

**PLANNING COMMISSION**  
**Minutes for Re-scheduled Regular Meeting of**  
**October 8, 2014**

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

**ALSO PRESENT** Zoning Administrator Sandel, Recording Secretary Dion and **13** interested parties.

**CALL TO ORDER** Chairperson Roesler called the October 8, 2014 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

**AGENDA** **Motion by Jan Deur, second from Leslie Sprott, *ADOPTED*, to accept the October 8, 2014 meeting agenda as written.**

*ALL AYES*

**MINUTES** **Motion by John Warner, second from Leslie Sprott, *ADOPTED*, to accept the September 10, 2014 meeting minutes as written.**

*ALL AYES*

**PUBLIC COMMENT**

1. Jackie Hill, 5111 Scenic Drive, Michillinda Beach Association, stated they spend six months here, several generations have enjoyed this cottage, they have deep roots in the community, urges the Planning Commissioners to consider neighboring properties when deciding on the site plan tonight, the outdoor events do not fit in with the character of this neighborhood, the things visitors should remember is the waves and wind not loud music and noise, **opposed**.
2. Dick Mahoney, 5214 Scenic Drive, expresses water resource concern, **opposed**.

**OLD BUSINESS**

1. **Parcel number 61-06-013-100-0017-00 (5207 Scenic Drive), 61-06-013-100-0010-00 (5271 Scenic Drive), Parkland Acquisition Three LLC, request for Site Plan Review to replace fire damaged building which has since been demolished.**

Chairperson Roesler stated that the Public Hearing was held at a previous meeting and Public Comment has been made at a few previous meetings. Tonight's decision will be based on the revised site plan dated July 21, 2014.

Commissioner Deur thanked all involved for their comments, many comments were relevant factors with the decision made and some were not, review standards were used for the rationale of the decision.

Motion by Jan Deur, second from John Warner, ***ADOPTED***, that the site plan proposed by Parkland Properties of West Michigan, LLC, dated July 21, 2014 be approved subject to the following terms and conditions:

1. The proposed "Potential Tent Relocation Site" for Wedding Receptions to the Northwest Portion of the site plan is stricken.

2. The Applicant must receive all necessary County, State, Federal and Township permits and shall otherwise satisfy any requirements imposed by the Muskegon County Road Commission, Muskegon County Health Department, Muskegon County Drain Commissioner and the White Lake Fire Authority.
3. The proposed construction shall be commenced on or before 1 year from today's date unless extensions are granted in accordance with the Township's Zoning Ordinance.
4. General Note number 5 to the site plan is amended to state that the proposed North and South Buildings shall be limited to the number of separate units as existed on site prior to the fire which destroyed the main lodge. The maximum occupancy shall not exceed that which existed on site prior to the fire which destroyed the main lodge.
5. In the event a court of competent jurisdiction determines that any part of the site plan as approved constitutes an unlawful expansion of a lawful nonconforming use, such judgment or decree shall be deemed to constitute an amendment to the site plan and made a part thereof.

The rationale for approving the site plan as stated is based upon an exhaustive review of the site plan and the following findings:

- A. The uses and structures proposed will not adversely affect the public health, safety, or welfare; the proposed uses and structures will not impede the normal and orderly development or improvement of surrounding property for permitted uses;
- B. Vehicular and pedestrian traffic is well defined, safe and convenient for ingress/egress to, from and within the site;
- C. The flow of traffic within the site and the connection to Scenic Drive provides a safe and efficient circulation system and has no negative impact for traffic within Fruitland Township;
- D. The site plan preserves native ecological communities and does not have a negative impact to fish and wildlife;
- E. Areas of natural drainage are preserved in their natural state to provide areas for natural habitats, preserve drainage patterns and maintain the natural characteristics of the land; rain gardens are proposed where appropriate;
- F. The site plan does not alter the visual and sound privacy of those who will be staying at the resort and adjacent dwellings that existed at the time of the fire that destroyed the main lodge;
- G. All buildings and groups of buildings have been arranged to permit necessary emergency vehicle access as requested by the White Lake Fire Authority;
- H. The driveway has not been altered from what existed at the time of the fire that destroyed the main lodge except at the West end of the drive and as newly designed satisfies Fruitland Township requirements, and those imposed by the Muskegon County Road Commission;
- I. Exterior lighting has been arranged to deflect away from adjacent properties and does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures has been minimized to reduce light pollution and preserve the rural character of the Fruitland Township;

