

Homestead Inland Joint Planning Commission
15 April 2008 at 7:00pm
Homestead Township Hall
Approved 20 May 2008

Meeting called to order at 7:02pm.

Pledge of Allegiance recited.

Members Present: Bruce Andersen, Christy Andersen, Zelda Gray, Bill Sholten, Fred Poynor, Dan Moore, Mary Miller, Roger Hubbell, Sharon Peregoy.

Absent: Jessica Wooten.

Other Present: Glenn Puit, Craig Seger, Jerry Bush, Frank Walterhouse, Roger Williams.

Minutes from 18 March 2008 accepted as is. Mary Miller made motion to approve, Bill Sholton seconded, All Ayes, No Nays, 1 Absent, motion carried.

Minutes from 9 April 2008 accepted with spelling corrections. Mary Miller made motion to accept with changes, Fred Poynor seconded, All Ayes, No Nays, 1 Absent, motion carried.

Agenda: No additions. Moved approval of budget to new business. Christy Andersen moved to accept the agenda as revised, Bruce Andersen seconded, All Ayes, No Nays, 1 Absent, motion carried.

Correspondence received:

Bills: None.

Approval of bills: Christy Andersen made a motion to pay board members for previous and current meeting, Bruce Andersen seconded, All Ayes, No Nays, 1 Absent, motion carried.

Zelda Gray asked if the four members of the interview committee were also being paid for the 29 April 2008 meeting. Mary Miller made the motion to pay the members of the board for the 29 April 2008 meeting. Zelda Gray asked if it were a meeting. Mary Miller said that it was a special meeting for the interviews for the Zoning Administrator. Zelda Gray seconded the motion, All Ayes, No Nays, 1 Absent, motion carried.

Received letter from Steve Wood and Angelina Lang on the Master Plan (Attached).

Report of Township Board Representatives:

Zelda Gray: Nothing to report.

Mary Miller: Told board members about meetings and invited everyone to come and thank Jerry Bush for attending.

Old Business:

Zoning Administrator interviews scheduled for 29 April 2008 at Inland Township Hall. Dan Moore has sent letters and has scheduled interviews for 15 minutes apart. Dan has received a reply back from three of the four chosen for interviews. Dan asked if the interviews needed to be recorded and Roger Hubbell said yes they did.

Roger Hubbell indicated that he has come up with four questions that he would like to ask at the interviews.

- What are your qualifications for the job?
- What salary and expenses they expect?

- Are they willing to spend one day a week in each Township (Inland and Homestead), be on call, attend board meetings (planning and township) and would they be willing to publish their home phone number?
- Why should they be selected for this job?

Christy Andersen wants to ask at the interviews if they are aware of the rules and regulations as provided by law?

Dan Moore asked if it should be a consistent day, i.e.; Inland on Mondays, Homestead on Tuesdays.

Bruce Andersen commented that it needs to be a full day, not just a couple hours at a time.

Roger Hubbell entertains the motion that the committee be authorized to have each Township Representative take our selections to their Township Boards for approval. Christy Andersen makes the motion to approve, Bruce Andersen seconded, All Ayes, No Nays, 1 Absent, motion carried.

New Business:

Review of Master Plan: Roger Williams received notice from the Chairman of one change to be made in the Master Plan, in section eight, the goals section. He did make that change and has been distributed to the board. Roger Williams states that with that change the Master Plan is completed as far as he knows.

Mary Miller states that the information in chapter 7 contains grammatical errors on the final page (34). She would like to see Home-based businesses and Home-based Occupations in bold-faced type so that it stands out when you are looking through the Master Plan. Roger Williams is going to check his notes against Mary Miller's notes so that he can make sure that they agree.

Zelda Gray asked what the color pictures in the Master Plan effect the cost. Roger Hubbell stated that color pages were 10 cents per page and black and white were 6 cents per page. Roger Williams recommended that we contact all the businesses and agencies that we should send a copy to notifying them that we have completed the Master Plan and ask them if they would like a copy. Most copies of Master Plans end up not being read and are a vast waste of money that does not have to be spent.

