

REGULAR MEETING OF THE EAST BAY CHARTER TOWNSHIP  
PLANNING COMMISSION

Tuesday, November 18, 2008 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

Five (5) guests were in attendance.

1. **Call to Order:** Chairman Nickels called the meeting to order at 6:30p.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:** Approval of Special Meeting Minutes of 10-28-08 was added to the agenda. A motion was made by Bartlett and seconded by Tubbs to approve the agenda as amended. The motion carried unanimously.
5. **Approval of the Minutes:** Hentschel made a motion to approve the Regular Minutes of October 7, 2008 and the special meeting minutes of October 28, 2008. Nemitz seconded the motion and the motion carried unanimously.
6. **Public Input:** None at this time.
7. **Reports:**
  - A. *Township Board:* Bartlett reported that the budget has been worked on and board members will look at it at the Dec. 8<sup>th</sup> regular meeting. At the last regular meeting, board members heard four introductory ordinance presentations on the proposed noise ordinance, water and sewer ordinances and the Forest Lakes Overlay District. The board will look at those proposed ordinances at the December 8<sup>th</sup> regular meeting and will address the proposed East Towne development at

a special meeting on December 11<sup>th</sup>.

- B. *Appeals Board:* Hentschel reported one appeal that was approved.
- C. *Planners Report:* Planner Jay Kilpatrick had no report at this time.
- D. *ZA Report:* No report.
- E. *Attorneys Report:* Township Attorney Wendling had no report at this time.
- F. *Correspondence:* Included in packets.
- G. *CIP Committee:* Tubbs reported that there was an internal survey and a brainstorming session and members of the committee prioritized the list of proposed capital improvement plans. Tubbs asked all commissioners to review his memo and give any feedback to a CIP member by Monday, November 24th.

**8. New Business:**

A. Public Hearings

1. ***Special Land Use 3-08/ Site Plan Review 11-08; Robert Sommerville for TBA Credit Union: Public Hearing and Action***

Nickels briefed the commission on the location of the proposed Special Land Use. Applicant Robert Sommerville explained that The TBA Credit Union wants an ATM unit only at this time because of the poor economy. The plan includes a tear down of the existing car wash and grass will be planted in its place, expanding the green space. A landscape plan with irrigation is also in place. The parking areas will connect to the adjoining property. Sommerville stated that lighting and signage still needed to be discussed and a vendor needed to be chosen. Planner Jay Kilpatrick added that he gave commissioners findings of facts for this SLU. He explained that drive through businesses are acceptable under the ordinance and added that this updated SLU rescinded the previous site plan. Kilpatrick discussed his memo dated 11-6-2008 and went through the seven conditions of approval. He said that commissioners could table the request or could approve the request and rely on the staff to take care of administrative approvals. Kilpatrick recommended that approval be given based on the outlined conditions and administrative

approval. Chair Nickels opened the public hearing at 6:43 pm and hearing none, closed it at 6:43pm. Commissioners discussed irrigation, percentage of asphalt, green space landscaping, and a culvert. Tubbs moved to approve Special Land Use 3-08/ Site Plan Review 11-08 contingent upon staff approval of lighting and landscaping and adopt Kilpatrick's Findings of Fact dated November 6, 2008 set forth and amended, deleting alternative findings "b-1", "f-1", "g-1" and "g-2" under the specific findings of fact under Section 614. Also adopted are the Specific Findings of Fact under Section 820.7, deleting alternative findings "a-1" and "e-1" and replacing finding "c" with "c-1." Additions to the General Findings of Fact will be #8 –It is the intent of the TBA Credit Union to eventually build a full service bank on this site. Bartlett seconded the motion and the motion carried unanimously.

2. ***Lot Area and Density Amendment: Public Hearing & Recommendation to the Township Board***

Planner Jay Kilpatrick explained the proposed Zoning Ordinance amendment regarding Lot Area and Density Amendment. Kilpatrick stated that this amendment allows the maximum density in MDR and HDR districts to conform with lot size standards to help achieve the maximum density of 5 units per acre and 8 units per acre respectively. Kilpatrick has attached a draft of the proposed ordinance dated 9/12/2008. Chair Nickels opened the public comment at 7:05pm and seeing no comment, closed the public hearing at 7:05pm. Commissioners had questions and discussed items such as setbacks. Hentschel made a motion to recommend the proposed Lot Area and Density Amendment Ordinance Amendment to the Township Board for approval. McDowell seconded the motion. The motion carried unanimously.

3. ***Extension of Special Land Use Approval Amendment: Public Hearing & Recommendation to the Township Board***

Township Attorney Wendling gave commissioners the background of this proposed ordinance amendment. He said that this proposed ordinance gives the township standards in the extensions of SPU's. Chair Nickels opened public comment at 7:15 and seeing none, closed public comment at 7:15pm. Tubbs questioned language in Section 6A and inquired what is meant by

the term “substantial construction”. Tubbs move to recommend approval of the proposed ordinance adding the word “continuing” after the words “substantial construction” in section 6A. Hentschel seconded the motion and the motion carried unanimously.

B.

**1. *Master Plan Supplement; Zoning Plan Discussion and Set Public Hearing Date***

Kilpatrick said that it is now time to set public hearing and now this is a mandatory element of the master plan supplement. This supplement will give guidance on how and when the master plan will evolve and will be an attachment to the future land use section of the master plan. Commissioners decided that the hearing would be set no later than the January Planning Commission Meeting.

**2. *Draft Home Occupation Amendment: Discussion and Set Public Hearing Date***

Township Planner Kilpatrick explained that this was merely a discussion item. He said that Couturier is asking for guidance on this item since the current ordinance narrowly defines “home occupations”. This proposed draft would create a distinction between a minor and a major home occupation. Tubbs had concerns whether such an ordinance would promote business in residential neighborhoods. Commissioners discussed the ramifications of such an ordinance. Township Attorney Wendling stated that he has concerns with the proposed standards and was worried that such an ordinance would change the character of zoned districts and neighborhoods. Commissioners decided to table this matter until Couturier could be present and give her opinions. Wendling said he would pull other township ordinances on home based businesses for the next meeting. Nemitz moved to table the matter and Tubbs supported the motion. The motion carried unanimously.

**9. Old Business:** None.

**10. Adjournment:** Chair Nickels adjourned the meeting at 8:03pm.