

**Clearwater Township**  
Planning Commission  
Regular Meeting of September 14, 2020  
As approved December 21, 2020

**Call to Order, Pledge of Allegiance:**

Chair Backers called the meeting to order at 7:04, and opened with the Pledge of Allegiance.

**Roll Call of Members and Recognition of Visitors:**

Commissioners present: Backers, Cassasa, Fields, Moore, Von See.

Township officials: Zoning Administrator Parzych was absent.

*Because of the size of the gathering and the COVID-19 limit of no more than ten people at an indoor event, we moved the meeting outdoors to the parking lot of the township hall, where we could accommodate the crowd with proper spacing.*

Public: Jim Leffew, John Leszinske, Connie Lawes, Lou Slyker, Shirley Hill, Dan Kimball, Grace Kimball, Mary Kimball, David Kimball, Misty Cole, Bruce Lirones, Sara Nicholson, Sarah Burlingame, Tom Eash, Harry Zurawski, Darlene Zurawski, Steve Dix.

**Approval of Agenda:**

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

**Call for Disclosure of Conflicts of Interests:**

Chair calls for commissioners to disclose any real or potential conflicts of interests.

There were none.

**Approval of Minutes:**

The original draft minutes of the August 24 meeting failed to record the vote of Clerk Moore. A revised set was distributed on September 10.

**MOTION** by Casassa, second by Backers to approve the revised minutes of August 24, 2020, as presented. Motion carried.

**Public Comment for Matters Not on the Agenda:**

There was none.

**Commissioner Comment for Matters Not on the Agenda:**

There was none.

**Correspondence for Matters Not on the Agenda:**

There was none.

**Public Hearing on proposal to rezone the Rapid City Road north corridor (Plum Valley and West Plum Valley Roads to the County Line), from Residential Single Family to Village Commercial:**

Chair Backers opened the public hearing at 7:10 p.m. The standard process is:

- 1) Chair explains the proposal and the rationale behind it;
- 2) Chair responds to general questions for clarification;
- 3) those in favor of the proposal speak;
- 4) those in opposition to the proposal speak;
- 5) Chair closes public input
- 6) Commissioners deliberate and reach conclusion.

Chair Backers - began to present the proposal, but before he could complete the rationale, he was interrupted with questions. He fielded questions about whether a homeowner would still be able to sell a residence if the zoning is changed to Village Commercial, whether half of Pine Circle was being rezoned, what kinds of businesses would be permitted, whether it would be like Alden, why not strive to bring businesses into the village center instead, whether there is really a need for more commercial property, the status of the Village Market, the status of Lotta Rocks and a sawmill that is operating in the vicinity apparently without a permit, and why the topic has arisen again.

Sarah Burlingame - stood up and proclaimed "just so everybody knows, I have commercial properties for sale – five houses across the street, three vacant lots on Main Street, the red barn and the gas station." An unidentified voice yelled out "We live by Crystal Beach Road and we have ambulances going by all the time!" A third speaker, also unidentified, interjected comments that there are 144 commercial properties available in Helena Township. Chair Backers continued to engage with members of the public, offering his explanation of the reasons behind the proposal, particularly that he sees a need for commercial opportunities in a district that looks like a small village business district, rather than a light-industry district with many pole barns and storage units such, as is what we have south of the village center. An unidentified speaker challenged with "How do you know it's not going to happen north of here?" and another yelled out "How many commercial do you want to look at lying in your bed at night?"

Secretary Fields protested and Chair Backers strove to bring the meeting back to order.

Another speaker, without identifying himself, stood and claimed a point of order, challenging the process because Zoning Administrator Parzych has relatives with a business in the zone in question. Chair Backers explained that the Zoning Administrator is not present and has no vote on the Planning Commission. The challenger demanded to know whether the Zoning Administrator had ever been part of the Planning Commission and who had submitted the proposal. Chair Backers acknowledged that Zoning Administrator Parzych had, indeed, in the past served on the Planning Commission. He also stated that the proposal was submitted by the current Planning Commission. This same speaker then declared that at the public hearing in the late 1990s, this idea was rejected and the comment was made that we could look at this again in ten years, but we were back here only four years ago, and he demanded to know why we were shrinking the interval.

