

**Paradise Township Planning Commission Minutes
Public Hearing of April 12, 2007
Township Hall, 2300 E. M-113, Kingsley, MI 49649**

- A. Meeting called to order at 7:02 p.m.**
- B. Present:** Geisert, Bach, Conroy, Tuller, Sedlacek, Wadford, Inman
Also Present: Planner/**Zoning Administrator, Marvin Radtke.**
- C. Approval of Minutes: Geisert/Tuller, to approve the Minutes of March 8, 2007 with the correction of Inman being excused. CARRIED.**
- D. Agenda:** No changes
Communications: Tuller mentioned two classes being held. The first one on April 23, 2007 from 6:30-8:30 p.m. at the NW Michigan Horticultural Research Station. This class is on Roberts Rules of Order. The following will attend this class: Tuller, Radtke, Sedlacek, Geisert, Wadford, Bach. The second class will be held at East Bay Township on April 26, 2007 from 6:30-9:00 p.m. This class is on Effective Meetings for Planning Commissions. Commissioners to contact Tuller if they plan on attending.
- E. Public Input: None** – Chair Bach will allow public comment during the public hearing process.
- F. Old Business:**
 - 1. Public Hearing on Proposed Zoning Ordinance.**
Public Hearing was opened at 7:06 p.m. by Chairman Bach. Chairman Bach announced that the Public Hearing was held in compliance with PA110 of 2006 as amended, being the Michigan Zoning Enabling Act and that a notice was published on March 27, 2007 in the Traverse City Record Eagle and on the Paradise Township web page. Chairman asked the Planner/ZA to present the proposed ordinance. Radtke opened with remarks that this zoning ordinance changes were brought to light by the proposed Ethanol plant and the Township Board asking the Planning Commission to work with the Planner/ZA to review the zoning ordinance for deficiencies and other areas that needed clarification, such as the commercial district and protection of our farmland areas. Several documents were reviewed such as the existing land use map, existing ordinance, township master plan and the Village of Kingsley’s master plan, to name just a few. Kingsley Area Schools school election in May has proven the high quality of living and growth in this area, due to the expanding population. We want to be proactive, increase density to support, keep the history, etc. of our area, therefore, we have “tweaked” the commercial area, landscaping requirements, sign ordinance and uses for each district. The agricultural district was re-named rural residential district to reflect changes that have taken place in that district.

Sedlacek asked Radtke to synopsise the FR district and what the planning commissioners did in regards to that district. Radtke – we recognized the state, public and semi-public lands in that the state doesn’t have to comply with our zoning. We have zoned it 1 unit per 10 acres, in the event if the state does sell the property, the buyer would comply with certain restrictions.

Inman discussed the old map and compared it with the new map. She was concerned that there might not have been enough notification of the hearing and wants more review on the map, in particular the top portion of the township, which is currently zoned forest recreation. Sedlacek responded that we changed the name of the district and not the intent. Tuller mentioned that 3 commissioners live in that area and would be very concerned themselves if there were any major changes done to that area. Geisert mentioned that forest recreation and ag district were the same so we just had recommended the name be changed to rural residential. Sedlacek asked Radtke to discuss the rural residential district. Radtke discussed the different districts and R-2 has no minimum density on lot sizes however the smallest lot size would probably be around 27,000 feet or 2/3 acre. This change made sense to put the high density around the village as it compliments the village's master plan. Our yellow area on the map (R-1 district) is a buffer from the high to low density, with 1 acre minimum lot size.

Chairman Bach asked Secretary Tuller if there were any written comments on the zoning ordinance for or against the proposed ordinance. There being no written comments, the Chairman opened the public hearing up for the public input.