Bill Sholten made the comment that this is well advised because of 22 agencies that notice was sent to only 6 responded from the agencies that actually critiqued it. He would also like to see the Master Plan stay in color because it is going to be available on the web site. He recommended sending a letter to the 22 agencies stating that we would be happy to send them a copy however it is available electronically.

Roger Hubbell asked if everyone was all right with the way the zoning map looked. Everyone agreed that it looked fine. There was discussion on whether a quarter mile depth was enough for commercial. Everyone agreed that it was. Bill Sholten stated that if you narrow the depth that it would force businesses to build right on the road and not have much of a set back.

Christy Andersen made the motion to accept the Master Plan with corrections and changes. Bill Sholten seconded the motion, All Ayes, No Nays, 1 Absent, motion carried.

Public Speaker Craig Seger to speak at this time. Craig Seger is the County Zoning Administrator for Benzie County. Mr. Seger came to the meeting to share some ideas.

- It is vitally important to maintain proper vision and direction for that growth.
- Environmental protection, highway appearance, safety, and access management need to be considered in accordance with the Master Plan.
- The Key to Zoning Administration is to know the law on zoning ordinances, and to know where and how to apply them to real life situations.

He respects the zoning administrators that the JPC is going to be interviewing. However, he feels that his department (Craig Seger, Chris Flynn, and Patty Ballard) can provide the Homestead and Inland Townships with the best

service that we can get for zoning available.

Review of Zoning Ordinance:

Roger Williams stated at the last meeting in which we reviewed the first four articles in the Zoning Ordinance was 9 February 2008. There was a series of suggestions made and revisions that were made and those were beginning with section 3.11. Article 3; section 11, which is the second dwelling on a parcel. There were four articles that were extensively revised, sections 3.11, 3.14, 3.20, and 3.30.

Pg. 33, section 3.11: Added second dwelling on a parcel.

Pg. 38, section 3.14: Yard sales, reword paragraph. First sentence states "7 days," Changed to "are to be removed after 7 days," not just covered.

Pg.40, section 3.20: Outdoor lighting, reworded. Except for commercial outdoor displays, outdoor lighting should be limited to the hours of operation. Pg.73, 75, 77, Article 5: Updating summary sheets.

Section 3.30: Text was added concerning keeping animals 50ft from neighboring residential structures. They should be properly maintained, housed, and controlled. Text was also added concerning manure. Christy Andersen asked if this was subjective, and if it is, when there is an issue about the above mentioned who would decide if it were offensive. Roger Williams stated that the zoning administrator would be the one to handle the issue. Bill Sholten stated that there are a lot of other laws controlling the keep of animals. Those laws are equally open to interpretation. He would like to keep this in the zoning ordinance because it will give a property owner at least a place to start. Not addressing the issue at all is going to leave us with animal complaints. It also gives new animal owners a sense of what is expected of them.

Private Roads: Change cul-de-sac radius from a minimum radius of 60ft to 75ft per the Fire Department. There will be words added to make the overhead clearance of at least 13'6".

Pg. 71, Article 4: The first section describes the zoning districts that are proposed.

- Forest residential
- Rural residential
- Single family residential
- Mixed residential
- Manufactured housing community residential
- General commercial.

Section 4.02 describes how the boundaries are established.

Pg 72, Section 4.04, describes an area vacated (street or alley) what happens to the zoning for that area.

Section 4.05 describes if an area is filled by a lake or stream, how that area is zoned. Bruce Andersen stated that the DEQ regulates this area.

Article 5: District Regulations. The forest residential, rural residential, and the single family residential are pretty much the same as far as uses permitted the only difference is the lot size and the lot frontage. There are 10 uses permitted by right, 11 that are permitted by site plan review, none at this point that are by special use approval. An applicant is only subject to site plan review if the we felt there was some unique feature of that use that would benefit from a site plan review. Christy Andersen asked if there was a business that required a small amount of parking space and that building was sold to a new business that required more parking for the same amount of building footage, would we still require that they be subject to site plan review. Roger Williams stated that there would be a site plan required. This will be added to Forest residential, single family residential, and rural residential.

Mixed residential: Pg 79, Section 5.03. The three lot sizes in the mixed residential are 5 acres, 2.5 acres, and 1 acre.

