

PLANNING COMMISSION
Minutes for Regular Meeting of
January 7, 2015

PRESENT Dave Roesler, Tom Thompson, Jan Deur, John Warner, William Josephson, Mark Dykhouse and Leslie Sprott.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 0 interested parties.

CALL TO ORDER Chairperson Roesler called the January 7, 2015 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA Motion by John Warner, second from Jan Deur, **ADOPTED**, to accept the January 7, 2015 agenda as written.

7 AYES

MINUTES Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to accept the December 3, 2014 meeting minutes as written.

7 AYES

PUBLIC COMMENT

None

OLD BUSINESS

1. Michillinda Beach Lodge

Chairperson Roesler explained that according to a letter received from Supervisor St. Amour, the Township Board has referred this issue back to the Planning Commission according to Article XV, Site Plan Review, 15.02 (F) of the Township Zoning Ordinance quoting that it requires the proposed development and change of use be considered by the Planning Commission for Site Plan Review prior to the creation of such use or the erection of any building on the premises.

Chairperson Roesler asked Commissioner John Warner to give a brief explanation of what discussion took place and action was taken at the December Zoning Board of Appeals (ZBA) meeting where it was decided the proposed use of adding kitchens would be a less non-conforming use.

Commissioner Warner stated that yes the decision made was unanimous to approve with conditions adding kitchens as a less non-conforming use. The ZBA felt the conditions were going to remove the issues neighboring properties had and the addition of kitchens would make it more compatible with the residential area.

Zoning Administrator Sandel advised he had the Decision Order from the Zoning Board of Appeals meeting and asked Commissioner Warner if he would like him to read it aloud.

Commissioner Warner asked Zoning Administrator Sandel to read so everyone would know the conditions placed on the approval.

Zoning Administrator Sandel read the following: Motion by Eileen Stoffan, second from Penny Larson, **ADOPTED**, to **APPROVE** the request as submitted to add kitchens as a less non-conforming use with the following stipulations: 1) No amplified music, 2) Sleeping capacity for Buildings 1 & 2 replacing the lodge to 77 maximum or less if determined by the Fire Marshal, 3) No tents or recreation vehicles for occupancy on site, 4) Shall have management on site, 5) Units are for short term rental, 6) No events held in the existing pavilion.

Roll Call Vote: Marcinkowski-AYE, Larson-AYE, Lernowich-AYE, Stoffan-AYE, Warner-AYE

Commissioner Deur stated the Township Board vote was 5-2 to send this back to the Planning Commission. Originally, he did not believe it needs to go back, however, according to Attorney Even it does.

Chairperson Roesler was directed by Supervisor St. Amour to call Attorney Even for a better explanation of why this issue was being sent back to the Planning Commission. He asked Attorney Even what is expected, he referenced the fact that the Planning Commission cannot rule on the use and they have already approved the site plan in October. Attorney Even agreed the Planning Commission cannot change the use, however they can hold Public Hearing for Site Plan Review to be sure the conditions placed by the Zoning Board of Appeals will not adversely affect the public health, safety, or welfare.

It was discussed that the following have been approved and have become effective. The Planning Commission at their October 8, 2014 meeting approved the Site Plan with a few conditions. Zoning Administrator Sandel made the necessary changes on the Site Plan according to such conditions and the applicant, Parkland Acquisitions Three LLC (Mr. Rooks) signed the amended plan October 20th and Planning Chairperson Roesler signed on October 21st. The Zoning Board of Appeals decision that adding the kitchens was a less non-conforming use than the current use of the property, was made on December 8, 2014 and according to Article XIX Board of Zoning Appeals, Section 19.06 (C) Any decision of the Board shall not become final until the expiration of two (2) days from the date of the decision order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record and (D) The decision of the Board of Zoning Appeals shall be final; however, any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision. The records of the Zoning Board of Appeals shall be made available for the court's review. Zoning Administrator Sandel will send letter to Mr. Rooks stating this.

After lengthy discussion consensus of the Planning Commissioners was that, in their opinion, there is no need for a Public Hearing. The decision was based on the fact that there is an existing approved site plan. There is no requirement for the approved site plan to be voided because of the action by the ZBA and there would be no new site plan required or presented, therefore there is no requirement for a public hearing since one was already conducted for the site plan that was approved in October. A complete review of the same standards that were used for the Site Plan Review approved in October, was conducted and it was determined by the Board that the decision by the ZBA, approving the addition of kitchens with the other added conditions placed by the Zoning Board of Appeals would have no adverse impact and found it does not alter the site plan already approved.

Motion by John Warner, second from William Josephson, **ADOPTED**, that per the request of the Township Board of Trustees we reviewed the Michillinda Lodge

Site Plan with reference to the new use approved by the Zoning Board of Appeals, and by going through the site plan review approval standards it was found that the new approved use does not impact in a negative way any of the standards, it does not alter the site plan already approved and in one case it improves conditions for all involved with reference to noise. It was found there is no need to request a new site plan, no further action is needed except to have the conditions of the Zoning Board of Appeals added to the General notes.

7 AYES

2. Reports from Sub-Committees

- **Fences, walls, hedges, berms and screens language in Lakefront Districts (sub-committee is Commissioners Warner, Sprott and Josephson)**

No Report

- **Zoning for Sylvan Beach (sub-committee is Commissioners Sprott, Thompson, Warner and representative from Sylvan Beach)**

Commissioners Thompson and Sprott stated the sub-committee has met and they have a tentative plan on paper, they still need to have Sylvan Beach review and provide comment, a few of the changes proposed are for lot coverage, it is currently 25% and they are proposing to change that to 30%, not allowing any more sale of leaseholds, Sylvan Beach allowing septic/wells if necessary be located on common space.

- **Lakeside Inn (sub-committee is Chairperson Roesler, Commissioners Deur and Warner)**

Chairperson Roesler stated the sub-committee believes a Town Hall meeting should be held to see what people want to see happen with existing resorts. It needs to be widely published giving everyone a chance to give opinions. Consensus is to hold the Town Hall meeting at the regular meeting March 4, 2015 starting at 6:00 p.m.

2. Master Plan Review

Commissioner Deur advised that he and Recording Secretary Dion met and went through most of the existing document and made some proposed changes. The proposed changes have been made and a copy given to all Commissioners for review.

COMMISSIONERS COMMENTS

None

PLANNING/ZONING UPDATES

Commissioner Warner stated the hearing held in December has already been discussed earlier; however, he did thank the Commissioners that were able to make it to the meeting for being there for support. There is no meeting scheduled for January.

ADJOURNMENT

Motion by William Josephson, second from John Warner, ***ADOPTED***, to ***ADJOURN*** the January 7, 2015, regular meeting at 8:20 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary