

CHIKAMING TOWNSHIP PLANNING COMMISSION MINUTES FROM THE NOVEMBER 1, 2006 MEETING

PROPOSED

Tamara Samuels called the duly advertised and noticed public hearing to order at 7:00 p.m. with members Mike Livengood, Bill Marske, Tom Hackley, Steve Payne, Louis Price and Robert Beemer present. Also present were Zoning Administrator Betsy Bohac and Recording Secretary Marisue Hojnacki.

SLU 160 - Special Land Use Permit – Bed & Breakfast in R-1 District

Linda Jo and Rodney Clough were in attendance to request a Special Land Use Permit per Section 5.04.4 and Section 19.09.C of Chikaming Township Zoning Ordinance #87, as amended, to allow the operation of a 4 room bed and breakfast on a lot approximately 2 acres in size that has access on Elm Drive, 6227 Elm Drive, Sawyer, Property Code No. 11-07-7100-0004-01-6. The Commercial District is approximately 275 feet deep off Red Arrow Highway, the west 102 feet of this lot is zoned Commercial with the balance zoned R-1 Single Family Residential. The Zoning Board of Appeals granted a variance from the requirement that a Bed And Breakfast must be located on or have direct access to a public road on September 19, 2006. The property is served by municipal water and sewer. Rodney Clough handed out a revised site plan delineating the parking spaces as requested last month. He said that there is a hydrant 150 feet from the property at Peach Tree and Elm Streets. He explained that they are asking for a special land use permit to operate a four unit Bed and Breakfast, with one unit ADA accessible. He said that there is ample space from the street, 47.1 feet from the street to the frame and there is enough hedge and foliage around so the presence of four autos on the property would not be a visual detriment to the neighbors.

Tom and Katherine Davis, neighbors, were in support of the SLU Permit. Tom said they were good neighbors that would run the establishment well. He felt it would be good for the neighborhood to have a small B&B. Mickey Stamenkovich, who lives across the street, had no opposition and pointed out that part of the property is already zoned Commercial.

Samuels read the letters into the record. Kathleen Edens, who lives at 12518 Peachtree Lane, was opposed as she felt it would alter the nature of the community and bring more cars down Elm Drive that is maintained by the property owners. Daryn and Denise Schlipp, who live across the street, had no objection. Bob and Colleen Zientarski, neighbors, were in favor. They said they are good neighbors and did not see any threat to the safety or security of the neighborhood from this endeavor. Karen Grayson, who lives next door, was in favor and had no objections. Mildred Dolezel of 12555 Peach Tree Lane had no opposition and was in support of the B&B.

There being no further comments to come before the commission, the public hearing was closed at 7:12 p.m.

Regular Meeting: The regular meeting was called to order by Chairman Samuels at 7:12 p.m.

Approval of Minutes: Price moved, supported by Payne to approve the minutes of the October 4, 2006 regular meeting as presented. Motion carried.

Approval of Agenda: Livengood moved, supported by Marske to approve the agenda as presented. Motion carried.

OLD BUSINESS

SLU 160 - Special Land Use Permit – Bed & Breakfast in R-1 District

Linda Jo and Rodney Clough are requesting a Special Land Use Permit per Section 5.04.4 and Section 19.09.C of Chikaming Township Zoning Ordinance #87, as amended, to allow the operation of a 4 room bed and breakfast on a lot approximately 2 acres in size that has access on Elm Drive, 6227 Elm Drive, Sawyer, Property Code No. 11-07-7100-0004-01-6. The Commercial District is approximately 275 feet deep off Red Arrow Highway, the west 102 feet of this lot is zoned Commercial with the balance zoned R-1 Single Family Residential. The Zoning Board of Appeals granted a variance from the requirement that a Bed And Breakfast must be located on or have direct access to a public road on September 19, 2006. The property is served by municipal water and sewer. Price said that it looks good and there will be no kitchen. Linda Jo Clough said that they would be just serving continental breakfasts. Marske said that they said there would be no weddings or big parties and she said there would not due to the parking. Livengood said that they also mentioned that they would chip in more for the road and she said yes. She added that Kathleen Edens lives at the end of a dead end road and the road ends before getting to her property. She doubted that anyone would wonder down to her property as there is so much property for them to roam on at the bed and breakfast. Hackley said that it looked fine to him and he had wanted to hear from the neighbors and they did. He was concerned about future owners of the property. Price said that they could put conditions on the SLU Permit, but they can't take it away. Livengood said that they can't expand unless they come back to the Planning Commission. Clough said that it is going to be a destination, not a one night stop over. Livengood did not think that four vehicles would amount to anything. Samuels said that she could see putting on a condition that there are no wedding or large events. Hackley asked if their home would be open to the guests and was told that only one room to register. They will have a coffee maker and a small refrigerator in their room and a basket of rolls would be delivered in the morning.

The commission then reviewed the Section 19.03 B. General Standards for approval of a Special Land Use Permit: 1) Marske said that it is an accepted use in that district and a variance was granted. 2) It has one. 3) It is listed as a SLU for an R-1 Single Family Residential District. 4) Payne said that it's going to make no difference because it will look like a single family residence. Marske added that they are going to landscape it. 5) Payne said that they are not going to change anything dramatically that will change the land. 6) Hackley said that the addition of four cars is not excessive and Livengood added that there will be no more smoke or odor than already exists. 7) Payne said that it is already provided. 8) Conditions to be added. Livengood said that there should be no more than four units. Bohac said that they need to review page 19-7 C. Bed and breakfast homes: 1) No. 2) Limit it to four. 3) It does that and they have a variance on the road. 4) It has a variance. 5) They are. 6) Continental breakfast only. 7) There will be none. 8) They have that. 9) There are none. 10) It meets that. 11) They know that. 12) The only signage will be a dangling wooden sign over the arch like a home sign.

