

EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION
East Bay Charter Township Hall
1965 N. Three Mile Road
Traverse City, MI 49696

Regular Meeting Minutes
Tuesday February 4, 2020

Present: Planning Commission Members Robert Tubbs, Paul Gonzalez, Ted Hentschel, Judy Nemitz, Dan Leonard, and John Sych

Absent Excused: Mindy Walters

Also, Present: Claire Karner, Planner, Leslie Couturier, Zoning Administrator

Three (3) guests were in attendance.

- 1. Call Meeting to Order:** Chair Tubbs called the meeting to order at 6:30pm.
- 2. Roll Call:** Roll was called by the Recording Secretary and a quorum was present.
- 3. Agenda:**
 - a. *Review for Conflict of Interest: None presented.*
 - b. *Approval of Agenda: Hentschel moved and Gonzalez supported to approve the agenda as presented. The motion carried.*
- 4. Minutes Presented for Approval or Modifications:**
 - a. *January 7, 2020 Planning Commission Regular Meeting Minutes Gonzalez moved and Sych seconded to approve the minutes of the January 7, 2020 Regular Meeting Minutes. The motion carried.*
- 5. Public Comment:** None presented.
- 6. Reports**
 - a. *Township Board:* Walters was not in attendance.
 - b. *Appeals Board: Hentschel reported that the Appeals Board had heard two (2) requests for setback variances (both in the Lakes Area). One was approved and the other denied.*
 - c. *Planner/ZA Report:* Karner conveyed to the board that it was time to review and perhaps update the township master plan, and the CIP plan.
 - d. *Correspondence:* None presented.

6. Unfinished Business

- a. Arbutus Ridge Stormwater; Review and Decision on Requested Stormwater Variance: Doug Mansfield, Mansfield Land Use Consultants for Arbutus Ridge Development LLC.

Staff explained that the applicant was working on rectifying the stormwater deficiencies. Nemitz made a motion to postpone consideration of the stormwater waiver to the next regular meeting, unless the requirements are met. Hentschel supported the motion and it passed unopposed.

8. New Business

- a. Special Land Use #1-20/Site Plan Review #1-20: James Kure (with agent of record David Heim) Public Hearing, Discussion, & Possible Action.

James Kure and David Heim were in attendance.

Chair Tubbs presented the request:

This is a public hearing regarding a special land use and site plan for a new accessory structure (pole barn). This accessory structure would result in the cumulative footprint of all accessory structures that exceeds the existing single-family residence by over 150%. Applicant James Kure (with agent of record David Heim) is requesting special land use and site plan review approval for the construction of one (1) accessory structure on their 10.21-acre property at 5010 Pumpanickel Road (parcel # 03-113-008-00), Traverse City, Michigan 49696.

Mr. Kure detailed the request; He needs the structure to store kayaks, a tractor, a trailer and other items. The parcel is heavily wooded and abuts 300 acres of wooded state land, he has one neighbor.

Chair Tubbs opened the public hearing at 6:40pm; hearing none the hearing was closed. Chair Tubbs also mention the letter in the packet from neighbor Richard Bruening who was in favor of the variance request.

Planner Karner that the request does comply with special land use, site plan review and boardman river district standards and reviewed the conditions of approval:

1. The applicant has recorded an instrument with the Register of Deeds that any land division would comply with the accessory building to principal building ratios.

2. Upon review of the permit application by the Grand Traverse County Health Department for soil erosion and sedimentation control site determination, the sanitarian noted that the applicant will need to get a wetland determination or Michigan EGLE on-site wetland review to ensure that wetlands are not disturbed by the project. Documentation will need to be on file with the Township that wetlands will not be disturbed, and that the development is in accordance with all applicable state and local requirements related to wetlands before issuance of a land use permit.

Board discussion ensued with questions to the applicants and to staff. **A motion was made by Leonard, supported by Hentschel to approve Special Land Use 1-20 and Site Plan Review 1-20 as proposed, subject to staff conditions dated January 28, 2020. The motion passed unopposed.**

b. Joint Meeting with Township Board Proposed Agenda

Planner Karner indicated that three items on the agenda would be

1. Beach District Corridor Process
2. Hammond Road Corridor
3. Short Term Rental Update

Other items proposed by the Planning Commission where discussed:

- GAAMPS - Regarding Residential Agricultural Activity
- The Urban Growth Boundary in conjunction with making it more lucrative for developers to build within said boundary (cost and installation of utilities).
- Redevelopment Ready Communities
- List of possible zoning amendments.
- Discussion regarding a Corridor Improvement Authority (CIA) for the Beach District.

It was suggested that as the joint meeting was only an hour, staff should narrow down the items of discussion to what they deem timely and appropriate.

c. Discuss Possible Coal Tar Sealant Ordinance

Planner Karner informed the Planning Commission that Commissioner Nemitz had brought this to attention of staff for placement on the agenda. She went on to say that it was a public health and environmental concern. Also, that the City of Traverser City had recently passed an ordinance barring the sale and use of coal tar sealants. Staff had also received letters from Rick Brown, former planner and Heather Smith from the

Watershed Center, both in favor of an ordinance. The board discussed the possible ordinance:

- Hentschel felt that as it was a police power ordinance that the township board should be looking at it
- Gonzalez questioned how it would be enforced
- Sych stated that the Planning Commission's main focus is land use planning, and that perhaps a township environmental committee was needed. He also questioned how to enforce.
- Leonard, agreed with Sych, and further indicated that right now permits are not needed for materials used on driveways, is enforcement possible?

Consensus was that a coal tar sealant ordinance was not a topic for the Planning Commission to take up and should be explored by the township board if they so choose.

9. Other Business: None
10. Public Comment: None presented
11. Next Meeting Date: March 17, 2020
 - **5:30 PM (Joint meeting with the Township Board)**
 - **6:30 PM (Regular Meeting)**
12. Adjournment: Chair Tubbs adjourned the meeting at 7:30 PM.

Leslie Couturier, Recording Secretary