

GLEN ARBOR TOWNSHIP
Planning Commission
Glen Arbor, Michigan 49636

December 2, 2021

CALL TO ORDER:

Chairman Lance Roman called the meeting of the Planning Commission to order at 7:30 P.M.

ROLL CALL:

Lance Roman, Bill Thompson, John Pepler, Bob Ihme, Andy Dotterweich and Jeff Gietzen. Michael Plessner was absent.

PLEDGE OF ALLEGIANCE

AGENDA:

Conflicts of Interest:

Three commission members stated a possible conflict of interest regarding the Single Family Dwellings in Business District agenda item.

Jeff Gietzen owns and operates a hardware store in the business district. After presentation and/or discussion, chairman **Roman called for a vote; All ayes that Jeff Gietzen does NOT have a conflict of interest to participate in the Single Family Dwellings in Business District agenda item.**

Bill Thompson indicated that he lives in the business district. After presentation and/or discussion, chairman **Roman called for a vote; All ayes that Bill Thompson does NOT have a conflict of interest to participate in the Single Family Dwellings in Business District agenda item.**

Bob Ihme owns and operates LVR and owns other property in the business district. After presentation and/or discussion, chairman **Roman called for a vote; All ayes that Bob Ihme does NOT have a conflict of interest to participate in the Single Family Dwellings in Business District agenda item.**

MINUTES:

The minutes of the November meeting were approved with a correction by a motion by Pepler and supported by Thompson. Motion carried.

CORRESPONDENCE:

TOWNSHIP BOARD REPORT:

Peppler reported that Deering's Tree Service was selected to do the clean-up of the Cemetery and they should be starting next week. Taking out the downed trees will cost about 25,000.00. The change in banks from TCF to Huntington caused some confusion in reconciling the accounts but a meeting with a representative from Huntington Bank clarified the process. David Houghton was appointed to the Board of Review and will be attending the December meeting. The Fisher Lake channel was dredged.

ZONING ADMINISTRATORS REPORT

Glen Arbor Township Zoning Administrator, Tim Cypher reported that he issued four land use permits in November, completed two land divisions and has two more pending. LeBear is rebuilding after their fire and Weisen is rebuilding their building after being destroyed by a car crashing into it.

ZONING BOARD OF APPEALS REPORT:

The Township Board has not appointed a new member yet but should have someone appointed next month. Cypher did report that there is nothing pending at this time.

PUBLIC COMMENTS:

BUSINESS:

1) Review Watershed District proposal

Roman provided a document he drafted as a discussion starting point, indicating that its purpose is that of a discussion guide, but does not necessarily include all subject matter and may include items not worthy of discussion. Also included was his paraphrased summary of correspondence he has received on this matter. It was mentioned that all correspondence to this matter is of public record and available from the Township clerk. Rob Karner, one of the authors of the Watershed District proposal, was present. He stated they are working with a consultant and the Empire Township Board and its Planning Commission. Their goal is to put Empire, Kasson, Cleveland, and Glen Arbor townships on the same page to adopt similar ordinances. The Planning Commission members discussed the proposal, with input from Rob Karner who provided insight and explanation to the PC members on the subject matter. The following table of discussion points and commission member comments follows:

(Note: This agenda item minutes was authored by Chairman Roman and reviewed by the recording secretary.)

ITEMS	Considerations	Commission Member Remarks
Section 1A/B - Purpose	Good intent	
Section 1C/B – Application	<ul style="list-style-type: none"> • How is physical border of the watershed defined on a practical basis, i.e. map? • It appears a large portion of the township would be in the park district. Why not just apply the proposed protection to the township? • Creating a new zoning district is something that should only be done when it is the only means to solve an issue. Creating a new district, especially an overlay, can create many unintended consequences. 	<ul style="list-style-type: none"> • Karner indicated that the size of the defined watershed physical borders. • Discussion promoted that size of most of the Township, outside the park, is in the watershed. An overlay district is not necessarily required and any ordinance should be township wide. • Comments were made that a new zoning district should be needed.
Section 2A9 – Steep Slope Definition	Is slope % too restrictive?	<ul style="list-style-type: none"> • Discussion of slope was too restrictive and was compared to the state critical dune setback. • Proposed slope restriction is excessive in many situations.
Section 3A – Permitted Uses Section 3B – Non-permitted Uses Section 3C – Lot Area ... Setback Requirements	Already covered in districts	<ul style="list-style-type: none"> • These items are already covered in the underlying districts. • Discussion of gas station requirements would prohibit such on Glenview affecting boat marine needs.
Section 3D – Shoreline Vegetation	<ul style="list-style-type: none"> • Good intent • Is size too excessive? • How much does this help improve watershed quality for a little slope situation, what has good water absorbent sand or soil? • Does this solve a major impact on watershed quality? 	<ul style="list-style-type: none"> • Discussion focus on size being too restrictive. • Questioned, why a buffer is needed on flat land that has good soil and no runoff into the lake. • Suggested that land slope considerations should enter into the discussion.
ITEMS	Considerations	Commission Member Remarks

