

BAY TOWNSHIP PLANNING COMMISSION

FEBRUARY 4, 2020 MEETING MINUTES

CALL TO ORDER

Dave Skornia (Chair) called the meeting to order at 7:00PM and led with the Pledge of Allegiance. Also, in attendance were Xavier Gaudard, Jamie Shepherd, Lynn Maxwell (Secretary), Wendy Simmons (Board of Trustees Rep), Steve Van Dam (Vice-Chair) and Joe Jones. Planner (BRI) Shawn Winter, Zoning Administrator Ron Van Zee and Kristin Baranski (Recording Secretary) were also in attendance.

PRIOR MEETING MINUTES

MOTION by Maxwell, seconded by Van Dam, to correct and dispense with the reading of the January 7th, 2020 Planning Commission regular meeting minutes, passed upon unanimous affirmative vote of the Board Members.

MOTION by Gaudard, seconded by Simmons, to approve the minutes of the January 7th, 2020 Planning Commission regular meeting minutes as amended passed upon unanimous affirmative vote of the Board Members

AGENDA APPROVAL

MOTION by Gaudard, seconded by Maxwell, to approve the agenda as amended, passed upon unanimous affirmative vote of the Board Members.

PUBLIC COMMENT

No public comments regarding non-agenda items.

PUBLIC HEARING- HORTON BAY DOG RESORT

Residents Mark and Lipchik submitted a special use permit application to open a dog kennel and boarding facility at 8591 Horton Bay Road. They believe there is a need in area for said application and their property could provide plenty of safe, fenced in play space, as well as satisfy all relevant zoning requirements. VanZee noted all neighbors within 300 feet of location were notified and the public hearing notice was published in Petoskey News Review. Van Zee received two phone calls from notified neighbors regarding special use permit (one call in support and one call opposed). The public hearing for Horton Bay Dog Report opened at 7:08 pm. B. Lipchik presented Horton Bay Dog Resort. Lipchik is a teacher and business would help to supplement her income. Teacher vacations (summer, holidays, spring) allow for the optimal time to open doggie daycare as she would be home. Current area horse-fenced would be used as a dog run and side milk house would be used for overnight boarding. M. Lipchik estimated dog capacity to be 20/25 at most.

PUBLIC COMMENTS

Public comments regarding Horton Bay Dog Resort opened at 7:16 pm. Public comments included: concerns for noise, noise carries in that specific area across fields, NO breeding, 10/25 dogs too many, notices arrived late or not at all, no control over barking, property values take a dive, number one concern regarding dog kennels is the noise. Public comments closed at 8:03 pm.

Planning Commission review Article XIII; section 13.3 (General Standards for Approval of Special Uses).

- a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations **YES**
- b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this ordinance **YES**
- c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan; as well as the intent and purpose of the zoning district in which it will be located **UNDECIDED**

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- d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same **NO (calls to police/BOT regarding barking)**
- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their properties as zoned **UNDECIDED**
- f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area **NO**
- g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrape materials **NO**
- h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses **NO**

Planning Commission review Article XII; section 12.11 (Standards for Site Plan Approval).

- a. Compliance with Zoning District Regulations. **N/A**
- b. Organization of Elements- All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character and use of adjoining property and the Type and size of buildings. The site shall be developed so as not to impede the normal and orderly development, improvements or enjoyment of surrounding property for uses permitted in this ordinance. All buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located so as to minimize potential adverse effects and impacts on adjacent and nearby properties. **NO**
- c. Preservation of Natural Features and Natural Landscape **N/A**
- d. Drainage Provisions **N/A**
- e. Soil Erosion **N/A**
- f. Screening and Buffering **N/A**
- g. Emergency Vehicle Access **N/A**
- h. Pedestrian and Vehicular Circulation **N/A**
- i. Compliance with Applicable County, State, and Federal Statutes **N/A**

MOTION by Maxwell, seconded by Simmons, based upon finding of fact Article XIII; Section 13.3 and Article XII; Section 12.11 to deny a Special Use Permit for Horton Bay Dog Resort (Lipchik), passed upon unanimous affirmative vote of the Board Members.

Shepherd-Yes, Maxwell-Yes, Jones-Yes, Simmons-Yes, Skornia-Yes,
Van Dam-Yes, Gaudard-Yes
Public Hearing closed at 8:36 pm.

PARKS AND RECREATION

Maxwell reported the Charlevoix County Park Millage Grant Program received 15 applications for local communities. Bay Township Board of Trustees did not support an application for a swing set to be placed at the Township Hall. Maxwell would like the Township to utilize the Millage Grants as much as possible to provide to all residents and visitors. Lake Street dock still needs work. Winter provided a list of grants available and suggested the PC be very thoughtful and thorough in working on a specific project in the future.

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MASTER PLAN 63 DAY REVIEW UPDATE

Walloon Lake Association and Conservancy has commented and upon approval of Planning Commission, edits will be incorporated into draft Master Plan.

Motion by Gaudard, seconded by Van Dam, to set a public hearing to receive public comment on the draft “Bay Township Master Plan” at a regular Planning Commission meeting on Tuesday, March 3, 2020 at 7:00 pm, passed upon unanimous affirmative vote of the Board Members.

ZONING ORDINANCE AMENDMENTS

Zoning Ordinance Amendments have been approved by legal and the next step is to set a public hearing for the amendments.

Motion by Gaudard, seconded by Shepherd, to set a public hearing at the regular Planning Commission meeting on Tuesday, March 3, 2020 at 7:00 pm for Zoning Amendment no 41 to establish the boundaries of the Village Overlay Zoning District on the Bay Township Zoning Map and associated district development standards by amending the Bay Township Zoning Ordinance, passed upon unanimous affirmative vote of the Board Members.

