

Clearwater Township
Planning Commission
Special Meeting of November 18, 2013
As approved December 9, 2013

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 12:08 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

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

Commissioners absent: Vance (excused)

Township officials: Zoning Administrator Molby

Public: Carol Backers

Approval of Agenda:

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

Call for Disclosure of Conflicts of Interests:

Commissioners declared no conflicts of interests with any items on the agenda.

Approval of Minutes:

The minutes of October 28, 2013 were reviewed. Zoning Administrator Molby indicated that he had misspoken regarding the minimum lot width in the R-2 district. It is 150 feet. We will adjust the reference in the minutes in order to preserve a correct official statement.

MOTION by Parzych, second by Backers, to accept the minutes of October 28, 2013, as corrected. 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:

Proposal to add two definitions to Article V for signs on and off-premises, and to add section 12.09 to Article XII, providing permission for off-premises signs. The rationale for the amendments to Articles V and XII having been thoroughly discussed during our October 28, 2013 meeting, previously vetted by the township attorneys, and presented to us for consideration by the Township Board; and there being no one from the public present to speak on the matter; the following motion was made:

MOTION by Parzych, second by Von See, that Articles V and XII be amended as proposed. Motion carried.

Proposal to amend Article XXVI (Zoning Board of Appeals) to bring it into fuller compliance with current Michigan law. The rationale for the amendments to Article XXVI having been forwarded to us by the Zoning Board of Appeals and thoroughly discussed by the Commission during our meeting of October

28, 2013, and there being no one from the public present to speak on the matter, the following motion was made:

MOTION by Fields, second by Parzych, that Article XXVI be amended as proposed. Motion carried.

Site Plan Review for Kevin Arietta - Pole Barn Storage Site

A preliminary site plan review was held, prior to this Planning Commission meeting, by Zoning Administrator Molby, Planning Commission Chair Parzych, and applicant Kevin Arietta. The site plan, as submitted by Kevin Arietta, was reviewed by the full Planning Commission pursuant to the following standards from the Zoning Ordinance (Ordinance 22) of Clearwater Township:

28.06 STANDARDS FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to all applicable provisions of this Ordinance and the standards listed below. Compliance with applicable County and State requirements is a prerequisite for site plan approval.

A. Sites at which hazardous substances are stored, used, or generated, shall be designed to prevent spills and discharges to the air, ground, groundwater, lakes, streams, rivers, or wetlands. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided and shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

Finding of fact: no hazardous materials of any kind are intended to be kept, used, or generated on this site. The intended use of the buildings is solely for public storage. **Therefore, the Commission waives Standard A as being not applicable in this circumstance.**

B. General purpose floor drains must meet all applicable county building code requirements.

Finding of fact: no drains of any kind are planned for this site. **Therefore, the Commission waives Standard B as being not applicable in this circumstance.**

(Note: Chair Parzych indicates that floor drains are no longer permitted in any building, so we may have to amend our Article XXVIII standard B. Commissioners will research the law.)

C. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals under Michigan law PA 451 of 1994, Part 111 Hazardous Waste Management, MCL 324.11101 et seq. and federal law CFR 49 Parts 171 and 174..

Finding of fact: no plumbing of any kind is anticipated at this site at this time, and there will be no hazardous materials stored on this site; thus there will be no storage, spill, discharge, transportation, or disposal of hazardous materials at this site. **Therefore, the Commission waives Standard C as being not applicable in this circumstance.**

D. Storm water and soil erosion control shall be in compliance with the Natural Resources and Environmental Protection Act, Part 91 Soil Erosion and Sedimentation Control, (Public Act 451 of 1994, as amended), and any necessary permits shall be obtained from the Kalkaska County Soil Erosion officer.

Finding of fact: Zoning Administrator Molby is satisfied that the necessary permits have been or are being obtained from the Kankaska County Soil Erosion officer. Examination of the site plan reveals no discernable soil erosion threat. **Therefore, the Commission unanimously finds Standard D to be met.**

E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

Finding of fact: Examination of the site plan reveals sufficient setback distances and distances between buildings to provide emergency vehicle access to all sides of the buildings. **Therefore, the Commission unanimously finds Standard E to be met.**

F. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant material no less than six feet in height.

Finding of fact: There are no loading and unloading areas or areas for the storage of trash; thus, none could face, or be visible from, residential districts or public thoroughfares. **Therefore, the Commission waives Standard F as being not applicable in this circumstance.**

Zoning Administrator Molby stated that he is satisfied with the documentation submitted by Arietta.

MOTION by Fields, second by Backers, to recommend that Zoning Administrator Molby approve Kevin Arietta's land use permit application based on our review of this site plan. Motion carried.

Closing Public Comment:

There was none.

Adjournment:

MOTION by Fields, second by Von See, to adjourn. Adjournment at 12:50 p.m.

Assignments:

- Commissioners are to research the law concerning floor drains, as there may be a need to amend Section 28.06.B in our Ordinance 22.
- Fields to forward the proposed amendments to the township board for adoption.

Next Meeting: December 2, 2013.

Respectfully submitted,



Tina Norris Fields
Secretary