

Clearwater Township
Planning Commission
Regular Meeting of March 6, 2017
As approved April 3, 2017

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:02 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Eldridge, Fields, Parzych, Von See.

Township officials: Zoning Administrator Molby

Public: Bruce Belanger, Tim Pierce, Connie Molby, Tina Lyttaker, Arden Pierson, Mike Gaylord.

Approval of Agenda:

MOTION by Backers, second by Von See, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

All commissioners declared no conflicts of interests with any item on the agenda.

Approval of Minutes:

MOTION by Backers, second by Von See, to accept the minutes of February 6, 2017 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

There were none.

Comments from Commissioners for Matters Not on the Agenda:

There were none.

Scheduled Public Hearing on Arden Pierson application to build a 24-unit condo-site storage facility at 7315 Rapid City Road, Rapid City, MI 49676, being parcel number 004-016-035-86:

The process for the hearing will be that the applicant will first present the project. Those in favor will speak after that. Then, those in opposition will speak. Each speaker will be limited to five minutes. After all have had an opportunity to speak, the public input portion of the hearing will be closed, and the Planning Commission will deliberate.

Arden Pierson – explained that the twenty-four proposed new storage units would be, 30' x 40', just like the sixteen units built in 2000. Although there are already quite a few storage unit facilities in Clearwater Township, these are not the typical storage units. These units are purchased by individual owners – these are not rented out. He remarked that most of them are owned by Torch Lake residents in need of storage space for boats and other similar things.

Mr. Pierson has had several requests from individuals who wanted to buy units, so, some of the proposed twenty-four are actually already presold. The current owner of the property, Steve Ciarkowski, wanted to get out from under his property, so Pierson made the suggestion to build another condo-site storage facility on the property.

Commissioner Backers asked who would maintain the grounds. Pierson replied that once there is a majority of owners and an owners' association is in place, the association will be responsible for maintenance; until then, he will be responsible.

Mike Gaylord asked how many entrances there will be. There will be one new entrance from Rapid City Road. There will not be a new sign.

The drawing sets forth two phases, one for sixteen units and the second one for the remaining eight. The present request is to approve the full twenty-four units. Per the condo laws, the project has to show what is to be built and what is future build.

Commissioners reviewed the drawing to establish the dimensions. Sid setbacks are 10 feet off the property lines, the distance between the buildings side by side is 20 feet. The distance across the drive between the rows of buildings is 50 feet.

In support – Bruce Belanger and Mike Gaylord indicated support for the project.

In opposition – Tim Pierce spoke, and indicated that he is less in opposition than he expected to be. He explained that when he saw the notice in the Elk Rapids News, he went to the township website to find the Master Plan, looking for some guidance on the desired kinds and densities of businesses for this area in the township. The document he found is from 2006. The new one, completed in 2014 is not on the website.

Pierce indicated that he doesn't want to be just the person who complains, he wants to be thoughtful and helpful. So, he raises the question: How do we know when we have built enough storage units? He commented that the project in question will improve the appearance of the property, and that the existing condo-site units are the most pleasant storage unit complex imaginable.

Pierce also commented that if he were a business thinking about moving here, he would go to the township website – and the one we have does not look modern and is not kept up-to-date. He said he is willing to help with that and volunteer his skills.

Commissioner Backers indicated that Pierce should bring these valid concerns to the Township Board meeting, coming up on March 15.

Commissioners Backers, Fields, and Parzych responded that Pierce's input will be very welcome in the next review of the township Master Plan.

At this point, Chair Parzych closed the public input portion of the hearing, and the Commission went into deliberation.

Planning Commission deliberation – to review this condo-site project per the standards of Section 28.04 in Ordinance 22 (the Zoning Ordinance). Fields commented that these standards generally pertain to human habitation projects, and therefore, there will be some that simply do not apply to this project. The items that do pertain are highlighted in yellow.

28.04 REVIEW OF CONDOMINIUM DEVELOPMENTS

B. Required Plan Information: All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended, being MCL 559.166, which follows, as well as the applicable information required by Ordinance.

559.166 Condominium subdivision plan; preparation; signature and seal; contents; recording; structures and improvements to be completed by developer.

Sec. 66. (1) The condominium subdivision plan for each condominium project shall be prepared by an architect, land surveyor, or engineer licensed to practice and shall bear the signature and seal of such architect, land surveyor, or engineer. The condominium subdivision plan shall be reproductions of original drawings.

(2) A complete condominium subdivision plan shall include all of the following:

(a) A cover sheet.

(b) A survey plan.

(c) A floodplain plan, if the condominium lies within or abuts a floodplain area.

(d) A site plan.

(e) A utility plan.

(f) Floor plans.

(g) The size, location, area, and horizontal boundaries of each condominium unit.

