

Clearwater Township
Planning Commission
Regular Meeting of June 7, 2021
As approved July 5, 2021

Call to Order, Pledge of Allegiance:

Chair Von See called the meeting to order at 7:09 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Cassasa, Fields, Keyes, Leffew, Von See.

Township officials: ZA Jordan Acker, Supervisor Backers

Public: Andrew Riegel (via Zoom), Carol Backers, Gayle Phillips, Kim Sclarem

Approval of Agenda:

Addition to the agenda under New Business: to review Andrew Riegel's rezoning petition for completeness and upon finding it complete to set a date for a public hearing on the matter.

MOTION by Leffew, second by Casassa, to accept the agenda as amended. Motion carried.

Call for Disclosure of Conflicts of Interests:

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

Approval of Minutes:

Commissioner Leffew requested it be noted in his comments that he pointed out the existing businesses in the south Rapid City Road corridor. To be added to the draft minutes: "He also noted that businesses already exist farther south in that corridor."

MOTION by Casassa, second by Keyes, to accept the minutes of May 3, 2021, as amended. Motion carried.

Public Comment for Matters Not on the Agenda:

There was none.

Commissioner Comment for Matters Not on the Agenda:

Leffew – spoke on MTA support of Zoning Administrators wearing body cams during performance of their duties and suggested we may want to discuss this idea. He also reported that the DNR awarded a \$300,000 grant to Antrim County to upgrade the public boat launch just west of the Torch River Bridge, and opined that we may want to have someone writing grant requests on our township's behalf. He further spoke on the question of pending state legislation regarding short term rentals and expressed concern over the possibility of the state overriding local authority on the matter.

Correspondence on Matters Not on the Agenda:

Chair Von See – noted the copy of the Kalkaska Village Ordinance on Peddlers sent to us with a note from Supervisor Backers to the Planning Commission to take up the topic for our own ordinances.

Alleyways Report:

Supervisor Backers – presented an update on the alleyways project. The issue to be resolved is the matter of alleyways and unopened streets that were vacated many years ago, but remain on our map. In the old Rankin Plat, which occupies approximately the space on the west side of Rapid City Rod north from Aarwood Road to the southern boundary of Freedom Park West, and west to the abandoned railroad right of way, there are three unopened roadways: Agnew Road, Center Street, and Water Street, as well as some alleyways. Having done some research on what is needed, the plan is basically this:

- a) Determine the current status of the existing parcels in this plat; what the state and county register of deeds have on record concerning who owns what.
- b) Engage the Eagle Land Survey Company to establish the exact delineation of the vacated roadways and alleyways.
- c) Allocate the land in the vacated roadways and alleyways among the adjacent property owners via the appropriate land-division or combination requests through the assessor.
- d) Transfer ownership of the so-allocated land via Quit Claim deeds from the township. The owners will be responsible for seeing to the proper registration of those deeds with the County Register of Deeds and notification of all relevant utility companies.

Once that is accomplished, we have a procedural framework for tackling the same issues in five more plats within Rapid City. Supervisor Backers asked Trustee Keyes to assist him in the several tasks involved in getting this plan rolling. He also still needs to confer with the township's current legal counsel on the step-by-step process.

Commissioner Leffew asked whether the alleyways committee was still functioning. Backers explained that most of the committee members were property owners in other plats; once this one is finished then the committee will start up again as it works on the remaining plats, one at a time.

Old Business:

Keiper Documents – Chair Von See said he had not seen a response. Secretary Fields reported that she hand delivered the documents to the Kalkaska County Zoning Administrator Laura Hendricks, who committed to having someone review them. So far, the township has not received a response. Discussion ensued on the process: the Planning Commission review, the review by the County Planning & Zoning authorities, their advisory opinion to the township, and the Township Board's consideration and action. There was also discussion on case law interpretations of "spot zoning," when it does or does not conform to the township's long-term plans as laid out in the Master Plan. The suggestion was made that some more specific wording in that regard would be an appropriate update to the existing Master Plan.

Fields Reappointed – Commissioner Fields has been reappointed by the Township Board to another three-year term (June 1, 2021 – June 1, 2024), and has been duly sworn in.

Report of Planning Commission Chair:

No additional report.

