

Clearwater Township
Planning Commission
Regular Meeting of September 13, 2021
As approved October 4, 2021

Call to Order, Pledge of Allegiance:

Chair Von See called the meeting to order at 7:12 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Cassasa, Fields, Keyes, Von See.

Commissioners absent: Leffew

Township officials: Margret Spann, Deputy Clerk

Public: Adam DeVaney, John Hyslop

Approval of Agenda:

MOTION by Casassa, second by VonSee to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair calls for commissioners to disclose any real or potential conflicts of interests. All members of the Commission declare no conflicts of interests.

Approval of Minutes:

MOTION by Von See, second by Casassa to accept the minutes of the meeting of August 23, 2021, as written. Motion carried.

Public Comment for Matters Not on the Agenda:

None.

Commissioner Comment for Matters Not on the Agenda:

None.

Correspondence on Matters Not On the Agenda

None.

Old Business:

Vendor Ordinance update - Before the Planning Commission can work on crafting a vendor ordinance to allow the sale of beer and other alcoholic beverages during public events held in the township's parks and athletic facilities, it is important to determine what the township's existing rules are regarding alcohol on township property. We find in Ordinance 20 Section 4 Regulations. "No person shall: (k) possess or consume alcoholic beverages on or in a road

ending, public access site or township park.” An amendment adopted by the Township Board on August 18, 2009 modifies the language of subsection (k) thus: “consume or have open alcoholic beverages on or in a road ending, public access site or township park.” This portion of Ordinance 20 will need to be revised if the Township Board desires to permit the sale of alcoholic beverages at public events held on Township property. As part of the meeting packet, Secretary Fields included a copy of the State of Michigan’s Uniform Vendor and Purchaser Risk Act (PA 53 of 1941), as well as the Vending Ordinance Chapter 21 of St. Joseph, Michigan.

Marijuana Facilities Ordinance update- Secretary Fields provided copies of the Clearwater Township Resolution #3, dated November 15, 2017, declining to adopt an ordinance authorizing marihuana facilities within the township; Clearwater Township Ordinance 28, adopted January 16, 2019, prohibiting Marihuana Establishments; The Village of Kalkaska Ordinance 2020-001 regulating Marihuana Facilities; and the City of Flint’s Ordinance 200074, Section 50-183 Marihuana Facilities Opt-In Ordinance.

Additional information was provided in a document with links to web addresses with more ordinances from other jurisdictions.

Report of Planning Commission Chair:

Chair Von See – reported on making a visit to the site being considered for a subacute detox residential facility by Dr. Riegel. His initial impression was that there are so many hills and valleys on that property that they would “have their work cut out for them.” Subsequently, he saw a program on people who do similarly difficult projects, who take into consideration both the environment and the topography of the land. Thus, he reasons that with the right people and the right site plan, the project may be feasible. The township will have to wrestle with it when all the appropriate information has been provided.

Report of Township Representative:

Trustee Keyes – reported that there was much discussion at the Township Board meeting regarding concerns raised by neighbors about the Torch Tiki business. The matter has been referred to the township’s legal counsel for guidance. The Township Board inquired about progress on the interactive zoning map. Fields responded that the project has been delayed by other urgent matters the Commission has dealt with.

Report of ZBA Representative:

Commissioner Casassa – reported there has been no new business since the ZBA’s last meeting. The next regular meeting is scheduled for October 11, 2021.

Report of Zoning Administrator:

No report.

New Business

ZBA wording change request – The ZBA requests a change in the wording of the standards of review for dimensional variance because if they find under Standard A that there is no practical

difficulty, then the discussion in Standard C and Standard D that refers to a practical difficulty is both confusing and awkward.

Standard A The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district (e.g., unique dimensional, topographical, and/or structural conditions) thus presenting the possibility of a practical difficulty for this particular property.

Current wording for Standards C and D: (underlined text to be modified)

Standard C The requested variance is the minimum variance necessary to mitigate the practical difficulty.

Standard D The practical difficulty resulting in the need for the requested variance was not created by any

The requested wording for Standards C and D: (underlined suggested new text)

Standard C (or 3) The requested variance is the minimum variance necessary to mitigate the condition on which the claim of practical difficulty is based.

Standard D (or 4) The condition on which he/she bases the claim of practical difficulty was not created by any action of the current property owner.

Discussion resulted in the Commission's finding that the requested change clarifies the standards review process and does not change the meaning or intention of the standards. Therefore, this may be just a housekeeping correction.

However, the Commission seeks the concurrence of the Township Board before proceeding with the change.

MOTION by Fields, second by Von See, to request approval from the Township Board to make the suggested clarifying changes to Standards C and D as being appropriate housekeeping corrections to the standards of review. Motion carried.

Blight – Secretary Fields provided materials for study on nuisance and blight in the meeting packet.

Closing Public Comment:

John Hyslop – spoke on an idea he has presented to the Parks and Rec Committee: to abandon replacement of the Underhill Road Bridge, to use Trosko Road instead with improvements, which would eliminate the danger at the intersection of Underhill and Valley Roads on the curves. This would permit the making of a pocket park similar to Seven Bridges and Rugg Pond. He said that at this point the river is attractive to fishermen and a few hardy kayakers. He lives at the north end of the bridge and would hate to see the damage a two-lane crossing would necessitate. As an incentive, he would consider donating sufficient property to accommodate a modest kayak launch and fisherman access to the north side of the river's south branch. He's looking at donating approximately 100 feet of his property along the north side of the river's south branch. His land, the old bridge and some land to the east to provide a walkway or stairway access to the river, he believes would make a nice little park for the township. He has

made some measurement marks and placed stakes in the ground to mark out his idea, and he invites us to go look it over.

Adjournment:

MOTION by Fields, second by Casassa, to adjourn. Adjournment at 7:54.

Assignments:

- Fields to send memo to the Township Board regarding the clarifying language for the ZBA standards of review for a dimensional variance.

Next Meeting: October 4, 2021, at 7:00 p.m. in the Clearwater Township Community Center (aka the Little Red Schoolhouse).

Respectfully submitted,

A handwritten signature in cursive script that reads "Tina Norris Fields".

Tina Norris Fields

Secretary