

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**February 8, 2012**

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

**NOT PRESENT** Steve Nagengast - Excused

**ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Dion and 7 interested parties.

**CALL TO ORDER** Chairperson Kooistra called the February 8, 2012 meeting to order at 8:00 p.m. and led those in attendance in the Pledge of Allegiance.

**AGENDA** **Motion by William Josephson, second from Jan Deur, *ADOPTED*, to accept the February 8, 2012 meeting agenda as written.**  
**6 AYES 1 ABSENT**

**MINUTES** **Motion by Dave Roesler, second from Tom Thompson, *ADOPTED*, to accept the January 4, 2012 regular meeting minutes as written.**  
**6 AYES 1 ABSENT**

**PUBLIC COMMENT**

None

**PUBLIC HEARINGS**

**1. (Amend) Article III, General Provisions, Section 3.23 Non-Conforming Buildings, Structures and Uses.**

**B. Expansion and Substitution of Non-conforming Buildings or Structures.**

Non-Conforming buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided they meet one of the following four (4) requirements:

1. Meet all site development standards of that zoning district thereby eliminating the non-conformity.
2. On lakefront properties if the side and rear setbacks are met expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district.
3. On lakefront properties if the side or rear setbacks are not met then only that portion which meets the setback requirements may be expanded or enlarged up to 50% of the gross floor area as it existed as of January 1, 2012. Any such expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district.
4. On non-lakefront properties buildings and structures may be maintained, repaired, expanded or rebuilt on the existing footprint but may not be expanded or rebuilt into any setback requirement beyond the original

height or location other than the front setback may be expanded along the line of the existing structure as long as the side yard setback of the zoning districts are maintained.

A topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures to assure proper grade elevations and placement. Restoration or rebuilding is permitted whether the non-conforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration. A building permit shall be obtained within one (1) year of loss, or else restoration or rebuilding shall not be permitted as described above.

**PUBLIC HEARING OPEN 8:05P**

**PUBLIC HEARING CLOSED 8:13P**

- Betsy Grein, 5780 Oaktree Lane, read letter from Jane Gardner and requested it be made part of record (see attached).

**DISCUSSION**

Chairperson Kooistra explains that a lot of time and effort has been put into this proposed language; as most know there was previous language proposed and sent to the Township Board for approval that was not approved. The Planning Commission felt strong enough that this section needed to be revised that they continued to work on language and are sending this proposed language to the Township Board for approval. The Township Attorney has reviewed the language and supports it. Some of the suggested revisions from the public at the previous Public Hearing were implemented. They are taking the proposed revisions from Jane Gardner under advisement; however, consensus of all Commissioners is not to try and rewrite this language at this time but to send it to the Township Board for approval and if need be to work on revisions at a later date. Unfortunately this language can not be written to accommodate every situation.

**Motion by William Josephson, second from Jan Deur, *ADOPTED*, to recommend approval to the Township Board of Trustees the language as written above.**

**6 AYES 1 ABSENT**

2. (New) Article II, Definitions, Section 2.16 (O) – Outdoor Furnace
3. (New) Article III, General Provisions, Section 3.30 – Outdoor Furnaces

**ARTICLE II  
DEFINITIONS**

**SECTION 2.16            DEFINITIONS – O**

**OUTDOOR FURNACE**

A furnace, heating system, stove or boiler that is a separate structure, either above or below ground, not located in a building, but provides heat or hot water for a building or buildings on the same lot.

**ARTICLE III  
GENERAL PROVISIONS**

**SECTION 3.30            OUTDOOR FURNACES**

- A. Outdoor furnaces are allowed in all districts except the Medium High Density and High Density Residential Districts.

- B. There shall be a minimum setback of forty (40) feet from any property line.
- C. There shall be a minimum of fifteen (15) feet required on the height of the chimney measured from grade.
- D. Fuels that may be burned in an outdoor furnace:
- Wood without additives
  - Wood pellets without additives
  - Agricultural seeds in their natural state
- E. Fuels that may not be burned in an outdoor furnace:
- Leaves and grass and other similar waste
  - Rubbish/garbage including food waste, food packaging
  - Animal carcasses
  - Painted wood
  - Furniture
  - Composite shingles
  - Construction or demolition debris
  - Household or business waste
  - Waste oil or other oily products
  - Treated or painted wood
  - Rubber including tires and synthetic type products
  - Newspapers or corrugated cardboard
- F. The outdoor furnace shall be kept in a reasonable condition and repair at all times.
- G. A mechanical permit will be required to install.
- H. The Zoning Administrator or Ordinance Enforcement Officer may require that the smokestack or chimney of an outdoor furnace be raised or other alternations made to the outdoor furnace if, in the opinion of the Zoning Administrator or Ordinance Enforcement Officer, it is being operated in such a manner that smoke emissions from the outdoor furnace are a nuisance and unreasonably interfere with the safe or reasonable enjoyment of nearby or adjoining properties by the owners or occupants thereof.

**PUBLIC HEARING OPEN 8:22P****PUBLIC HEARING CLOSED 8:40P**

- Mary Ann Bard, 1428 W. River Road, voiced concerns with the need for this language and the enforcement of it. She asked if fireplace inserts are included in this. She does not feel the Zoning Administrator or Enforcement Officer should be responsible nor are they licensed to make these decisions. She suggested putting this in E-NEWS and doing a survey.
- Judy Marcinkowski, 3767 Jay Road, opposes language, believes there should be restriction of burning tires, and agrees with doing a survey.
- Donald Banks, 2577 Lakewood Road, was here to see what the proposed language was because he recently purchased one.

