

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**November 2, 2011**

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

**ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Dion and 1 interested party.

**CALL TO ORDER** Chairperson Kooistra called the November 2, 2011 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance and a moment of silence for Commissioner Roesler's Father, Mayor Henry Roesler who passed away.

**AGENDA** **Motion by Steve Nagengast, second from William Josephson, *ADOPTED*, to accept the November 2, 2011 meeting agenda as written.**  
7 *AYES*

**MINUTES** **Motion by Jan Deur, second from Brian Lernowich, *ADOPTED*, to accept the October 5, 2011 regular meeting as written.**  
7 *AYES*

**PUBLIC COMMENT**

None

**OLD BUSINESS**

1. Article III, General Provisions, Section 3.23 Non-Conforming Buildings, Structures and Uses.
  - C. Change or Discontinuance. The nonconforming use of a building or structure or land shall not be:
    1. Changed to any other nonconforming use unless the Board of Zoning Appeals finds that such change in use will have a less harmful effect on neighboring properties than the existing nonconforming use.
    2. Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of six (6) months.
    3. Re-established after it has been changed to a conforming use or less nonconforming use.

Chairperson Kooistra and Commissioner and Liaison Deur met with Attorney Even this week regarding Non-Conforming Uses to discuss concerns raised at the October meeting. Attorney Even explained that the Township Ordinance does not allow for use variances and that number one (1) is only allowing an already nonconforming use to become less nonconforming if ever changed. Consensus is to not do anything with this section at this time. He also advised if the Commission is still wishing to work on amending this section regarding nonconforming buildings and structures that specifics need to be addressed, ex: setbacks, lot size, etc. Discussion was held on maybe amending number two (2) to a period of one (1) year from the current six (6) months. He also advises that when updating the Master Plan when the time comes that maybe the nonconforming uses (Michillinda Beach Lodge and Lakeside Inn) should be rezoned.

## 2. Reports from Sub-Committees

- **Oil and gas storage tanks** – Commissioner Lernowich-Chair states there is no update at this time. Recording Secretary Dion will send information she received from the DEQ to Commissioners Lernowich and Josephson.
- **Outdoor Wood-Fired Furnaces** – Commissioner Lernowich-Chair handed out some possible language that gave a definition and some restrictions. After discussion it was decided that Commissioners Lernowich and Roesler will work further on this and report at the next meeting.
- **Medical Marihuana Ordinance** – Commissioner Deur advised that the Township Board agreed to extend the moratorium for an additional six (6) months to expire on July 31, 2012, given so many changes are being made at the state level regarding current law.
- **Low Impact Development** – Commissioner Nagengast-Chair handed out proposed language for possible amendment as follows: **In addition, methods to employ Low Impact Development (LID) techniques are strongly encouraged. LID techniques promote source controls of storm water and maintain the natural hydrological cycle by: preserving open space and minimizing land disturbances; protecting natural features and natural processes; re-examining the use and sizing of traditional infrastructure (lots, streets, curbs, gutters, and sidewalks); integrating natural site elements (wetlands, stream corridors, mature forests) into site designs; and decentralizing and managing storm water at its source. Such techniques include a permeable pavement, grassy swales, bio retention/rain gardens, infiltration trenches and basins, filter strips, tree box filters, cisterns, dry wells, rain barrels and similar best management practices set forth in the State of Michigan's Low Impact Development Manual.** Consensus was to add the language as proposed to Article XV Site Plan Review Section 15.07 Review Standards (J).

**Motion by Tom Thompson, second from Brian Lernowich, ADOPTED, to approve the language as proposed and add to the ready for Public Hearing file.**

**7 AYES**

Commissioner Thompson-Chair of the following stated that he and Zoning Administrator Sandel met and discussed the following.

- **Neighborhood Commercial Uses** – Uses permitted both by Right and by Special Land Use were reviewed. It was decided the existing language is fine but they are working on proposing exact language to add something that will catch all that is not listed under the Uses Permitted by Special Land Use.
- **Digital Signs** – At this time we have no restriction on timing, colors, etc. Commissioner Roesler stated his brother who is the sergeant of the Traffic Safety Division for the district may have valuable information on this type of thing. He will email information to Zoning Administrator Sandel and Recording Secretary Dion to pass onto to Commissioner Thompson. Consensus was to have Commissioner Thompson and Zoning Administrator Sandel use this information to propose language to require a lag time for messages.
- **Ponds** – We have an existing ordinance; however, it does not limit the size of ponds. It does have a minimum five (5) acre requirement to have a pond. Commissioner Thompson proposes no pond can be more than one (1) acre in size without a variance and if you want more than one (1) pond you must have an additional five (5) acres. He believes ponds are a breeding ground for insects and can be a nuisance for neighboring properties. Zoning Administrator Sandel is to contact Planner Tim Johnson and discuss this issue with him.

- **Open Space PUD** – We have a current ordinance; however, it has never been used. Commissioner Thompson stated he has never agreed with the density and number of dwelling units allowed for an area which is requested for rezoning to OS-PUD. The ordinance would allow Rural Residential (RR) to have a maximum average density of five (5) acres/dwelling unit (.2 dwelling units per acre), Medium Density Residential (MDR) two (2) acres/dwelling unit (.5 dwelling units per acre) and Medium High Density Residential (MHDR) 30,000 sq. ft. per dwelling unit w/o public sanitary sewer and water (1.45 dwelling units per acre) or 20,000 sq. ft. per dwelling unit w/public sewer and water (2.17 dwelling units per acre). Zoning Administrator Sandel stated that he and Commissioner Thompson disagree on this issue. Chairperson Kooistra advised Commissioner Thompson if he would like to propose specific language to amend this it would be reviewed however, she can not promise an amendment would be agreed on.

**COMMISSIONERS COMMENTS** – None

**PLANNING/ZONING UPDATES** – None

**ADJOURNMENT**

**Motion by Jan Deur, second from Tom Thompson, *ADOPTED*,  
to adjourn the November 2, 2011 regular meeting at 8:45 p.m.**

**7 AYES**

Respectfully Submitted,

Sally Dion, Recording Secretary