Report of Township Representative:

Trustee Keyes - reported that the Township Board would like the Planning Commission to look into a possible ordinance for vendors, to permit selling beer and wine at ball games and other outdoor public

events. The marijuana open forum for public debate and input will be held on Saturday, June 19, 2021, from 12 noon to 4 p.m. The Township Board is seeking grant writers; interested individuals should apply with the Clerk. There is a budget document posted on the township website. The Township Board would like an estimated figure for the cost of developing the virtual interactive zoning map. The shape files to be obtained from the County Equalization Office will cost \$550. The GIS software to be used will be open source. The full cost is anticipated to be less than \$1,000. Supervisor Backers agreed to put the matter on the agenda for the next Township Board meeting. The volunteer ad hoc team comprises Gianine Casassa, Tina Fields, Jim Leffew, and Margret Spann.

Report of ZBA Representative:

Commissioner Casassa – reported the ZBA had one meeting, hearing a setback variance request for a private residence. The variance was denied. Concerns of neighbors over a drainage creek that has long been clogged, resulting in flooded yards, are being addressed by Zoning Administrator Acker.

Report of Zoning Administrator:

Zoning Administrator Accker – reported he is working on 21 existing complaints. He is following up on residents who have been advised to clean up properties. He is pursuing 10 current zoning violations that he hopes to have wrapped up by the end of the week. During the May clean-up day, some 15 truck and trailer loads were carted off to the American Waste facility in Kalkaska. Supervisor Backers noted that he would like to hold another clean-up day in the fall. He was especially interested in one that would take household hazardous materials. Secretary Fields noted that the Kalkaska Conservation District holds a haz-mat collection in July and agreed to forward the information to Supervisor Backers.

Commissioner Casassa asked if ZA Acker was interested in having a body camera. Acker said he would like that. He noted that his truck does have dash cams that he uses when visiting a site. He would also like to also have a protective vest. The township will be looking into pricing for that equipment.

New Business

Marijuana Public Forum – Who can commit to attending the forum? Commissioners Casassa and Leffew commit to attending. Fields can attend after 2 p.m. Trustee Keyes will be there as part of the Township Board. Supervisor Backers asked that we come armed with information and specific ideas of potential locations, limitations, types of licenses and fees anticipated, etc.

Review of Rezoning Petition from Andrew Riegel – this review is for completeness of the application. Pertinent discussion centered on where the property is located and what road access it has; whether the particular planned use for a residential rehab facility could be allowed with a special use permit in the current zone (Agricultural); whether documentation has been received authorizing Andrew Riegel to act as agent in making the rezoning petition; and the need for two corrections to the petition: correcting the term 'commercial' to 'commercial light industry' and signing the affidavit. Dr. Riegel sent the agency letter to Zoning Administrator Accker, who read it into the record:

To whom it may concern:

Please consider this letter as authorization for Andrew Riegel to apply for rezoning property parcel numbers 40-004-022-001-00, 40-004-015-038-10, and 40-004-022-003-00, Clearwater Township, Kalkaska County, Michigan, to commercial. The rezoning should become effective upon transfer of title.

Sincerely, Michael D. Izenbaard (signature date 6-3-21)

MOTION by Fields, second by Casassa, to schedule a public hearing on Dr. Riegel's petition to rezone property parcels 40-004-022-001-00, 40-004-015-038-10, and 40-004-022-003-00 from Agricultural to Commercial-Light-Industry, for the Planning Commission's regular meeting, July 5, 2021, at 7 p.m., contingent on correcting the term 'commercial' to 'commercial light industry' and signing the affidavit. Motion carried.

Closing Public Comment:

Gayle Phillips – stated that she owns property on Plum Valley Road between Rutan and Dundas. The property comprises 4.06 acres, has 151 feet of road frontage, and goes 1,350 feet deep. She is trying to sell the property, but it does not meet the minimum lot size for the zoning district. It also doesn't meet the maximum 4:1 dimensional ratio. It is, however, a lot of record.

Kim Sclarem – is attempting to buy the property. When she learned of the minimum acreage requirement, she and Gayle turned to the township for assistance.

Supervisor Backers had Zoning Administrator Acker assist them to fill out a petition to the Planning Commission. However, we have no authority to address the matter.

The Commission recommended that they get an opinion from Assessor Dawn Kuhns on how to proceed, which may require securing a variance from the Zoning Board of Appeals.

Adjournment:

MOTION by Fields, second by Von See, to adjourn. Adjournment at 9:09 p.m.

Assignments:

- Fields to prepare notice for publication of the public hearing to be held July 5, 2021 on Dr. Riegel's rezoning petition, and to notify the Clerk's office of the need to notify owners of property within 300 feet of the subject property.

Next Meeting: July 5, 2021, at 7:00 p.m. in the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,



Tina Norris Fields
Secretary