**DISCUSSION**

Consensus of all Commissioners is that the proposed language is for prevention. It was decided to table the language and put back to the sub-committee for further review and discussion was held as to whether or not to poll the residents by either putting it in the E-News or creating a survey. Further discussion will be held at the March meeting on how to proceed.

Motion by Brian Lernowich, second from William Josephson, **ADOPTED**, to table the language as written and put it back to the sub-committee for further review.

**6 AYES 1 ABSENT**

4. (Amend) Article XV, Site Plan Review, Section 15.04 Application and Review (C)
5. (Amend) Article XV, Site Plan Review, Section 15.07 Review Standards (J)

**ARTICLE XV  
SITE PLAN REVIEW**

**SECTION 15.04 APPLICATION AND REVIEW**

- C. Upon receipt of an application for Site Plan Review, the ~~Township Clerk~~ **Applicant** shall transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the request, for their review and comment. In some cases agency review may require an onsite visit and an associated fee, which the applicant is responsible for.
1. Muskegon County Road Commission.
  2. Muskegon County Health Department.
  3. Muskegon County Drain Commissioner.
  4. White Lake Fire Authority.
  5. Muskegon Conservation District.

**SECTION 15.07 REVIEW STANDARDS**

- J. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the neighboring properties, aquatic resources, or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. The Site Plan shall fully conform to the Muskegon County Soil Erosion and Sedimentation Control Ordinance. ***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.***

**PUBLIC HEARING OPEN 8:56P**

**PUBLIC HEARING CLOSED 8:58P**

No Public Comment

**DISCUSSION**

None

**Motion by Dave Roesler, second from Jan Deur, ADOPTED, to recommend approval to the Township Board of Trustees the language as written above.**

**6 AYES 1 ABSENT**

**6. (Amend) Article III, General Provisions, Section 3.17, Excavations, Holes or Ponds (B)**

**ARTICLE III  
GENERAL PROVISIONS**

**SECTION 3.17 EXCAVATIONS, HOLES OR PONDS**

- B. Ponds may be constructed *with a surface area of not more than one (1) acre (43,560 sq ft)* on lots or parcels containing a minimum area of five (5) acres in all Zoning Districts *with not more than one (1) pond per five (5) acres of land*, subject to the following requirements:

**PUBLIC HEARING OPEN 9:00P**

**PUBLIC HEARING CLOSED 9:01P**

No Public Comment

**DISCUSSION**

Commissioner Thompson stated he spoke with Jeff Auch at the Muskegon Conservation District and if a pond is over five (5) acres or if is a certain distance from any stream, lake it requires a DEQ permit. Attorney Even suggested several revisions throughout the ordinance when he reviewed this language. Consensus was to table until the March meeting.

**Motion by Tom Thompson, second from William Josephson, ADOPTED, to table for further review of the full ordinance and suggested revisions and put on the March agenda.**

**6 AYES 1 ABSENT**

**7. (Amend) Article IXa, Open Space Planned Unit Development (OSPUD), Section 9.09a Open Space Requirements (A 3)**

**ARTICLE IXa  
OPEN SPACE PLANNED UNIT DEVELOPMENT (OS-PUD)**

**SECTION 9.09a OPEN SPACE REQUIREMENTS**

- A. An OS-PUD shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. For purposes of this Ordinance, Dedicated Open Space shall mean that portion of an OS-PUD which is permanently preserved in an undeveloped state through an open space preservation agreement as required herein.
1. For land master planned or zoned Rural Residential or Medium Density Residential 40 percent of the total area of the site shall be preserved as Dedicated Open Space.
  2. For land master planned or zoned Medium High Density Residential 15 percent of the total area of the site shall be preserved as Dedicated Open Space.
  3. ~~For land which is located in the Michillinda Beach Lodge Resort or the Lakeside Inn Resort open space shall be provided in the form of a central or easily accessible village green, playground, pavilion, picnic area, courtyard or similar area or facility which can serve as a gathering place or recreational space for residents. The Planning Commission may recommend and the Township Board may approve any similar provision provided it meets the intent of the OS-PUD regulations.~~

**PUBLIC HEARING OPEN 9:13P**

**PUBLIC HEARING CLOSED 9:14P**

No Public Comment

**DISCUSSION**

Chairperson Kooistra explains that the zoning districts that the Michillinda Beach Lodge and Lakeside Inn are located do not allow Open Space Planned Unit Developments so that would override this section, however, to have cleaner language consensus of all Commissioners is to strike the language.

**Motion by Dave Roesler, second from Jan Deur, *ADOPTED*, to recommend approval to the Township Board of Trustees of the language as written above.**  
***6 AYES 1 ABSENT***

**OLD BUSINESS**

**1. Reports from Sub-Committees**

- Medical Marijuana Ordinance – No report
- Digital Signs – Commissioners Thompson and Roesler have not met but will meet soon

**NEW BUSINESS**

**1. Nominating Committee Appointment**

Chairperson Kooistra appointed Commissioner Deur to get nominations for Chair, Vice Chair and Secretary for the 2012-2013 fiscal year.

**ADJOURNMENT**

**Motion by Dave Roesler, second from William Josephson, *ADOPTED*, to adjourn the February 8, 2012, regular meeting at 9:20 p.m.**  
***6 AYES 1 ABSENT***

Respectfully Submitted,

Sally Dion, Recording Secretary