Mixed residential has a different mix of uses permitted. We dropped the wind energy conversion system because of smaller lot sizes, and we do have them with site plan approval and we have also added two potential uses by special use approval:

- Private Campgrounds.
- Commercial Recreation Enterprises.

These are in addition to the site plan review. The lot size for mixed residential would be 20,000 sq. ft. lot with would be 75ft width minimum; the set back is 25 ft for the front and 10 for the side and rear. Mary Miller states that #5 needs to be added to box of permitted uses.

Manufactured Housing Community Districts:

The district regulations are not here. Because there was going to be a joint zoning ordinance there was already a mobile home park in the area but by splitting it we will need to have provisions for a mobile home park in Inland Township. The manufactured housing commission has a 90-page set of standards for a licensed mobile home community park. There will be reference made to the manufactured housing commissions standards rather than put them in the zoning ordinance. This tells the applicant how they can select a site in the Township for a potential mobile home park. There will also be a summary of what the mobile home park regulations are and just say that a park will have to meet state mobile home park commission requirements.

5.41 first paragraph, second line from the bottom: Mary Miller stated that we should delete in a setting that provides a high quality of life. Roger Williams agrees.

Pg. 81: Change district "float" to district "to float".

Pg. 81: Change article to section.

General Commercial:

There are eight (8) permitted uses, five (5) permitted uses with site plan approval, eight (8) permitted uses with special use permit. Lot size is 1 acre with 150 ft of frontage with set backs of 40, 20, and 20. In this case there is a height limitation of 40 ft. In mixed residential and commercial height limit of 35 ft was changed to 40 ft. Site plan approval is required for parking.

Article 6, Special land uses:

6.01 General requirements: Refers back to the statute and outlines how the review and approval will take place so an applicant can see this.

Pg 85, 6.03, Permit procedure: The standards for decisions are section 6.04 and continue on pg 86 and are a series of 7 standards that have to be met for a special use. The statute guarantees that if the applicant meets those standards of the ordinance the permit will be approved. On pg. 87 and pg. 88 is what the standards are based on.

Break for Budget: No questions on the proposed budget.

Mary Miller made the motion to accept the proposed budget for the Inland Homestead Joint Planning Commission for the fiscal year 2008-2009 as presented. Zelda Gray seconded the motion, All Ayes, No Nays, 1 Absent, motion carried.

Pg 88 At the end of the article on Special Land Uses, section 6.06 is supplemental site development standards. There are three uses that needed additional standards over and above the general standards in this article. They are

- Sexually oriented businesses.
- Telecommunication towers.

- Wind energy conversion systems, more specifically the commercial wind energy conversion systems.

Pg. 89: Typo: Change "Almira" to "Inland and Homestead Townships".

Pg. 99, Article 7: Site Plan Review: Gives the notice that the site plan review and approval will be performed by the Planning Commission. This also gives the applicant the option for a sketch plan review first if they prefer to do that.

Pg. 100: Application Procedure: The applicant will need 13 copies, one for each member of the planning commission, one for the zoning administrator and one to be filed with the secretary. Change drawing size from 20"x 30" to 24"x 36". At the bottom of Pg. 101 it explains how the Planning Commission will take action on the site plan. A hearing is required.

Pg. 102: This outlines the criteria that the Planning Commission will use in reviewing the site plan. Change "one (100) days" to "one hundred (100) days".

Pg. 103: Change question marks to alphabetical. Move last line on bottom of Pg. 103 to the top of Pg 104. Site plan approval is valid for one year; if the building permit has not been obtained then the site plan approval is voided. Depending upon the construction season there is a 6-month extension that can be requested.

Article 8, Administration and enforcement: This has remained pretty much the same as it was in the former ordinance with the exception of section 8.05, which is the fee schedule. Under the zoning administrator, section 8.02 on page 105 he needs to be changed to he/she. (Last sentence). There is no permit required if you are moving a structure on the same lot but there is a site inspection required. Statute states that you must allow a person reasonable use of an existing lot. This gives the zoning administrator the right to do this.

Pg. 110, Violations: This explains in detail what a violation is and the penalties under this particular draft.

