

Clearwater Township
Planning Commission
Regular Meeting of July 5, 2010
As approved August 2, 2010

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 6:58 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Belanger, Fields, Johnson, Parzych, Risk.

Public: Sgt Walter of the Kalkaska County Sheriff's Department, Larry Fields

Approval of Agenda:

Zoning Administrator Molby, being ill and absent, we struck his report from the agenda.

MOTION by Risk, second by Belanger, to accept the agenda as amended. Motion carried.

Approval of Minutes:

MOTION by Johnson, second by Risk, to accept the minutes of June 21, 2010 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

There was none.

Scheduled Public Hearing: [PC-2010-002-a] Gerald Jenkins to erect a supplemental dwelling on his property at 4714 Townline Road, Rapid City, MI 49676 (parcel tax ID 004-034-019-01)

General findings of fact: the application is for a second dwelling on a 20-acre parcel in the Recreational Zoning District, with setbacks from the front and side property lines of 200 feet and 150 feet respectively, with frontage on Townline Road of over 986 feet, and with location address of 4714 Townline Road in Clearwater Township. The application is for a purpose subject to special use permit under Section 18.03 of Ordinance #9 the Zoning Ordinance.

Specific findings of fact: Section 18.03.N.1 permits such a supplemental dwelling to be occupied by members of the immediate family of the property owner, or to house workers employed to harvest forest or farm crops grown on the premises. In this case the occupant will be an employee, but not one to harvest crops. The Commission considered this language to be unduly restrictive, and voted to waive that specific limitation.

MOTION by Fields, second by Risk, to waive Subsection 18.03.N.1 with regard to who may inhabit the dwelling. Motion carried 4-1.

Section 18.03.N.2 requires the dwelling to meet the standards of Section 18.02, which the Commission found to be so (see details of 18.02 findings below).

Sections 18.03.N.3 and 4, require the applicant to submit an affidavit "attesting that the subject land parcel containing the primary dwelling and the supplementary dwelling will not subsequently be split or divided in a manner that results in a dwelling on a parcel of land that does not meet the area, frontage, and setback requirements," and to record that affidavit as a deed

restriction running with the land.

Finding of fact – That affidavit is included in the documentation.

Section 18.02.A.1 – Said dwelling shall contain a minimum of eight hundred (800) square feet enclosed living area and shall comply with the County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standard or regulation for construction and where such regulation or standard is different from that imposed by the Building Code, then, and in that event such federal or state standard or regulation shall apply.

Finding of fact – the house dimensions are 30 feet by 40 feet, or 1,200 square feet. All Commission members concur.

Section 18.02.A.2 – The dwelling shall have a minimum width of at least fourteen (14) feet measured between the exterior surfaces of exterior walls.

Finding of fact – the house dimensions are 30 feet by 40 feet. All Commission members concur.

Section 18.02.A.3 – The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable Building Code for single-family dwellings.

Finding of fact – the house will have a basement. All Commission members concur.

Section 18.02.A.4 – The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local Health Department in connection with the application for a Land Use Permit for installation of the dwelling.

Finding of fact – the drawings indicate the appropriate additional septic field. This specific finding of fact is contingent upon the Health Department final approval of the installed system. All Commission members concur.

Section 18.02.A.5 – The dwelling shall comply with all pertinent building and fire codes.

Finding of fact – This specific finding of fact is contingent upon the County Building Codes Department final approval of plans. All Commission members concur.

Section 18.02.A.6 – All construction required herein shall commence only after a Building Permit has been obtained in accordance with the applicable County Building Code provisions and requirements.

Finding of fact – This specific finding of fact is contingent upon the County Building Codes Department final approval of plans. All Commission members concur.

Section 18.02.A.7 – Accessory buildings such as detached garages, barns, sheds, and boathouses may be allowed by the determination of the Zoning Administrator that they meet the setback and height standards of this District. Such buildings may not serve as dwellings.

Finding of fact – the drawing indicates a detached garage that meets the setback and height standards of the District. All Commission members concur.

Standards of Review:

Section 24.03.A.1 – The Special Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Fields – yes, this use on this large piece of property will be in harmony with the area;

Parzych – yes, he has 20 acres in the Recreational area, and is at least 150 feet away from the nearest neighbor;

Johnson – yes, the design and construction plan are harmonious with the character of the area – note that it seems unreasonable to expect us to judge how it will be operated and maintained in the future;

Belanger – yes, I looked at it and it fits right in;

Risk – yes, it fits right in.

The Commission finds standard 24.03.A.1 to be met.

Section 24.03.A.2 – The Special Use shall not change the essential character of the surrounding area.

The Commission members find that standard 24.03.A.1 having been met, this standard is essentially the same and is also met.

The Commission finds standard 24.03.A.2 to be met.

Section 24.03.A.3 – The Special Use shall not interfere with the general enjoyment of adjacent property.

Parzych – yes, the house and supplemental dwelling are in the middle of the property and will pose no interference to the neighbors;

Risk – yes, same reason;

Johnson – yes, there is no way this will interfere with the enjoyment of adjacent property;

Belanger – yes, it's not a subdivision, animals are allowed;

Fields – yes, for reasons already stated.

The Commission finds standard 24.03.A.3 to be met.

Section 24.03.A.4 – The Special Use shall represent an improvement to the property under consideration and the surrounding area in general.

The Commission members find that the proposed special use will neither harm nor improve the surrounding area, that the standard 24.03.A.4 is not relevant, in this case, and should be waived.

The Commission waives standard 24.03.A.4.

Section 24.03.A.5 – The Special Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

Parzych – yes;

Johnson – yes;

Belanger – yes;

Risk – yes;

Fields – yes, I see no way that this could be hazardous to adjacent property.

The Commission finds standard 24.03.A.5 to be met.

Section 24.03.A.6 – The Special Use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed Special Use shall be able to continually provide adequately for the services and facilities deemed essential to the Special Use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate.

Fields – yes, single dwelling in an area where we have no difficulty drilling wells or establishing septic systems;

Johnson – yes, the sewage and water systems are subject to Health Department approval;

Parzych – yes, plans show new septic tank and drain field for the new house;

Risk – yes, same reasons;

Belanger – yes, same reasons;

The Commission finds standard 24.03.A.6 to be met.

Section 24.03.A.7 – The Special Use shall not place demands on public services and facilities in excess of current capacity.

Parzych – yes;

Johnson – yes;

Fields – yes, this isn't going to impose on any services;

Risk – yes;

Belanger – yes;

The Commission finds standard 24.03.A.7 to be met.

Section 24.03.A.8 – The Special Use shall be consistent with the intent and purpose of this Ordinance.

Parzych – yes;

Johnson – yes;

Belanger – yes;

Risk – yes;

Fields – yes;

The Commission finds standard 24.03.A.8 to be met.

Section 24.03.A.9 – Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well-maintained dense evergreen planting, which screening shall not be less than six (6) feet in height.

The Commission members find that the proposed special use will not require any screening from abutting residences, being located at great distance from the nearest neighbor, that the standard 24.03.A.9 is not relevant, in this case, and should be waived.

The Commission waives standard 24.03.A.9.

Conditions: The only conditions are the Health Department approval of the septic system and well (per Section 18.02.A.4); meeting the Fire Codes and County Building Codes (per Sections 18.02.A.5 and 18.02.A.6).

The Commission finds that the relevant standards of review in public hearing PC-2010-002-a have been met.

By reference, the drawings and documentation supporting this special use permit application are hereby incorporated into these minutes as a matter of record.

MOTION by Fields, second by Johnson, to recommend approval to the township board of the special use permit application by Gerald Jenkins to erect a supplemental dwelling on his property at 4714 Townline Road, Rapid City, MI 49676 (parcel tax ID 004-034-019-01). Motion carried unanimously.

Scheduled Public Hearing: [PC-2010-002-b] Kalkaska County Sheriff's Department to erect a communications tower at 5394 M-72, Williamsburg, MI 49690 (parcel tax ID 004-033-001-20)

General findings of fact: the application is to erect a 160-foot communications tower on Clearwater Township property; the proposed special use is located in the Recreational Zoning District; the proposed tower location is over 400 feet from the nearest residence.

Standards of Review:

Section 24.03.A.1 – The Special Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Fields – yes, design and construction will have no impact on the surrounding area at all, it is a collapsing telescoping tower, and were it to fall over, it would fall within the property;

Johnson – yes ;

Risk – yes, agree;

Belanger – yes, there are towers all over and it is needed for the safety of the area;

Parzych – yes, will be a benefit to our public safety.

The Commission finds standard 24.03.A.1 to be met.

Section 24.03.A.2 – The Special Use shall not change the essential character of the surrounding area.