- 1) Deb Kirsch 5089 Garfield Rd. Kirsch's property borders Ron Taylor's property which the proposed map shows commercial and she has requested that her property be included as commercial.
- 2) Mary Hallady 3033 Mayfield Rd. Hallady came as a representative of her family members whose property is surrounded by the Rotary Charities property within the forest recreation district that is the 'wildlife corridor' in sections 21, 22 & 22. She discussed her concerns with the state of Michigan losing population, especially downstate. She would be happy to have the entire township zoned 10 acres per unit. She expressed concern over the notification process and mentioned our mission statement in the master plan reflects our desire to maintain the rural quality of the township. She did not like the rural residential name and would like it changed back to agriculture.
- 3) Tom Paton 3783 E M-113. He was part of the original members who started the zoning ordinance when it was originally 27 pages, back in 1979. He feels the new one at 157 pages is showing too much regulation.
- 4) Ed Flees 3022 Brown Bridge Rd. He wanted to make sure he understood the name change from forest recreation to rural residential. Upon learning that we did not change the intent but merely the name, he was satisfied with the proposed ordinance.
- 5) Gerald Olson 9449 Dell Rd. Gerald is part of an old pioneer family as Hallady is. He read the ZO and appreciated the time and effort that went into it. He applauded our efforts but had a few questions as follows:
 - 1) Definitions – He is unhappy with the Farming definition which shows it being a source of income. He is a gentleman farmer and doesn't work his land for profit.
 - 2) Section 11.08 Recreational Vehicle Storage – He has a lot of boats, trailers, etc. on this property and if this ZO is put into place, he would not be in code. He has 140 acres to put his "toys" on.
 - 3) 11.11 Soil Removal – As a gentleman farmer he moves dirt around his property, composts it and fills in his own roadways with it and was concerned over whether this would still be allowed.
 - 4) Section 11.17 Private Drive – He wanted a grandfather clause for his property as he has 3 old access points on his property.

- 5) Residential Classification – He wondered why we stopped with the yellow area and what constituted our buffer area. He wants us to swing the yellow line down further to Dell Rd. and Walton Rd.
- 6) Steve Largent 5445 Scharmen Rd. He commended commissioners for their time and effort into our ZO but wants more documentation/notification to the public. In the Natural Rivers District he would like us to increase the lot size and density. Higher densities encourage higher crime rate, etc. He would like our yellow areas to remain 2.5 acres and would like the area north of Voice Rd. designated as 2.5 acres for a buffer. He has been working with a committee for the recreational trail and high density would not compliment the trail. He recommended we change the map to show the Rotary Charity properties and asked if Radtke had review the Boardman River Valley Master Plan.
- 7) Joe Breech 3404 Fish Creek Rd. He has a problem with our private road ordinance and mentioned a neighbor who created a private road right on his easement line.
- 8) Phil Case 4652 Voice Rd. He mentioned to the public that if you want a zoning change, you can petition for it.
- 9) Steve Largent – mentioned that there are other protections provided within using the Boardman River Valley Master Plan.
- 10) Gerald Olson – Would like us to take a step back or perhaps consider notifying certain portions of the township and have meetings just to reflect those certain areas or districts.
- 11) Duane Travis 840 Fenton Rd. His property has been rezoned from Agriculture to R-2 and he doesn't like the fact that there is no minimum lot requirements. He asked what a tributary designation was, in conjunction with the Natural Rivers Act.

Chairman Bach asked Radtke to address the questions. Radtke recommended the adoption of the proposed document as presented. Our guidelines now are to approve, reject or modify for further study. If we adopt, it will be sent to Grand Traverse County Planning to review and they will send their comments. The township board will next review at their May meeting, and Radtke will recommend that be a public hearing. The township board will then review, adopt or send back to commission for further study. Duane Travis asked about the Summit City by-pass and Radtke mentioned that it was being re-worked. Breech asked if rezoning changes the tax classification and Sedlacek said it would have no impact on his taxes. Marie Dean asked about the setback changes. She would like the setbacks all the same, as they are currently in the ZO.

Radtke addressed the above questions as follows:

- 1) Setbacks – The setback changes reflect the lots. Setbacks reflect the character of whatever district the property is in and mentioned Olson has 3 setbacks he has to maintain and that his are grandfathered in.
- 2) Natural River Designation (tributary question). For our discussion, this pertains strictly to the Boardman River.
- 3) Lot sizes – The R-2 change allows for different lot sizes however; the lot size would be under review of the health department, road commission, soil & erosion departments of the GTC and that typically the smallest the lots would be is 27,000 sq. ft.
- 4) Rural Residential to Forest Recreation – Owners of properties in these areas can petition changes.
- 5) Private Roads/Drives – There is no current setback from side yards and is not sure how Breech's is. This is a civil issue for Breech to pursue on his neighbor.

