

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION

Tuesday, March 3, 2009 6:30 p.m.

East Bay Charter Township Hall

1965 N. Three Mile Road

Traverse City, MI 49686

Present: Planning Commission Members Judy Nemitz, Ted Hentschel, Jim McDowell, Robert Tubbs, Tracey Bartlett, Mike Nickels and Mindy Walters

Also Present: Township Attorney Peter Wendling; Recording Secretary, Anne Wendling; Planning and Zoning Staff, Tina Allen

Two (2) guests were in attendance.

1. **Call to Order:** Chairman Nickels called the meeting to order at 6:30 p.m.
2. **Roll Call:** Roll was called by the Recording Secretary.
3. **Review for Conflict of Interest:** There were no conflicts of interest reported.
4. **Approval of the Agenda:** A motion was made by Nemitz and seconded by Tubbs to approve the agenda as presented. The motion carried unanimously.
5. **Approval of the Minutes:** Hentschel made a motion to approve the Regular Minutes of February 3, 2009. McDowell seconded the motion and the motion carried unanimously.
6. **Public Input:** Nickels stated that Mr. Rollo passed away last week and will be missed.
7. **Reports:**
 - A. *Township Board:* Bartlett stated that minutes were in the board packet and the Board approved changing water and sewer billing to monthly instead of quarterly. Bartlett commented on the application for the property connected to the Rasho Road compactor station. The township is awaiting an offer from the state. Attorney Wendling also commented on the process.
 - B. *Appeals Board:* Hentschel had no report at this time.

- C. *Planners Report:* Planner was not in attendance.
- D. *ZA Report:* Tina Allen reported that a land use permit log was in the commissioner's hands. E-mail addresses have been set up for commissioners and this meeting is being taped for channel 99. A joint meeting date and time will be discussed at the next board meeting.
- E. *Attorneys Report:* Township Attorney Wendling had no comment at this time.
- F. *Correspondence:* Included in packets.
- G. *CIP Committee:* No report at this time.

8. **New Business**

A. **Public Hearings:**

Proposed Zoning Ordinance amendments ZOA 1-09, 2-09, 3-09 and 4-09 to Sections 601.6, 637.12, 820.10, 830, first paragraph and subsections 1,3 and 7 covering Extensions to approved Site Plan Reviews, Special Land Uses, and Planned Unit Developments and for Performance Guarantee Requirements.

Township Attorney Wendling stated that commissioners had follow up documents this evening pertaining to the proposed zoning ordinance amendments. He also discussed time periods for renewals and told commissioners that he left optional language for the renewal to be for one year or two. Nickels opened public comment at 6:45 and seeing none, closed the public hearing at 6:45pm. Commissioners discussed time of renewals extensively and the consensus was narrowly in favor of no more than three one year extensions on a permit. Attorney Wendling said that he set out to make the ordinance work well for all phases of a project and only minor tweaking occurred in the ordinances and he would add language to allow for three one year extensions. Attorney Wendling also added some standards so that the ordinance would be upheld in case of court review. The township would be the party to determine default on behalf of the developer, but Wendling had concerns about the current language regarding the bank credit clause and some standards of review may need to be added if the township wanted to call in the credit. McDowell commented and asked about insurances vs. bonding.

Wendling stated that in some cases a letter of credit is preferred. From a developer's perspective, it may not be the best option, but the letter of credit is the best option for the township. Bartlett said she talked to developers and they agreed that a letter of credit was favorable to them as well. Tubbs had several suggestions for language changes in the proposed ordinance for clarification and ease of reading. Commissioners discussed a possible township policy that would leave special use approvals to the Planning Commission only and not call for approval from the township board as well. Commissioners want to see the proposed ordinance revisions as well as the proposed change in approval policy all at once for a decision. Bartlett made a motion and Hentschel seconded to table the proposed Zoning Ordinance amendments ZOA 1-09, 2-09, 3-09 and 4-09 to Sections 601.6, 637.12, 820.10, 830, first paragraph and subsections 1,3 and 7 covering Extensions to approved Site Plan reviews, Special Land Uses, and Planned unit Developments and for Performance Guarantee Requirements for further revisions and review. The motion carried unanimously.

9. Old Business:

10. Adjournment: Chairman Nickels adjourned the meeting at 8:15 pm.