[Post-meeting note: Members of the public admonished the Planning Commission for failing to abide by a comment made at a public meeting in the late 1990s to revisit the idea in ten years, claiming that this had most recently been addressed four years ago. A review of the documentation on record shows that the proposal to rezone Rapid City Road corridor north from Residential Single Family to any level of commercial was last brought to a public hearing September 20, 2011.]

Another unidentified speaker complained about the map that accompanied the notice letter, because it upset a lot of people who thought it represented the area to be rezoned. It actually represented all the properties whose owners were receiving notice of the proposal – the properties directly impacted and the properties within 300 feet of them.

Sarah Nicholson – stated that the language of the proposal was not understood by the public.

Steve Dix – said he was still trying to understand the proposal.

Chair Backers - engaged in discussion with the several members of the public, attempting to persuade them to the merit of the proposal. He then reported that fifteen of the notice letters were returned – 9 in support and 6 in opposition.

#### **Speaking in Support:**

Lou Slyker – supports the proposal because it is better than the alternative. Development inevitable and it ought to be in character.

Chair Backers – stated that was why we selected village commercial instead of commercial-light-industry to provide business opportunities (to small Mom and Pop shops, possibly a BC Pizza, or a drug store) north of town in a village format so that this place can “grow a little bit, increase the tax base a little bit, and spruce up the main drag a little bit.”

#### **Speaking in Opposition:**

Dan Kimball – Regarding your concern about storage units – do you recognize that there are storage units just past the county line?

Misty Cole – About the storage units south of town – they have to get approved. Why did they get approved? “Who approved all those storage units that you’re complaining about? I know I didn’t!” She stated that she didn’t understand why we’d want to bring in a BC Pizza, since that would open the door to a McDonald’s, and she didn’t want to see that. She enumerated other problems that she believes the township has including drugs, trash, porno – and illegal zoning that she says the Zoning Administrator is not dealing with. She also raised the issue of traffic. She concluded her remarks with: “I hope if you guys are voted, we all recall you!”

Steve Dix – asked how this rezoning would stop pole barns?

Chair Backers - responded that site plans would have to be approved.

Sarah Burlingame - interrupted to say “well they could get a permit after all.”

Chair Backers – responded that one has to read the difference between the uses permitted in the Commercial-Light-Industry and Village Commercial districts.

Mary Kimball – spoke of the 80 years her family has owned the property where she lives. She related the findings of a gentleman who explored her property, many years ago, with a divining rod, locating multiple springs in the hills behind her, and declaring that there is an underground river running under her house and headed to Torch Lake. She expressed concern for the consequences if somebody got into that underground river.

Chair Backers – responded that permits for septic or well construction have to go through the DNR and the health department, and all the environmental issues are taken into account before putting in a well or septic system.

Grace Kimball – pointed out that the heading of the document Chair Backers had printed out said the zoning would be changed to Commercial; it didn't say Village Commercial.

This is a typo on that document. The published notice and the proposed amendment language both accurately state Village Commercial.

Steve Dix – I'm in opposition.

Sarah Burlingame – introduced herself and delivered comments, of which this quote is representative: "I can tell, human-to-human, that you've already made up your mind. You have this grand, beautiful scheme that we're gonna just waft shitty Rapid City into a beautiful wonderland of Disney World down here, and it's gonna be filled with parking lots of people gathering their goods and shopping. That's not gonna happen!" She laid out her sense that people would not be able to let their children outside to play because of the presence of a BC Pizza and drug store, people smoking cigarettes behind the buildings, bears in the trash, and litter everywhere. Addressing Chair Backers, she suggested that his attitude is because he's "past kids."

Chair Backers – interrupted her to comment that this seemed to be a prepared speech.

Following that brief interchange, she continued, saying essentially that the proposed rezoning would ruin the nearby subdivision. Backers said she had made her point. She concluded with "I got your number, Buddy!" The public applauded her comments.