Marske moved to recommend the special land use permit to the Township Board with the conditions that there be no more than four rooms and there be no weddings or large parties. Livengood seconded the motion. Motion carried.

NEW BUSINESS:

Special Land Use Permit No. 161 – Single Family Dwelling in Commercial District

Tom and Katherine Davis were present to request a Special Land Use Permit under Article 9, Section 9.03.1 of Chikaming Township Zoning Ordinance No. 87, as amended, which allows single-family dwellings, either detached or in the same building as a permitted or authorized non-residential use in a Commercial District. If granted, the Special Land Use Permit would allow an existing single family home to be a permitted use in a Commercial District at 12563 Red Arrow Highway, Sawyer, Property Code No.: 11-07-0002-0060-00-7. The dwelling is served by municipal water and sewer. Tom Davis said that it is an existing house since 1972 and they want to get a home equity loan and can't without the SLU Permit.

Price moved, supported by Payne to set the public hearing for the SLU Permit for Wednesday, December 6, 2006 at 7:00 p.m. Motion carried. Price wanted to go on record that he felt it was a cruel rule that they should have to pay to get a SLU Permit under these circumstances.

Preliminary Site Condominium Plan Review – The Pointe

Larry Frankle, attorney for the Christiana Zilke Revocable Trust, was in attendance to request a preliminary site condominium plan review for a two-unit commercial condominium development known as The Pointe at 12291 Red Arrow Highway, Sawyer, Property Code No. 11-07-7280-0017-00-7. They wish to convert the existing commercial units into two condominium units with each unit consisting of one of the two buildings with the surrounding grounds and parking area designated as common elements of the development. The proposed development meets all dimension requirements and is served by municipal water and sewer, County drainage system and underground gas and electric. Frankle began by saying that he will ask them to take down the sign that says you can buy them separately. Samuels asked him if he wanted them to reject the plan or come back with the appropriate paper work for the site plan review. Payne said that he agreed that Frankle did not have the proper documentation. He added that if they allowed him to proceed without all the documentation, then they would have to allow others. Frankle said that the buildings are already there. Beemer said that they have to go by the rules. What we need is in writing. Bohac suggested that Frankle also write the condo docs and go for everything at once. She said that his review request lacked the narrative.

Frankle withdrew his application and said that he will submit a new one.

Pre-application Review – Woodhurst Beach Estates

Larry Frankle, attorney for Jeff Sweet, is requesting tentative approval for Platted Subdivision, Woodhurst Beach Estates, per Land Division Act and Chikaming Township Zoning Ordinance #87, as amended, for 9.11 acres at the west end of Holloway Drive and adjoining Ottawa Drive and Huntington Drive, Property Code No. 11-07-0010-0010-21-3. The subdivision would consist of ten building lots varying in size from 0.47 acre to 0.66 acre, one "no build" out lot, and a private road. Frankle said that there has been a correction. Right now there are only nine lots, instead of ten.

Bohac said that they all have a copy of the new site plan. Also, Frankle said that they are going to do it as a site condominium. Lot #5 is currently gone. He said that the property is all owned by the Sweet family. The parents live on the unplatted area where there are two homes. When they die, the road will extend and connect all the way and the road will be made 66 feet wide coming back. Until then there has to be a turn around a certain size so that had to lose Lot 5. Payne asked that if when the road comes through, then it will open up lot #5 to be buildable. Frankle said yes. He then continued that the out lot area is a nonbuildable area that will be kept open and the sites will be served by water and sewer. Payne asked if B and C were owned by someone else and was told that they were sold separately. Frankle said that the back drawing was of the utilities. He said that years ago Dan and he had met with the Utility Board with a similar plan. They will be going back and asking the Utility Board to revisit the plan. He said that last month they asked the Utility Board about bringing the water up Montaign, a private road. He asked them to look at the plan as a site condo with the out lot as common area. They will be units, as opposed to lots. He said that Lot 5 will be part of Lot 6, but eventually the road will go through and there will be ten units. They have a dedicated recorded easement from Mr. Blew. Hackley asked if they will get new drawings for this as a site condo and was told yes. Hackley asked about the spur that sticks out towards the lake and Frankle said that he has asked Dan Akin to take it out. He then asked if the out lot served as a basin for water retention and was told yes. Beemer asked if they will have access to beach rights and Frankle said they will have a dedicated easement with stairs. Hackley asked if the acreage of Lots 4, 6 and 10 included the road and was told yes. Bohac said that they need drawings that match what they said tonight and gave Frankle a copy of all the new Zoning Ordinance Amendments, which must also be met. Dave (?) said that his concern was his easement, which is on the other side of the property line. His deed says that it is for a driveway and now he wants to do a road. His feeling was that if he wants a road, he could build it on his property. Hackley asked Frankle's time frame and was told next month.

There were no comments from the public.

Adjournment: Livengood moved, supported by Payne to adjourn at 8:00 p.m. Motion carried.

Marisue Hojnacki
Recording Secretary.