with these added projects, zoning amendments etc.,. Park feels we are paying Ford for things a Planner could help with.

MOVE BY BUNEK SECOND BY PARK TO ADJOURN.

AYES: ALL MOTION CARRIED

Meeting Adjourned at 9:00 p.m..

Respectfully Submitted,

Dorothy Petroskey
Recording Secretary.