

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**January 5, 2011**

**PRESENT** Chairperson Carol Kooistra, Tom Thompson, Jan Deur, William Josephson, Steve Nagengast, Brian Lernowich and Susan Hertel.

**ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Dion and 3 interested parties.

**CALL TO ORDER** Chairperson Kooistra called the January 5, 2011 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

**AGENDA** **Motion by Steve Nagengast, second from Tom Thompson, *ADOPTED*, to accept the January 5, 2011 meeting agenda as written.**  
7 AYES

**MINUTES** **Motion by Jan Deur, second from Susan Hertel, *ADOPTED*, to accept the December 1, 2010 regular meeting minutes as written.**  
7 AYES

**PUBLIC COMMENT** - None

**PUBLIC HEARING**

1. Article III, General Provisions, Section 3.23 Non-Conforming Buildings, Structures and Uses, B. Expansion and Substitution of Nonconforming Buildings or Structures (1) and (3).

Chairperson Kooistra stated that for most of the last two (2) years the Planning Commission has been working on reviewing and updating all ordinances. An Ordinance Review Sub-committee of Commissioner Josephson as Chairperson, and Zoning Administrator Don Sandel and Zoning Coordinator Sally Dion as members, was appointed. At times, other planning commission members were asked to assist this sub-committee. Many ordinances have received amendments as often, these ordinances were written a long time ago. We have another before us at this time regarding Non-Conforming Buildings, Structures and Uses of which proposed language was provided on sign-in table and with this she will open the Public Hearing.

**PUBLIC HEARING OPEN 7:04 P.M.**

**Ted Boers, 6198 Murray Road #301**, is representing both himself and his neighbors the McGee's, expresses concern of letting a nonconforming structure be enlarged by 50%.

**John Rintamaki, 6198 Murray Road #303**, states he believes we need to review the full ordinance for anything else that may be changed because of the proposed amendment, believes what we are proposing is only for a standing building as of January 1, 2011, not for one that has been demolished, believes the proposed language is conflicting, questions the timing of this proposed amendment, and raised question of whether there was any conflict of interest.

**Jane Gardner, 5625 Murray Road**, states her biggest issue with the total Section 3.23 is the allowance of enlarging and rebuilding nonconforming structures, her belief is that nonconforming structures are only supposed to be maintained and eventually fade away. She believes the proposed language needs further review for clarity.

**PUBLIC HEARING CLOSED 7:18 P.M.**

Chairperson Kooistra asked Commissioner Josephson and Zoning Administrator Sandel to address the concerns raised during the public hearing. Commissioner Josephson explains even if a home is demolished we still have on record what the floor area was on January 1, 2011, also if a home is being demolished and rebuilt it has to be documented by a registered surveyor so we have accurate information of what was there, we are trying to make it stay on the existing footprint but allow them to enlarge the floor area by 50%, he agrees we should not allow anything enlarged to go beyond the setbacks unless a variance is requested and granted, this needs to be added for clarification, he also advised that other parts of the ordinance have already been amended and that the reason we are proposing this amendment now is because we have had clarification issues with this section. Because of the clarification issue with this section it needs to be addressed before the issues can arise again thus this proposed language that has been being worked on for months.

Chairperson Kooistra advised that late this afternoon we received a response from Attorney Eklund regarding the proposed language and in it he did list a few things that could use further review. He suggests the use of terms “gross floor area” or “usable floor area” should be used since they are currently defined in the ordinance. He also added that the terms “rebuild” and “restore” are currently used but not defined in the ordinance so if they will still be used we need to define them. Chairperson Kooistra asked Zoning Administrator Sandel to read the definitions from our zoning ordinance for Floor Area, Gross (GFA) and Floor Area, Usable (UFA). Commissioner Josephson stated he agrees with Attorney Eklund’s suggestion to propose the use of “Floor Area, Gross (GFA)” instead of “floor area” that was previously proposed and that if we leave “rebuild” and “restore” in we need to define them.

## COMMISSIONERS COMMENTS

**Commissioner Thompson** – echo’s Commissioner Josephson’s statement that because of the clarification issue with this section it needs to be addressed before the issues can arise again thus this proposed language that has been being worked on for months. He also stated that he believes a nonconforming use and nonconforming structure in many cases are two (2) different things ex: if a small business was in a residential zoning district it would be a nonconforming use and a nonconforming structure might be one that is one (1) of two (2) on a parcel when the ordinance only allows one and of course it could be because of setback issues or other things. He also stated he agrees that there are definitions that need to be added.

