

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP  
PLANNING COMMISSION

Tuesday, January 6, 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, Mike Nickels, Tracey Bartlett and Mindy Walters

**Also Present:** Township Attorney Peter Wendling; Recording Secretary, Anne Wendling; Jay Kilpatrick, Township Planner from Williams & Works; Tina Allen, Temporary Zoning Administrator

Four (4) guests were in attendance.

1. **Call to Order:** Chair Nickels called the meeting to order at 6:30pm.
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 Bartlett and seconded by Tubbs to approve the agenda. The motion carried unanimously.
5. **Approval of the Minutes:** McDowell made a motion to approve the Regular Minutes of December 9, 2008. Walters seconded the motion and the motion carried unanimously.
6. **Public Input:** None at this time.
7. **Reports:**
  - A. *Township Board:* Bartlett reported that the Township Board held a special meeting regarding approval of the East Towne PUD. She also reported that the board is still working on a noise ordinance. Nickels asked Bartlett about the ready to serve fire line tax and township pay raises.
  - B. *Appeals Board:* Hentschel had no report at this time.
  - C. *Planners Report:* Planner Jay Kilpatrick had no report at this time.

- D. *ZA Report:* Tina Allen asked if anyone was interested in the citizen planner program and that it could possibly be held here at the township.
- E. *Attorneys Report:* Township Attorney Wendling stated that there was no news on the Rasho Road transfer station property at this time.
- F. *Correspondence:* Included in packets.
- G. *CIP Committee:* Walters reported that Capital Improvements Committee were going to be discussed at the next township board meeting.

**8. New Business:**

**1. *Request for Extension of SLU 6-05 & SPR 2-05; East Shore Hills***

Gary Jurkovich representing the developer was present to request a two year extension. Planner Kilpatrick talked about the fact that a one year extension was already granted and there was a small technical glitch with the board approval of the request last year. Commissioners were concerned with granting extensions in two year blocks of time because of the poor economy. Jurkovich said it may take 18 months to get financing for the project. He stated another problem was that the developers would incur expenses in putting in sewers in regards to engineering costs. Township Attorney Wendling commented on the reason for the proposed amendment in the zoning ordinance allowing for such an extension for two years and said it made sense because of financing and other problems that could arise. McDowell asked if applicants would be grandfathered back to their original application if the ordinance changed and Wendling stated that they would be grandfathered.

*Tubbs moved to recommend to the township board to grant a two year extension to SLU 6-05 and SPR 2-05. The motion was seconded by McDowell and carried unanimously.*

**2. *Planning Commission Annual Report***

Commissioners commented on the Planning Commission Annual

Report and agreed that it was a good report and summary of activity in 2008.

*Nemitz moved to approve the Planning Commission Annual Report and to pass it on the township board. Hentschel supported the motion and the motion carried unanimously.*

**3. Election of Officers**

*Hentschel made a motion to retain the present officers. Walters supported the motion and the motion passed unanimously.*

Secretary – Judy Nemitz  
Vice Chair – Robert Tubbs  
Chair – Mike Nickels

**9. Old Business:**

**A. Draft Zoning Ordinance Text Amendment Pertaining to Adult Foster Care; Shelly Skiver**

Skiver explained that she wants to add language to the zoning ordinance which would allow seven or more residents in her foster care home located in the LDR district. Presently this use is only allowed in the MDR, RR, HDR and AG districts with a special use permit. Her original text amendment asked for between 7-12 residents, but she has changed her request to ask for an amendment which would allow for seven or more residents. Planner Jay Kilpatrick referred to his memo dated November 21, 2008 and commented on the relationship of the application for rezoning to the master plan. Commissioners commented on the existing use, added residents and visitors. Commissioners questioned Skiver regarding the living arrangements, whether any staff occupied the home and nursing shifts. McDowell commented on the situation from a potential neighbor's point of view. Kilpatrick stated that for zoning purposes, buffering additions could be required. Hentschel asked commissioners to think about the entire township, not just the person making the request for the change in zoning. Bartlett had many concerns regarding this use in an LDR district. One member of the public had a comment regarding the use of Skiver's home. *Hentschel moved to deny the proposed ordinance text amendment. Bartlett seconded. The motion carried 6-1 with Tubbs dissenting.*

**B. & C.**

***Draft Language for the Extension of Site Plan Reviews and Extension of Variance Approvals***

Township Attorney Wendling stated that this draft language was identical for both site plan reviews and variance approvals and should be discussed together. He stated that because of the time, effort and expense of a PUD, it may be difficult for some applicants to complete the process in the time allotted by the township and for that reason it may be appropriate to allow for additional time for the applicant to act under an approved SUP, site plan or PUD. Planner Kilpatrick suggested a two year extension for the first renewal and then let the board and planning commission decide on further extensions. Wendling also said that having a timeline for developers to follow was a good idea since ordinances may change over time and the proposed uses may no longer be relevant. If that were the case, the township could simply let the plan expire and then the developer would have to work with the new ordinance. Kilpatrick spoke regarding PUD's and their reliance on other neighboring PUD's and suggested at the time of extension, the developer could submit a refresher application to keep the township updated. Wendling told commissioners that the question in front of them was whether to limit developers to one two-year extension. Wendling and Kilpatrick also agreed that extensions for variances should not be considered. Wendling stated that if a party who obtained a variance failed to act within the initial allotted time, it is evidence that the need for the variance has been eliminated. Commissioners discussed the matter. *Bartlett made a motion to send this matter back to the township board for review and to look at the SPLU terms again; and to look at more criteria, standards and verbage regarding extensions. Hentschel seconded and the motion carried unanimously.*

**D. *Master Plan review and recommendation (Public Hearing held October 7, 2008)***

Kilpatrick told commissioners that he simply added the new zoning enabling act language to the latest draft. *Bartlett made a motion to recommend the Master Plan to the Township Board. The motion was supported by Nemitz and carried unanimously.*

**10. Adjournment:** Chair Nickels adjourned the meeting at 8:32pm.