ZONING MAP AMENDMENTS

Motion by Gaudard, seconded by Simmons, to set a public hearing at the regular Planning Commission meeting on Tuesday, March 3, 2020 at 7:00 pm for Zoning Amendment no 42 to amend the Bay Township Zoning Map to correct errors and misclassifications that have been identified by amending the Bay Township Zoning Ordinance, passed upon unanimous affirmative vote of the Board Members.

2019 YEAR IN REVIEW

The primary activities and actions of the Bay Township Planning Commission (PC) during 2019 are summarized as follows:

1. In January the PC finished deliberation on updates to the 2019 – 2023 Recreation Plan and forwarded the plan to the Board of Trustees (BOT) for review and approval.
2. The PC, as part of its role as the Parks and Recreation Committee, formed a subcommittee to inspect each road end and park and to make a list of improvements to enhance the current recreational areas and improve water quality. The PC reviewed and prioritized this list in preparation for grant application to the Charlevoix County Parks and Recreation Grant program.
3. The PC continued work on text amendments to Article III, Definitions, Article IV, General Provisions, and Article V, Zoning District Regulations, of the Zoning ordinance. In February these amendments were forwarded to the BOT for their review and approval.
4. The PC submitted the 2019 – 2023 Recreation Plan to the Michigan Department of Natural Resources (MDNR) for their approval.
5. The PC applied for and received a \$6,000 “Building Healthy Communities” grant from the Health Department of Northwest Michigan for improvements to the Walloon Lake Trust and Conservancy Preserve at the end of West Rd. This project will be completed by the Walloon Lake Trust and Conservancy.
6. Grants were submitted for three road end/park improvements at Camp Sherwood Park, Eagle Island – Lily Pad Rd Access, and Franklin Ave. The

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township was awarded the grants and implementation of the site plans were completed thru the summer.

7. The PC discussed and deliberated thru the course of the year various updates to Chapter 8 of the Master Plan. After collaboration with the BOT the updates were approved by the PC and forwarded to the BOT with a request to approve for distribution and review the draft Bay Township Master Plan.
8. At the Request of the BOT, the PC reviewed the issue of allowing the sale of alcohol for offsite consumption within the Agricultural Zoning District and provisions for its use related to special land use permits. After review and deliberation, the PC affirmed that the Zoning Ordinance permits the on-site sale of alcohol for off-site consumption and activities where alcohol is consumed on site at special events and activities within the agricultural Zoning District.
9. The PC continued work on text amendment language to Article XIII, Special Uses, of the Zoning Ordinance that would require the recording of a Deed Restriction on the property with a special use and sent the revisions to the Charlevoix County Planning Commission for review.
10. With the assistance of planner Claire Karner, the PC worked on developing flowcharts showing the Zoning Ordinance amendment process, the Special Use Permit approval process, and the Zoning Permit application process. The PC also worked on revisions to the PUD approval process flowchart. These were sent to the Township Attorney for Review and then on to the Charlevoix County Planning Commission for review. After that process was completed the flowcharts were sent to the BOT for its review and approval.
11. The PC held a public hearing in May for public comment on its proposed text amendments to the Zoning Ordinance.
12. The planning Commission discovered there were serious errors in the Zoning Map that is a part of the Zoning Ordinance. After corrections to the commercial and residential zoning districts and a public hearing, the corrected map was sent to the Charlevoix County Planning Commission for review,
13. The PC reviewed the 2015 Medical Marihuana Act and the 2018 Recreational Marihuana Act with the understanding that the BOT is responsible for any action the township might consider.
14. The PC began work on more clearly defining the Village Overlay District in September. It had previously been defined on the Master Plan Future Land Use Map as a circle with no clear boundaries.
15. The PC also discovered and worked on correcting errors in Article IX, Village Overlay District, language.
16. In October the PC approved a request for a Special Use Permit to build an accessory building without a principal structure on Church Rd.
17. In October the PC approved a request for a Special Use Permit for an Accessory Dwelling Unit.
18. The PC worked on clarifying language relating to the Minimum Equivalent Density Division.
19. The PC worked on language within the Village Overlay District to better define "Allowed Use by Right" and uses that require a Special Use Permit.

2020 GOALS

The PC set the following goals for 2020:

1. Finish work on the map and language for the Village Overlay District
2. Continue work on Lot Averaging Language
3. Work on defining business uses more clearly
4. Review Special Uses throughout the Zoning Ordinance
5. Review water quality and greenbelt requirements
6. Define specific park and recreation projects the Township should consider.

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ZONING ADMINISTRATORS REPORT

Zoning Administrator Ron Van Zee reviewed the past months activities regarding Zoning Permits issued, Zoning Ordinance enforcement actions taken, and other related zoning activities.

BOARD OF TRUSTEES REPORT

Note: See the Board of Trustees January 2020 minutes for further detail.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals held an organizational meeting on January 15, 2020.

OTHER

Skornia received correspondence from Bill Mansfield (Lavender Hill Farm) regarding a 100th birthday party for the barn. See attached.

Add rules for public comments to agenda and/or state at beginning of comment period (ie address planning commission directly/time limit).

PUBLIC COMMENT

N/A

ADJOURNMENT

MOTION by Shepherd, seconded by Jones, to adjourn the meeting at 9:36 pm, passed upon unanimous affirmative vote of the Board Members.

Respectfully Submitted,

**Kristin Baranski
Deputy Clerk**