(h) A number assigned to each condominium unit.

(i) The vertical boundaries and volume for each unit comprised of enclosed air space.

(j) Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are so shown and designated.

(k) The nature, location, and approximate size of the common elements.

(l) Other items the administrator requires by rule.

(3) Condominium subdivision plans shall be numbered consecutively when recorded by the register of deeds and shall be designated Kalkaska county condominium subdivision plan number _____.

(4) The developer shall complete all structures and improvements labeled pursuant to subsection (2)(j) "must be built".

C. Conformation to Ordinance Requirements: All principal buildings and/or accessory structures within a condominium subdivision shall comply, to the extent applicable, with all other local ordinances.

D. Public and Private Road Requirements: All private roads shall be designed and built in accordance with the requirements of the Clearwater Township Private Access Easement Ordinance. All public roads shall be designed and built in accordance with the requirements of the Kalkaska County Road Commission.

E. Dedication of Public Utility Easements: The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easements dedication documentation may be reviewed by the Township Attorney.

F. Required Final Documents: The condominium development developer or proprietor shall furnish the Zoning Administrator with the following: one copy of recorded Master Deed, one copy of all restrictive covenants and two copies of an "as built survey".

The Commission noted that the materials called for in Section 28.04 or Ordinance 22, were all properly presented.

MOTION by Fields, second by Backers, that the materials received satisfy the requirements of Section 28.04 of Ordinance 22. Motion carried by roll call vote.

Roll call

Eldridge – yes

Von See – yes

Backers – yes

Parzych – yes

Fields – yes

Parzych (in his capacity as Acting Zoning Administrator) spoke to conditions he believed should be imposed on this project. They were: 1) once the existing structures on the property are razed, soil samples are to be taken and evaluate for hazardous contamination, and 2) update reports every 30 days on the progress of the project. No construction activity is to happen until the soil samples have been evaluated to verify that there is no hazardous contamination. If there is site contamination, that should be cleaned up before and construction begins.

Mr. Pierson withdrew his application and left the meeting.

Ongoing Permanent Business:

There is nothing new at this time on the waterfront setback language review. The topic is moved to the April agenda.

Old Business:

There is nothing new at this time on the Tiny House discussion. The topic is moved to the April agenda.

Report of Township Representative:

Report from Trustee and Clerk Eldridge – clarified the Planning Commission meeting dates to report to the Township Board at their meeting on March 15. On the 17th, she will be attending a training meeting on the new election equipment. Bids are being taken

for work in the Township Hall gym bleachers. Some lights are being replaced on certain intersections in the township. There is a Michigan Association of Planners Zoning and Planning essentials training meeting on March 22, Clerk Eldridge will register those who wish to attend. The public budget meeting will be at 6:30 p.m. on March 15, before the Township Board meeting.

Report of Zoning Administrator:

Acting Zoning Administrator – Parzych provided reports for January and February 2017, which reports are hereby incorporated into the record by reference, and copies of which are attached to the permanent copy of these minutes, as [Att A] and [Att B].

New Business

No new business at this meeting.

Closing Public Comment:

Mike Gaylord – asked if the waterfront setback language is to fix what happened on Torch Lake? Chair Parzych responded that it is to keep the matter to happen again. The current case is in court right now. Suggestion that the DEQ should be brought in to get a clean report on possibly contaminated land. He also pointed out that the law says if you have more than one nonconforming lot, you have to put some together to become a conforming lot.

Adjournment:

MOTION by Backers, second by Von See, to adjourn. Adjournment at 8:10 p.m.

Assignments:

- April 3 agenda – continue with the waterfront setback language and the tiny house discussion.

Next Meeting: April 3, 2017 at 7:00 p.m. at the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,



Tina Norris Fields
Secretary

Zoning Administration Monthly Report January Clearwater Township

1 Land Use Permits

Garages, Sheds

Residences

Residences with Attached Garage

Pole Barns

1 Resident Additions

Decks, Porches, etc.

Miscellaneous, Other Buildings

10 Field Checks

0 Attorney Contacts

1 Planning Commission Meetings

5 Contacts with Public, Home and Land Owners

0 ZBA Meetings and/or Township Board Meetings

0 Training Sessions

0 Zoning Violations

Zoning Administrator

Zoning Administration Monthly Report Feb Clearwater Township

0 Land Use Permits

Garages, Sheds

Residences

Residences with Attached Garage

Pole Barns

Resident Additions

Decks, Porches, etc.

Miscellaneous, Other Buildings

20 Field Checks

0 Attorney Contacts

1 Planning Commission Meetings

15 Contacts with Public, Home and Land Owners

0 ZBA Meetings and/or Township Board Meetings

0 Training Sessions

2 Zoning Violations *Investigation ON going*


Zoning Administrator