**Commissioner Deur** – agrees the timing of this proposed amendment is coincidence of any project that may be occurring at this time, and doesn’t believe there is any conflict of interest; also agrees with Commissioner Thompson that we need to do further review of the proposed language.

**Commissioner Lernowich** – echo’s previous comments.

**Commissioner Nagengast** – echo’s previous comments and thanks audience for their feedback.

**Commissioner Hertel** – echo’s previous comments.

**Chairperson Kooistra** – thanked those in the audience for attending, advised that after completion of the Fruitland Township Master Plan, goals were set to review and propose changes to existing ordinances. This process of review has been ongoing for the past two years, and this particular ordinance has been discussed at our meetings for several months. After hearing resident’s comments, and after receiving input from Attorney Eklund, she stated that this ordinance will be sent back to the sub-committee for further review, with further discussion on upcoming Planning Commission Agendas. She advised audience if they have further input to earlier call Zoning Administrator Sandel or email Commissioner Josephson.

**Commissioner Josephson** – thanks those in the audience for coming, it is most useful and he may be contacting them while reviewing and rewriting the proposed language.

## CORRESPONDENCE

**JoAnne McShane and William Nutting, 6164 Murray Road** – objects to proposed language.

**OLD BUSINESS****1. Medical Marihuana Sub-committee Report – Commissioner Deur**

Commissioner Deur, chairperson of the Medical Marihuana sub-committee, handed out a proposed ordinance “to impose a moratorium on the issuance of permits, licenses or approvals for the sale or dispensation of medical marihuana; and to prohibit the sale of medical marihuana”. This would need to be approved by the Township Board and would become effective the day following its publication. Chairperson Kooistra, asked all commissioners for comments and it was agreed by all that a moratorium was in order. There was some discussion regarding a six (6) month vs. a twelve (12) month time frame and some clarification of the proposed language was provided by Commissioner Deur. It was also noted that this language had been approved by several attorneys, including our township attorney, Bob Eklund.

**Motion by Jan Deur, second from Brian Lernowich, ADOPTED, to recommend to the Township Board that they impose a six (6) month moratorium on the issuance of permits, licenses or approvals for the sale or dispensation of medical marihuana, and to prohibit the sale of medical marihuana”.**

**6 AYES**

**1 NAY (Hertel)**

**2. Zoning Ordinance Review Committee – Commissioner Josephson**

Commissioner Josephson advises that the committee has not worked on anything new in the past month; however, they are still waiting for the State of Michigan findings before starting to review Article XVII, Signs in full.

**3. Response to Correspondence**

Chairperson Kooistra said she would like to know what commissioners thought of Dr. Holly’s idea of having a Duck Lake Community Zone.

**Commissioner Thompson** – he believes that many of Dr. Holly’s concerns have been addressed in the Inland Lakes District (ILD) and the Forest Preservation/Recreation District (FPR) and wondered if this was the appropriate body to further address these concerns.

**Commissioner Deur** – likes what Dr. Holly proposed, would like to see other local groups, such as the Duck Lake Association and Duck Lake Watershed, join his vision on this project.

**Commissioner Lernowich** – likes Dr. Holly’s ideas, asks how do we get the word out to others?

**Commissioner Nagengast** – study with Grand Valley needs to be done first according to Dr. Holly, believes Dr. Holly should work with the Duck Lake Watershed.

**Commissioner Hertel** – agrees we do not need another zoning ordinance; the Duck Lake Watershed is probably the best place for him to go.

**Chairperson Kooistra** – stated that she met with Don Sandel to discuss Dr. Holly’s proposal and what could be done to give assistance. They agreed that even though the concerns are very worthy, the Planning Commission was not the appropriate body to address these concerns. Therefore, it was agreed that a letter, including the proposal of Dr. Holly, would be sent to the Duck Lake Riparian Owners Association for their consideration. It was agreed that the same letter should be sent to the Duck Lake Watershed.

**NEW BUSINESS**

None

**COMMISSIONER COMMENTS**

None

**PLANNING/ZONING UPDATES**

Zoning Administrator Sandel advised he attended a Zoning Meeting at Laketon Township today and learned that the next Master Plan will need to include studies for all transportation (proposed roads, bike paths, etc).

**ADJOURNMENT**

**Motion by Jan Deur, second from Tom Thompson,  
*ADOPTED*, to adjourn the January 5, 2011 regular  
meeting at 8:50 p.m.**

Respectfully Submitted,

Sally Dion, Recording Secretary