Section 8.13: Explains how the ordinance can be amended. Pg. 111, use alphabetical, not numeric. Section 8.14: This came out of the new Act, Act 110, the new Zoning and Enabling Act. This describes in detail how the public notification is made for this administration of the ordinance for public hearings, amendments, re-zoning. Ordinance Controlling should be labeled as section 8.15

Article 9, Board of Appeals: This partly comes out of the zoning enabling act; there have been a few changes. There will have to be a few more changes due to the separation of the zoning boards. This basically outlines how the boards were created, how they are appointed for different lengths of time. On Pg. 116 meetings are described. Christy Andersen asked what the difference between a concurring vote and a majority vote was. Roger Williams stated that it came out of the statute and will have to go back and check, it is underlined and must have some importance. On Pg. 114, D, it should say 1, what he does if the demand for review is not complete and the fee is not paid. 2, what he does if the demand for review it is complete and the fee is paid.

Section 9.04 Board of Appeals: Will be rewritten for each Township since they will have two different zoning Board of Appeals

Section 9.06: Variances: Next page talks dimensional variances. Christy Andersen would like to add conditions for dimensional variances.

Section 9.08: Outlines Board of Appeals power, which is to reverse, or modify any order or determination. Pg. 119 is the notice of the hearing and how it is done. It must be announced no less than 15 days prior to the meeting.

Christy Andersen stated that we needed to delete chapter 6 at the bottom of the page.

OPEN PUBLIC DISCUSSION:

Glenn Puit: MLUI: I want to thank you for taking the time to listen to Rod Cortright. I am going to reiterate what I have been saying from day one. I respect each and every one of you and how you care about the community. You have to do what you feel is right for the Township. I just want to say a few things that may come across as being

critical, please don't take them that way. I mean them as constructive. I say this on a personal level, I feel that you let a real important opportunity go by tonight, specifically the opportunity to limit the amount of commercial on US 31. Also there was a chance to insert some language into the master plan that would allow for, not mandate, implementation of some of the kinds of ideas we heard about last week from Mr. Cortright. I understand that me telling you this that it is hard for me to convince anyone in this community given some of the history from the Michigan Land Use Institute and the mistakes that were made. Again I think the idea of encouraging commercial or economic development by all that commercial on US 31 is an error. You can accomplish that goal by using those major intersections. Specifically, I am really impressed because you all listened to what he had to say last week and I saw that. One of the things he specifically said was concentrate that commercial at intersections. Unfortunately you have not done that. The opportunity is still there to do this and I really hope that you will think about it. Another thing I want to tell you is that if any one is telling you that that amount of commercial is a good strategy for planning in the future they are wrong. You have got bad advice in that regard. I don't mean that as an offense. I really am just telling you that that is the case. If I brought ten different planners in here and had them look at your plans, your land use map, they would all agree that you have too much commercial on US 31. If someone has told you different they are wrong. There are ways to do this that will achieve what you want to do and still allow you to keep your US 31 looking like it does now. There is a lot of green space out there and it is really beautiful and this is the way people are going to see your community when they drive through it. It is not too late to go back. Another thing that I need to point out is that you already had a draft zoning ordinance in place before you were even done with your Master Plan. I would suggest to you that a vast majority of planners would tell you that that is not the way you do that. You don't even start on your zoning ordinance until you have finished your Master Plan. I hope you will take this the way, I mean and not like I am sitting here telling you that you have to do it this way, and that way I know which way is best, it is not me saying this. I finally feel like you were in high school and you had a boyfriend or a girlfriend and the more you pushed the more they resisted and I think that is the situation that we are up against. I can only say it so many times; I would just really challenge you to say it's ok to go back, it's ok to do it a little bit differently. I thank you for your time.

Board Go Round: None.

Roger Hubbell made the motion to adjourn the meeting, Christy Andersen seconded the motion, All Ayes, No Nays, 1 Absent, motion carried.

Meeting Adjourned at 9:07pm. Next meeting 20 May 2008, at Inland Township Hall, 7:00pm.

Submitted by
Sharon Peregoy
JPC Recording Secretary

Approved by
Dan Moore
JPC Secretary