- 6) BRVMP/Wildlife corridor/Rotary charities – In regards to conservation easements, it doesn't matter how they are zoned. Radtke has a conservation easement on his property and it is reviewed yearly.
- 7) Voice Road changed to Rural Residential – If we change Scruffy Trail to 2.5 acres, this would make the lots on Scruffy Trail non-conforming and they are all small lots. We could change the area north of that 525 ft. North of Voice in Section 128 to be classified as Rural Residential instead of R-1.
- 8) Natural River District – state law mandates 200 ft. of frontage and not less than 40,000 sq. ft. Radtke did review the BRVMP as did commissioners in the past. This concept was accepted but not adopted in entirety as there was a consensus of too many restrictions to current property owners within this area.
- 9) Notification – In regards to the notification, the hearing has been on our web site, 2 newsletters, notification in the paper and all meetings are open to the public and we have met on this issue for 11 months.
- 10) Summit City area – We would like to revitalize this area and our master plan reflects the industrial zoning within this area. We have sprawl in this area, which is another reason we reflected higher density around the village to encourage the growth close to the village rather than further out.
- 11) Private Roads – The private road standards are in place and they are fine and we have specs to abide by.
- 12) Soil Removal – Gravel pits, sand pits and top soil – you can take A to B on your own parcel and farmers are exempt.
- 13) Recreational Vehicle Storage – Consider the words open storage. If we can't see it, we don't know its there.
- 14) Farm/Rural Residential District – Review the definitions given – you can have a gentleman farm and it is endorsed in the intent of this district.
- 15) Pages – We have 88 pages than the current. This reflects our new definitions, site development standards; public notification, general provisions and we broke down the districts in sections. We also changed the spacing and changed font size.
- 16) Wildlife Corridor – Section 21, 22, 23 of the northern portion of the township. The whole strip was changed to 10 acre minimum lot sizes. No matter how we zone it, we have no authority over State & Rotary property. Conservation easements have site visits done typically once a year.
- 17) Commercial District – Kirsch property on Garfield Rd. We could recognize that property to be included in the commercial district and it doesn't violate the integrity of our master plan by doing so.
- 18) Gerry Olson – The farming definition complies with Right to Farm Act and state definition. Soil extraction – Radtke discussed the differences of the mining act.
- 19) Steve Largent – Question on minimum lot sizes for density. Radtke mentioned that municipalities need to allow cluster housing, we allow it by our ordinance and we want to encourage cluster developments (metes & bounds) only for site condo per section 13.44 and 13.45 R-2 district – the lot size would be determined by health department, soil & erosion department, etc.
- 20) Forest Recreation – Nothing has changed in this district except for the rural residential name change and setbacks – uses haven't changed.

CLOSED PUBLIC HEARING AT 8:58 P.M. – BREAK

Resume meeting resumed at 9:07 p.m.

Roundtable discussion among commissioners as follows:

Inman – Welcomed everyone who was at the meeting. She does not feel we are ready to go forward tonight, would like further discussion – in particular the northern portion of the township that had the forest recreation designation previously and is now being renamed rural residential. Inman was unhappy that we did not have a more professional map before this meeting and said she had not seen a map before now and would like to have had more notification for our township residents.

Geisert – We all did look at the map, Inman was not at that particular meeting and we have worked through this zoning ordinance through all the stages during the past 11 months, reviewing maps, etc. He feels the planning commissioners did a good job; the notices were sufficient and feel we are ready to move this on to the town board.

Wadford – No comment.

Conroy – Asked a question on the mineral extraction and sawmills and Radtke explained to him what was allowed.

Sedlacek – As the township board representative, she recognized our hard work as commissioners. She said people need to realize this is an amendment process and issues can be addressed at a later date. The township board can hold a public hearing at their next meeting to provide a good will effort to allow the public another opportunity to speak.

TULLER/GEISERT – Motion to adopt the zoning ordinance as proposed and recognize two changes to the proposed map to allow the rezoning of Kirsch property to commercial and extend the 550 ft. north of the center line of Voice Road as recommended by Largent.

Inman – No, Wadford – yes, Bach – yes, Conroy – no, Sedlacek – yes, with recommendation that township board hold public hearing, Tuller – yes, Geisert – yes.

5:2 - CARRIED

G. Old Business (continued):

- 2. Election of Vice Chair and Secretary – Tuller/Geisert – motion to elect Geisert as Vice Chair and Tuller remain as Secretary. Carried 7:0**

H. New Business: None

I. Zoning Administrator Report – None Given

J. PC Joint Member Report and Appointment for Next Month: None.

K. Agenda for Next Month: Commissioners decided to take a break for the month of May.

L. Adjourn: Tuller/Inman to adjourn at 9:55 p.m.