

Clearwater Township
Planning Commission
Regular Meeting of July 6, 2015
As approved September 14, 2015

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:00 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, Nick Lefebre

Approval of Agenda:

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

Call for Disclosure of Conflicts of Interests:

Chair called for commissioners to disclose any real or potential conflicts of interests. All commissioners declare no conflicts.

Approval of Minutes:

MOTION by Backers, second by Von See, to accept the minutes of June 1, 2015, as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

Bruce Belanger — asked about the commission to look into the living space limitation and facility requirements that make it impossible for a landowner to simply build a little cabin. We will investigate the matter to learn the rationale, and find out what the applicable statutes are. Commissioner Backers commented that Rapid River Township is considering a Seasonal Recreational Structure Ordinance.

Nick Lefebre — said that he has returned to the region after graduating from Northern; that he and his wife plan to build a local artisanal brewery. It would be locally driven and locally sourced, and it would provide a few year-round local jobs. His family has property on the corner of Zimmerman and Rapid City Roads that would serve the purpose. However, that parcel is currently zoned Residential. He is looking at requesting a rezoning for that property. The commissioners suggested he work with Zoning Administrator Molby to examine the available options, and that he bring his thoughts to the Township Board as well.

Comments from Commissioners for Matters Not on the Agenda:

Commissioner Backers — commented that one objective of the master plan should be improvement of public communications within the community. He thought we should add a section on communications to the master plan.

Backers also announced a public event on August 2, 2015, at the Great Wolf Lodge in Traverse City. The topic concerns property rights at the constitutional level. Speakers are KrisAnne Hall and Tom DeWeese. Tickets are \$20 each.

Commissioner Parzych — reminded everyone about the community parade and pig roast picnic to be held on Saturday, July 11.

Public Hearing on Proposed Amendment to Article XXVI of Ordinance 22:

Chair Parzych summarized the history of this amendment effort, and explained the process for the public hearing. He asked Secretary Fields to present the proposed changes to the language of Article XXVI of Ordinance 22 (the Zoning Ordinance), and to explain the rationale behind those changes. The proposed changes are required in order to bring Article XXVI into fuller compliance with the Michigan Zoning Enabling Act (PA 110 of 2006 as amended).

The proposed language changes were forwarded, on May 4, 2015, to both the Township Attorney and the Kalkaska County Board of Commissioners for review. There was no negative response from either one within the required thirty days. However, we have received a letter from the Kalkaska County Planning Commission, dated June 24, 2015, stating that at its June 17 meeting, the proposed amendment was reviewed, and the Commission “found no issues or concerns with the proposed amendment.” The Kalkaska County Planning Commission’s June 24, 2015 letter is hereby incorporated into the record by reference, and a copy of the letter is attached to the permanent copy of these minutes as [Att A].

Secretary Fields offered explanations of two items in particular. The first concerns Section 26.07, which details the procedure for meetings of the Zoning Board of Appeals, both regular meetings and public hearings. The law states that “the ordinance shall establish procedures for the review and standards for approval of all types of variances,” which means that the portion covering regular meetings is not needed. Therefore, deletion of that Subsection (26.07.01), is suggested as an addition to the recommended amendment.

The second item concerns Section 26.09, which concerns a stay pending appeal. The struck through language is what is in the current ordinance; the bold and underlined language is per the MZEA, MCL 125.3604.03, which says “proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.” Our understanding is that only the circuit court has the authority to issue a restraining order, so we propose to strike the reference to the zoning board of appeals.

Chair Parzych asked the public whether there were any questions regarding the proposed language. There were none. Parzych closed the public comment portion of the hearing, and the Commission entered into deliberation. Commissioners were asked whether they objected to adding the striking of Subsection 26.07.B.1 (regular meetings of the ZBA). There was no objection.

After deliberations, the following motion was made:

MOTION by Fields, second by Backers, to recommend, to the Township Board, adoption of the proposed amendment to Article XXVI, including the deletion of Subsection 26.07.01.B.1 (ZBA ordinary meetings). Motion carried unanimously.

Roll call vote:

- Von See – yes,
- Eldridge – yes,
- Backers – yes,
- Parzych – yes,
- Fields – yes.

Ongoing Permanent Business:

Master Plan – Our ongoing review discussion received some new suggestions, such as adding a table of contents at the beginning, adding an objective and section on public communications, addressing the dramatic changes that will occur in the M-72 corridor between Kalkaska and Acme because of the new Meijer’s store, making the viability of the fire department an objective in the long-term plan, and addressing the need for additional township office space. There was discussion on strategies for preserving and protecting the historical records of the township.

Public information electronic sign – There was much discussion on the merits of acquiring an electronic sign for displaying public information. The sign would be positioned on the northeast corner of Rapid City Road and Valley Road, in the space designated for a public information kiosk. This space is part of the special use permit granted to Alec Crowell in 2009, for expanding his business to include a small used car lot. That special use permit runs with the land. Thus, the fact that the business has changed hands does not alter the space designation. There was discussion regarding the size and appearance of the sign, as well as what legal issues may be involved. Commissioner Backers commented that for anybody to say that there is no interest in having a sign here is a gross misstatement. Discussion also compared the effectiveness of overhead street banners, newspaper publication, website publication, and display signs. While the Commissioners agreed that better communication with the town’s citizenry is needed, not everyone agrees that an electronic sign in the town center is the right tool. Concern was expressed over the possibility of negatively changing the small hometown atmosphere of Rapid City. The public hearing of this date was published in the newspaper and announced on the website, yet many people never saw the notice, and only two members of the public attended.

Report of Township Representative:

Report from Clerk Eldridge – bring sign considerations to the board – looking at the possibilities for updating the offices – what about putting the offices in the former Morrison electric building. Getting bids on the ideas of the updating offices. Section 16 center of township, could be excellent location for the township hall. Idea of possibly acquiring Morrison electric. Also looking at expense of updating the gym for rentals, etc. public building should have automatic door opener for handicap.

Report of Zoning Administrator:

No report this month.

New Business

Whitewater township review master plan – adopted article 27 Environmentally Sensitive Areas – someone started cutting down his trees neighbor complained – 1983 ordinance – cutting trees down without permit – Backers will make sure the notice comes to us.

Closing Public Comment:

There was none.

Adjournment:

MOTION by Backers, second by Von See, to adjourn. Adjournment at 8:07.

Assignments:

- Add Seasonal Recreational Structure considerations to the agenda next month.
- Forward Article XXVI amendment recommendation to the Township Board.

Next Meeting: August 3, 2015

Respectfully submitted,

A handwritten signature in cursive script that reads "Tina Norris Fields".

Tina Norris Fields
Secretary

KALKASKA COUNTY PLANNING COMMISSION
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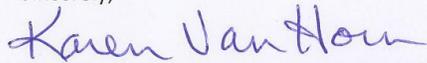
Date: June 24, 2015

To: Clearwater Township Planning Commission
Tina Norris Fields, Secretary

Re: Proposed Amendments

The Kalkaska County Planning Commission held a regular meeting on June 17th, 2015 and the proposed amendment to Article XXVI-Zoning Board of Appeals for Clearwater Township were reviewed. The Kalkaska County Planning Commission found no issues or concerns with the proposed amendment.

Sincerely,



Karen Van Horn, Zoning Administrator, on behalf of the Kalkaska County Planning Commission