

Clearwater Township
Planning Commission
Regular Meeting of November 5, 2007
Minutes as approved December 10, 2007

Call to Order, Pledge of Allegiance:

Chair Johnson called the meeting to order at 7:04 p.m.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Fields, Johnson, Risk, Sington, Veen.

Commissioners absent:

Township officials: ZA Molby

Public: Jan & Karyl Mangus, Bonnie Robbins (Secretary to Helena Township Planning Commission).

Approval of Minutes:

MOTION by Risk, second by Sington to accept the minutes of the meeting of October 1, 2007 as presented. Motion carried.

Approval of Agenda:

MOTION by Risk, second by Sington to accept the agenda as presented. Motion carried.

Open Discussion for Issues Not on the Agenda:

There were no subjects lifted up by the public.

Old Business:

Secretary Fields distributed fresh typed copies of Commissioner Veen's October 1, 2007 draft Proposed Article 12 governing signs. We thoroughly discussed how to manage general sign location information, which pertains to and remains the same for several sections within the Article. We concluded that we would place the general rules immediately following the introductory purpose paragraph. It is our intention to adopt this method consistently throughout the ordinance. We discussed election signs, vehicle sales signs, sign maintenance requirements, and the fact that the new sign definition will be incorporated into Article 5, replacing the former definition.

Fields and Risk reported difficulty making connection with Chief West to confer with him about the township map he is developing from the 9-1-1 information. They will continue their efforts.

Report of Planning Commission Chair:

Chair Johnson reported on an initiative by the Michigan Environmental Council, encouraging townships to consider ordinances to protect their "green infrastructure." Green infrastructure is defined by MEC as "our nation's natural life support system, an interconnected network of protected land and water that supports native species, maintains natural ecological processes, sustains air and water resources, and contributes to the health and quality of life for America's communities and people."

They propose that just as communities need to expand and update their “built infrastructure,” such as roads, streets, sewers, utilities, and the like, communities also need to update and expand their “green infrastructure.”

The idea finds favor within the planning commission, although several commissioners anticipate that it will be difficult to adopt and implement. This purpose will be one of the concerns put forth in the next review of our township’s Master Plan. The Master Plan already contains language indicating the community’s interest in preserving sensitive land areas and protecting the water quality of Torch Lake, Rapid River, and associated tributary streams, but it does not contain specific strategies for achieving these purposes. Discussion included ideas about practical strategies, such as encouraging developers to consider cluster housing, which our ordinance supports under its P.U.D. provisions. Commissioner Veen expressed the sentiment and concern of us all when he said he thought it would be a beautiful plan, but that unless the township were willing to purchase the development rights of the affected landowners, there would be quite a lot of public opposition.

Chair Johnson reported that HB 5032 has been introduced by Representative Bar Byron, to amend the Zoning Enabling Act of 2006 to deal with some issues that have developed since its enactment. Notification requirements will be clarified. Planning commissioners and township board members who also serve on the ZBA will be required to recuse themselves from deliberations of cases that are on appeal from decision of which they were a party. Commissioners agreed wholeheartedly that no one should have the ability to render a decision and then hear the appeal; that would be an obvious case of conflict of interests.

Spoiled Brats grooming and boarding issue. At the commission’s July 2007 meeting, Mike Connell, of *Pooch Palace*, raised the question of why this business on Zimmerman Road, which appeared to him to be in direct competition with him, had not been required to obtain a special use permit as he had done. Zoning Administrator Molby investigated the business and reported at the commission’s August 2007 meeting that there was no evidence of boarding, that the business owner stated she was only in the grooming business, and that he found her state documentation to be in order. Since that time, the business has placed an ad in the local *Chain O’ Lakes Blue Book of Business*, on page 36, which specifically offers grooming and boarding service at the Zimmerman Road address. Per their own advertisement, they are in violation of the township’s zoning ordinance. Molby will follow up on this matter and get them to come in and talk to us.

Report of Township Representative:

Report from Commissioner-Trustee Veen. Minutes of the township board October 2007 meeting were distributed to all commissioners. ZA Molby apparently did not receive his copy of the minutes. Veen reported that opposed a large portion of the proposed work for the fire station on the grounds that it isn’t necessary.

Report of ZBA Representative:

Report from Commissioner Fields. The ZBA met on Oct 8, 2007. This was a regular quarterly meeting; there were no appeals on the docket. To maintain good communication between the planning commission and the ZBA, Fields provided copies of the approved planning commission meeting minutes for the quarter, that is for July,

August, and September 2007. The next quarterly meeting is scheduled for Jan 14, 2008.

Report of Zoning Administrator:

Report from ZA Molby. Molby distributed his activity report for October 2007, which is hereby incorporated by reference. He stated he is seeing an increase in citizens calling upon the township to resolve difficulties between neighbors. He said that the clean up of Rapid City is progressing, but slowly. Slowly, he is succeeding in getting rid of junk cars and other blight from properties, but that people are in a tough economic position and don't have the money to pay for hauling away their trash. A light-hearted suggestion was made that the township might offer to buy people's junk cars for \$200 apiece, then crush them and sell them as scrap metal, possibly generating a revenue stream for the township.

Molby posed the question about what to do if a permit has reached its one-year expiry and the citizen has not finished building the home. Is there anything in our Zoning Ordinance that would require Molby to act, and if so, what would the action be? Consensus opinion of the commission was that there is no action required until and unless a complaint is filed.

Today was the court date for Charlie Cummings. Molby had documented all contacts with Cummings, since 2005, on the issue of the condition of his front yard. Molby also had photographs of the situation, then and now. Charlie was represented by Jeff West. Molby noted that prior to the court date, Charlie had licensed all the vehicles parked in his yard. Molby also noted that those vehicles have never moved in the last two years and that he has photographs to back up his statement. Brian Graham represented Clearwater Township. Brian offered a consent judgment that would impose no fines and no fees if Charlie just lives up to the requirements. The case was heard by Judge Lynn Buday. By December 12, 2007, Charlie has to have everything removed from in front of his house. By May 15, 2008, Charlie is required to get his building on Main street cleaned up, clearing all clutter from around the outside of the building. Judge Buday impressed on Charlie that he must live up to this judgment.

New Business

There was no new business raised.

Adjournment:

MOTION by Fields, second by Risk, to adjourn. Adjournment at 8:45 p.m..

Assignments:

- Fields will amend the proposed Article 12, and bring back to the commission for approval; then hold in abeyance until the remaining ordinance work is done.
- ZA Molby will follow up with *Spoiled Brats* on Zimmerman Road over the boarding issue, and will report back to us next month.

Next Meeting: December 3, 2007 at 7:00 p.m.

Respectfully submitted,

Jina Norris Fields

Tina Norris Fields
Secretary