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		<p>this requirement.</p> <ul style="list-style-type: none"> • Rob Karner indicated that E nationwide research report runoff is a major impact to quality. He also indicated th manicured lawn has shallow and does not provide capture runoff nutrients, compared natural vegetation.
<p>Section 3E – Hardened Seawalls</p>	<ul style="list-style-type: none"> • Mostly on North shore of Little (Day Forest Rd.) • Is reflective wave action a r issue, considering that the depth in these areas are less feet, and most wave energy already been absorbed? • Retaining wall may be a better solution when the land is high above the water with drop the water (no or very steep) • Demonstrate hardened seawall to ZA? 	<ul style="list-style-type: none"> • Discussion that the state requires permit to install a seawall. • Discussion of wave energy absorbed as water gets shallow near shore. As a result, seawall provides little wave reflection. • Noted that most seawalls are on North shore of Little Glean land is too high above the water and a retaining wall is the preferred solution. • Solution of riprap or seawall to be left to property owner.
<p>Section 3F – Fertilizer Use</p>	<ul style="list-style-type: none"> • Good idea not to use fertilizer • Is this already covered by state statutes? 	<ul style="list-style-type: none"> • Agreement that fertilizer is environmentally unsound on front or steep slopes and is regulated by the state.
<p>Section 3G – Lot Coverage and Minimum Vegetative Cover</p>	<ul style="list-style-type: none"> • Most of this covered in the underlying districts. • 30% vegetative coverage too excessive? • Most land is sand that tends to drain well and quickly. • Language subjective: “To the practical ...” 	<ul style="list-style-type: none"> • Discussion that maximum lot coverage in most districts is 30% • Concern that long driveways be a problem in the proposed ordinance. • Propose ordinance language abstract. Law requires that restrictions are itemized and clear text.

ITEMS	Considerations	Commission Member Remarks
Section 3H – Storm water Management	<ul style="list-style-type: none"> Managed by County ordinance Most land is sand that tends to drain well and quickly. A heavy rain or spring snow melt will temporarily result in high water areas ponding. Is it expected that this would be mitigated? How close is GA to buildout and how does that affect the rationale statement suggested? Language subjective: “<i>When feasible ...</i>” 	<ul style="list-style-type: none"> Discussion that the county ordinance and issues permits. It was suggested that Glenwood Township is close to buildout and that is not an issue with Storm water Management.
Section 3I – Steep Slopes	Requirement language too subjective	<ul style="list-style-type: none"> Discussed in Steep Slopes Ordinance (above)
Section 3J – General Design and Development Standards	<ul style="list-style-type: none"> Requirement language too subjective Tree protection requirements excessive? Too much reliance on ZA 	<ul style="list-style-type: none"> Propose ordinance language more abstract. Law requires that restrictions are itemized and in clear text.
Section 4B – Site plan approval	<ul style="list-style-type: none"> Are the requirements excessive, unnecessary, and too subjective? Can the requirements be performed by the owner/agent or is a consultant needed? Too much reliance on ZA? 	<ul style="list-style-type: none"> Most of the requirements are already in the ordinance. Environmental inventory requirement is difficult for average person to do, and requires a consultant. Questioned if the environmental inventory requirement accomplishes proposal objectives.
Section 4C – Plot plan approval	When is a plot vs site plan requirement?	<ul style="list-style-type: none"> Difference explained by Title 15 Site plan for PC review, as for Plot plan does not, determined by utility district requirements.
Things to think about		
Enforcement	How is after the fact enforcement?	<ul style="list-style-type: none"> This was discussed in many of the above topics. Too much reliance on ZA Should not have an ordinance that is not enforceable. Suggested that enforcement be in the form of neighbor cooperation.

Subjective Language	<ul style="list-style-type: none"> • Too much reliance on ZA? • Litigation? 	<ul style="list-style-type: none"> • Propose ordinance language abstract. Law requires that restrictions are itemized and clear text (repeated).
New overlay zoning district	<ul style="list-style-type: none"> • Does proposal rise to the level of necessity for a new zoning district? • Unintended consequences 	<ul style="list-style-type: none"> • Already suggested, township ordinance would be better than new district.
Grandfathering	<ul style="list-style-type: none"> • How many parcels would not already be grandfathered? • Is grandfathering fair to new lot construction owners? • When does a change on property trigger an ordinance requirement? • How is non-conformance handled? • Should this be a township ordinance to eliminate grandfathering? 	<ul style="list-style-type: none"> • Discussion on a township ordinance. • Discussed when change on property would trigger an ordinance requirement. Proposed language too vague.
Public Awareness	<ul style="list-style-type: none"> • Will the average property owner or perspective buyer be aware of ordinance contents? • Would this be better served by an educational piece by the Glenview Association and township, or an ordinance? 	<ul style="list-style-type: none"> • Discussed that most people are not aware of zoning in general. • Suggested that a better alternative to having an ordinance, would be an educational program set up by the Township and the Glenview Association targeted at land use applicants.

- 2) Review Township Board comments for Single Family Dwellings in Business(Time Allowing)
- 3) Review Ordinance update proposals (Hold for future agenda)
 - a. Relaxing off street parking requirements in Business District
 - b. Fences as structures review
- 4) Ordinance review subcommittee update (Hold for future agenda)

PUBLIC COMMENTS:

Ken Johns commented on Single Family Residences in the Business District. He is building on Lot 41 on Manitou Boulevard and would like the Planning Commission to be considerate of small lots to use for businesses. Johns also stated that properties South of Western Avenue have several vacant lots that are zoned for business but might have prohibited size requirements.

Bruce Warren, David Burton, Tom Ingold and Kim Almond expressed their various objections to the Watershed Proposal.

COMMISSION MEMBER COMMENTS:

Roman will not put the Watershed proposal on a future agenda since there has been no motion made to continue discussion at this time. Rob Karner suggested that some revisions are being made and they will be ready to present the proposal in the spring.

ADJOURN:

The meeting of the Glen Arbor Planning Commission was adjourned at 9:30 by Chairman Lance Roman

Respectfully Submitted
Dotti Thompson
Recording Secretary
Glen Arbor Planning Commission

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