The Commission members find that standard 24.03.A.1 having been met, this standard is essentially the same and is also met.

The Commission finds standard 24.03.A.2 to be met.

Section 24.03.A.3 – The Special Use shall not interfere with the general enjoyment of adjacent property.

Parzych – yes, per our finding of fact, it's not going to interfere with any adjacent property, it's not going to block anybody's view;

Johnson – yes, agree;

Risk – yes;

Belanger – yes;

Fields – yes, for reasons already stated.

The Commission finds standard 24.03.A.3 to be met.

Section 24.03.A.4 – The Special Use shall represent an improvement to the property under consideration and the surrounding area in general.

Parzych – yes, it will be an improvement because of the public safety;

Johnson – yes, same reason;

Risk – yes;

Fields – yes;

Belanger – yes.

The Commission finds standard 24.03.A.4 to be met.

Section 24.03.A.5 – The Special Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

The Commission members find that the proposed special use is such that the standard 24.03.A.5 is not relevant, in this case, and should be waived.

The Commission waives standard 24.03.A.5.

Section 24.03.A.6 – The Special Use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed Special Use shall be able to continually provide adequately for the services and facilities deemed essential to the Special Use under consideration, such as whether the proposed sewage disposal and water supply will be safe and adequate.

Fields – yes, there is no water or sewer, all it requires is electricity;

Johnson – yes;
Belanger – yes;
Parzych – yes, since it's going to be adding safety to our community;
Risk – yes, same reasons;

The Commission finds standard 24.03.A.6 to be met.

Section 24.03.A.7 – The Special Use shall not place demands on public services and facilities in excess of current capacity.

Parzych – yes;
Johnson – yes;
Risk – yes;
Belanger – yes;
Fields – yes, this isn't going to impose on any services;

The Commission finds standard 24.03.A.7 to be met.

Section 24.03.A.8 – The Special Use shall be consistent with the intent and purpose of this Ordinance.

Fields – yes, primary purpose is to promote public health, safety, and welfare;
Parzych – yes;
Belanger – yes;
Johnson – yes;
Risk – yes;

The Commission finds standard 24.03.A.8 to be met.

Section 24.03.A.9 – Side and/or rear boundaries abutting a residence or residential property shall be provided with screening from adjacent premises, which screening shall consist of either a solid uniformly finished and maintained wall or fence of durable material or by a well-maintained dense evergreen planting, which screening shall not be less than six (6) feet in height.

The Commission members find that the proposed special use will not require any screening from abutting residences, being located at great distance from the nearest neighbor, that the standard 24.03.A.9 is not relevant, in this case, and should be waived.

The Commission waives standard 24.03.A.9.

The Commission finds that the relevant standards of review in public hearing PC-2010-002-b have been met.

By reference, the drawings and documentation supporting this special use permit application are hereby incorporated into these minutes as a matter of record.

MOTION by Fields, second by Johnson, to recommend approval to the township board of the special use permit application by the Kalkaska County Sheriff's Department to erect a 160-foot communications tower at 5394 M-72, Williamsburg, MI 49690 (parcel tax ID 004-033-001-20). Motion carried unanimously.

Old Business:

Fields distributed the updated drafts of Articles 11 and 21, as they stand after our last review. Fields reported on the information she got from the Liquor Control Commission. The SDD and Class C licenses are issued according to a quota based on population. For Clearwater Township, the SDD quota is 1 (already issued) and the Class C quota is 2 (already issued). The SDM license, which is beer and wine carry-out, has no quota and 5 have already been issued in

Clearwater Township. The net result is that the Planning Commission really has no authority to control the liquor licenses issued in Clearwater Township. The Liquor Control Commission does notify the township of applications and will take any objections under consideration.

Report of Township Representative:

Trustee Belanger distributed the minutes of both the regular Township Board meeting of June 16 and the special meeting of June 21, at which they reviewed the bids for a new fire truck.

Report of Zoning Administrator:

Holding report until next month – because of his illness and absence.

New Business

No new business

Closing Public Comment:

There was none.

Adjournment:

MOTION by Johnson, second by Risk, to adjourn. Adjournment at 8:13 p.m.

Assignments:

- Fields to notify the Township Board of the Planning Commission actions on public hearings PC-2010-002-a and PC-2010-002-b.

Next Meeting: August 2, 2010.

Respectfully submitted,



Tina Norris Fields
Secretary