

CHIKAMING TOWNSHIP PLANNING COMMISSION MINUTES FROM THE APRIL 9, 2008 RESCHEDULED MEETING

PROPOSED

Regular Meeting: The regular meeting was called to order at 7:00 p.m. by Vice Chairman Tom Hackley with members Steve Payne, Robert Beemer and Michael Livengood present. Bill Marske arrived at 7:08 p.m. Tamara Samuels was absent and Louis Price had asked not to be reappointed at the end of his term March 31, 2008. Also present were Zoning Administrator Betsy Bohac and Recording Secretary Marisue Hojnacki.

Approval of Minutes: Payne moved, supported by Livengood to approve the minutes of the March 5, 2008 regular meeting as presented. Motion carried.

Approval of Agenda: Hackley suggested that they move Old Business until after New Business. Livengood moved, supported by Beemer to approve the agenda as presented with that change. Motion carried.

NEW BUSINESS

Lot Split & Combination for Property Code No. 11-07-4460-0051-00-2

Property owner, Mary Fox, represented by Attorney Charles Hilmer requested that Lot 51 (vacant) of Lakeside Park Subdivision, be split and part of it combined with Lot 49 (Property Code No. 11-07-4460-0049-00-8) owned by Mary Hayes, and the other part combined with Lot 50 (Property Code No. 11-07-4460-0050-00-6) owned by Mr. & Mrs. Simpler. All lots would meet R-1 zoning district requirements. Bohac stated that Fox owned Lots 48 and 51. Hayes and Simpler had asked her that if she ever wanted to sell Lot 51, they wanted to buy it and split it and would not build on it. (Per Survey Reports by Wightman & Associates, Inc. dated 12/04/2006 and Lot 51 as revised 04/13/2007) Hackley felt it looked pretty straight forward to him. Payne moved, supported by Livengood to recommend the lot split and combinations to the Township Board. Motion carried.

Final Site Plan Approval – Harbert Hills Site Condominium

Rob Andrew of Merritt Engineering, representing Brian and Walter Kissell of New Haven Construction, was present to request the final site plan approval for Harbert Hills Site Condominium. This development consists of 12 single-family homes sites, a private road, and common open space on a 10.24 acre parcel (Property Code No. 11-070010-0031-03-2) located on Red Arrow Hwy in Harbert. All outside agency approvals and permits have been issued. The property will be serviced by municipal water and sanitary sewer. Andrew stated that the Planning Commission had recommended and then the Township Board had given preliminary approval of the plan. He went on to say that the small creek in front that needed to be crossed had DEQ approval and the Level III Assessment had been done on the wetland in the back. They also had DEQ approval

for the sewer to run through the wetland and the approvals necessary from the Road and Drain Commissions. The needed approvals for the water and sewer construction have also been given. There have been no changes to the plan except the ones they were asked to do. They increased the entrance width and the slope is as shallow as possible. They moved the building envelopes away from the creek. The existing sewer line is on the Kissell property. There was never an easement recorded on the neighboring property. The Utility Board has said that since they will not be working on the neighboring property, they can proceed. Bohac said that she has received a Master Deed and By-Laws and they have been reviewed. The file is complete, but they still need to name the road. She added that she asked Hilmer to review the water and sewer easements and the easement is written for the whole common area and wondered if they wanted it that way. Also, the grantor of the easement needs to be the owner of the property. The Kissells will need to decide who that will be, their company, the condo association or themselves.

Hackley asked if the utilities would be in the road right-of-way or outside of it. Andrew said that they like to be in the 66 feet of a private road, but not in the right-of-way of a County road as the County can ask them to move the utilities. Hackley questioned the non looped water line and Andrew said that the Utility Board approved it. Originally they thought that they could loop it to Orchard Lane, but could not. However, they did put in an easement so that it could be looped with the neighboring property in the future if it was ever developed. Hackley asked what the road surface would be and Andrew said that it would be gravel. Hackley said that he was concerned about crossing the ravine with the utilities and hoped that they could leave as much of the area undisturbed as possible. Andrew responded that that was how it was designed. He also explained the drainage plan. Hackley questioned the culvert and if it was able to handle the 100 year flow. Andrew said that it was larger than the one coming in under Red Arrow Highway and downstream. Hackley also said that he was comfortable that they were doing everything possible to minimize the impact on the land and hoped that they would restore any disturbed area with native plants. Kissell said the road was designed to go around the larger trees.