An unidentified female voice called out that something had been said about commercial south of town, and she believed it was commercial by the Church of Christ.

Chair Backers – responded that south of town was Commercial-Light-Industry and that the permitted uses in the two districts were different. He said that some commercial opportunities would provide local kids with entry-level jobs, so they could gain experience and earn some money, and be able to stay here and raise their kids. Without such opportunities, he said he didn't see any growth happening in this community.

Dave Kimball – asked, "Why does it need to grow?"

Chair Backers – reminded the public about the threat to shut down our school, and said he was looking for a way to increase the tax revenues for the township without raising taxes by increasing business opportunities for adults and employment for the youth.

Sara Nicholson – raised questions about noise, citing existing issues with a local persistent partying group, and she asked how new zoning would protect her from that noise.

Chair Backers – stated that was why we passed a noise ordinance, and advised her to call the sheriff. She said she had called and the police told her that there's nothing they can do, that the presence of guns would simply make things worse.

Jim Leffew – stood up and turned to the public, saying that Tom Backers has been working for two years on the abandoned alleyways project; so it's not true that nothing is being done. Then he announced that Tom will be the new township supervisor.

Chair Backers – then gave a speech about the alleyways process.

Grace Kimball – expressed concern over noise from increased traffic. She also opined that rezoning the area would limit the number of available homes and interfere with attracting families.

Chair Backers – engaged in discussion with her about traffic. She restated her certainty that there would be more accidents.

Dan Kimball – referred to the request a few years ago by a person wanting to put in a brewery. He said that request got blocked.

Chair Backers and Secretary Fields – both responded that that was not what had happened. The people who made the application did not own the property. Therefore, the request could not be heard.

[Post meeting note: Mr. Nick Lefebre petitioned for a rezoning of the property on the north-east corner of Zimmerman Road and Rapid City Road, from Residential (R-1) to Village Commercial (C-Vil), in order to build an artisanal distillery. A public hearing was set for October 5, 2015, but the applicant and his family had not completed the purchase of the property, therefore, the public hearing was canceled.]

Chair Backers – continued detailing his efforts to straighten out the abandoned alleyways situation in the village center, concluding his comments with “Once I do that, I'll have a legal model, a precedent to go after the other ones which are right next door, here. We've got another Village Commercial district where the Post Office and beauty salon are, where that property borders an abandoned alley.”

Unidentified voice from the public yelled out “Why don't we do that first and then go after property that's north of town? I would appreciate that.”

Chair Backers – asked “Are you willing to support the township spending \$2,500 for the survey?”

Several voices yelled “Yes!”

Sarah Burlingame – called out: “100% yes! That is such a worthwhile. . .”

Secretary Fields – again protested, saying that although this may be an excellent idea, it is way out of order for this hearing.

Chair Backers – closed the public input 7:57 p.m.

**Commission deliberations:**

Chair Backers –in view of the very strong public opposition, he wondered whether the Commission would like to drop the proposal, rather than proceed through the standard findings of fact and deliberation.

**MOTION** by Von See, second by Moore, to rescind proposal to rezone Rapid City Road north corridor (Plum Valley and West Plum Valley Roads to the County Line), from Residential Single Family to Village Commercial. Motion carried by roll call vote.

Discussion: Commissioner Casassa said that since the community is not interested in this idea, it is time to drop it. Chair Backers reiterated that he'd been working on the alleyways situation for two years, and he spoke on what will be needed in the way of funding from the township treasury to complete the required survey and new deeds.

Roll call vote:

Von See – yes

Casassa – yes

Moore – yes

Fields – yes

Backers – abstain

Chair Backers declared the public hearing completed at 8:00 p.m.

In view of the time and the temperature, Chair Backers entertained a motion to adjourn

**Adjournment:**

**MOTION** by Von See, second by Fields, to adjourn. Adjournment at 8:01.

**Next Meeting:** October 5, 2020, 7:00 p.m., location to be determined.

Respectfully submitted,



Tina Norris Fields  
Secretary