The Commission then reviewed Section 21.05, Criteria for Granting Site Plan Approval: A) Marske said that it is in an area for residential homes. All ayes. B) All ayes. C) It seems to fit well. All ayes. D) Has the approval of the Road Commission. All ayes. E) They have the necessary approvals and the developers have answered their questions. All ayes. F) Payne said that it sounds like they want to keep it as natural as possible. All ayes. G) All ayes. H) Hackley said that they are doing what they can to preserve the natural features. Beemer added that they are preserving the big trees. All ayes. I) All ayes. J) The services are available. All ayes. They then reviewed Section 21A.05, Criteria for Approval of a Final Site Condominium Plan: A) All ayes. B) All ayes. C) It is true. All ayes. D) We have those documents and Hilmer has reviewed them. All ayes. Livengood moved, supported by Payne to recommend final site plan approval for the Harbert Hills Site Condominium to the Township Board. Motion carried.

Amendment to Lake Kruse Cottages Site Condominium

Sally Taylor, attorney for Unit 1 owners, Alexandrina & Vytas Saulis, was present to request a reconfiguration of Unit 1. Final site condominium approval was granted by the Township Board on March 8, 2007. The condominium consists of 2 units and limited common area. The proposed reconfiguration would allow an addition of a screen porch that would meet the required setbacks. Taylor said that they are asking for an amendment to the conditions, which in turn would amend the site plan. The project was done in 2006 and the Saulises bought the property in 2007. At that time they thought they had room to put in a screened porch that went beyond the existing envelope. They want it strictly for a screened porch to enjoy the summer evenings without mosquitoes. They are not looking on continuing the house line and encroaching into the setback. Taylor pointed out the drawings and the L-shaped screened porch that extended 3.2 feet on one side and 6.4 feet on the other side outside the envelope. It meets the setback off of Lakeshore Road and has 33 plus feet from Kruse Street and meets the backyard setback. The lot is 134 feet by 100 feet and there is another house on the property and the other owner would sign off on any amendment that was approved. Bohac asked if they would be asking to extend the description of the envelope to include this and Taylor said only for the purpose of a screened porch. Bohac then asked if they would give up other portions of the envelope in exchange for the additional square footage. She felt that if they could give up an equal amount of square footage, then it would be a fair trade. Hackley agreed that if they bent the rules to begin with, it would open the door to the other unit to expand.

Marske moved to recommend to the Township Board that they approve an amendment to the conditions and site plan to reconfigure the envelope to be as close as possible to the 1,649 square feet and be able to meet all the required setbacks. Livengood seconded the motion. Motion carried.

OLD BUSINESS

Farmland Preservation – Update to Master Plan

Hackley went over some of the changes: Community Center and Green Corridor definitions, open space development zoning, wetlands and water runoff and the several places where they talk about the entire area east of I-94 as eligible for Farmland Preservation. Bohac introduced the new Future Land Use Map that would meet the new verbiage in the Master Plan. Union Pier has a business district and community center. Lakeside and Harbert just have community centers. Sawyer has a central business district and community center. The areas in between these areas are where they want the larger setbacks and the green corridor. She said that they could vote to send it to the Township Board to review if they felt they were ready. They would then send a letter to the surrounding municipalities and the Berrien County Planning Commission that they are revising their Master Plan to include Farmland Preservation. If they did that tonight, it would be on the May 9 agenda of the Township Board. At that point it would either get approved or rejected. If it is approved, they can then send it to the surrounding municipalities and Berrien County Planning Commission. The public hearing would be set for no less than 60 days from then so they could either hold a special meeting in

July or do it at their August 6th meeting. Municipalities and Berrien County would have 40 days to comment. After the public hearing it would go back to the Township Board for adoption. Bohac asked that she be directed to contact Greg Milliken to make the small needed changes and then send it to the Township Board.

Marske moved to send the revisions and additions of the Master Plan to the Township Board after Bohac had contacted Greg Milliken to make the small needed changes. Livengood supported the Motion. Motion carried. Bohac asked that they include directing Township personnel to send a letter to neighboring municipalities and the Berrien County Planning Commission informing them that they are in the process of amending the Master Plan to include Farmland Preservation. Marske and Livengood agreed to the addition and the motion carried.

Election of Officers for the 2008-2009 Fiscal Year

Livengood moved to appoint Hackley as Chairman and close all nominations. Hackley said that he would accept, but that he would be missing two to three meetings in the coming year. Payne seconded the motion and the motion carried.

Livengood moved to appoint Beemer as Vice Chairman and close all nomination. Payne seconded the motion. Motion carried.

Payne moved to appoint Livengood as Secretary and close all nominations. Marske seconded the motion. Motion carried.

Comments from public: None.

Adjournment: Livengood moved, supported by Payne to adjourn the meeting at 8:24 p.m. Motion carried.

Marisue Hojnacki
Recording Secretary