- J.** Outside storage areas, including areas for the storage of trash, are adequately screened;
- K.** Entrances and exits are located appropriately so as to maximize the convenience and safety for persons entering or leaving the site;
- L.** The approval of the site plan as conditioned satisfies the general purposes and spirit of the Fruitland Township Zoning Ordinance and Master Plan;
- M.** The lack of a public sanitary sewer system will not have an adverse effect on area lakes, the watershed involved or other environmental factors; and
- N.** The lack of a public water system will not adversely affect area lakes, the watershed involved or other environmental factors;
- O.** Applicant has assured the Planning Commission that, if abandoned or out of service storage tanks are found on the building site, they will be removed in accordance with applicable laws.

## DISCUSSION

Commissioner Thompson stated he spoke with Chief Holman from the White Lake Fire Authority who said there was a letter on file from 2005 that said there were seventeen rooms at that time, however, we have affidavits stating different numbers. He believes the noise issue needs to be addressed, however, that is a Township Law (Regulatory Ordinance) and needs to be addressed with the Township Board of Trustees.

No Comment from other Commissioners.

Chairperson Roesler advised Commissioner Thompson he is correct in the fact that any issues outside the replacement of the building that burned would not come before the Planning Commission.

## Correspondence

Chairperson Roesler stated the following will be made part of the record:

Letter dated October 3, 2014 from Rose & Rose, James Rose, received October 6<sup>th</sup>.

Letter dated October 6, 2014 from Britton & Bossenbroek PLC, David L. Bossenbroek, received October 7<sup>th</sup>.

Affidavit of Donald Eilers from Rose & Rose received October 7<sup>th</sup>.

Outline from Rose & Rose, Rachel Novak, received October 8<sup>th</sup>.

**ROLL CALL VOTE:** Josephson *AYE*, Sprott *AYE*, Dykhouse *AYE*, Deur *AYE*, Warner *AYE*, Thompson *AYE*, Roesler *AYE*

**ALL AYES**

## 2. Reports from Sub-Committees

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

No Report

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

The sub-committee met to discuss possible options for this area. Commissioner Sprott stated that Sylvan Beach has a lot of open space; it is owned by one entity with people owning shares (leaseholds). All but one has been built on. Because some cottages have been moved there is no way the plat would match the original plat. Zoning Administrator Sandel advised this plat was vacated in the 1950's so it doesn't matter. Consensus of the sub-committee is they want to propose rules that would avoid the leaseholds from having to come to the Zoning Board of Appeals every time they want to do something. A minimum between buildings needs to be set for safety concerns. Sylvan Beach also has a modification committee that has to approve everything before it can be done. Signed permission is necessary from the adjacent neighbors.

Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to suspend rules for public comment.

**ALL AYES**

Irene Pierson, 6100 Murray Road, stated the rules and regulations for the modification committee were just updated this past summer. They are straight forward. Review is done by the modification committee, however; the Sylvan Beach Association Board makes the final decision on proposals. When decisions are made they do try to allow for fire safety.

Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to un-suspend rules and return to regular meeting.

**ALL AYES**

Commissioner Thompson stated the sub-committee talked about creating a possible overlay district for this type of situation, the same model could be used for Michillinda Beach Association also.

Commissioner Sprott stated she asked Keith from White Lake Fire Authority what the separation would be, he stated nothing in Sylvan Beach meets it, and he also told her the address signs are not enough to get them to a house for emergencies.

The sub-committee is going to set up a meeting with the current president of Sylvan Beach, Jennifer Day, for further discussion.

Commissioner Warner, chair of the Zoning Board of Appeals stated most cases from Sylvan Beach are for a variance from setbacks.

Consensus of all commissioners is this seems like a plausible plan that should be fairly easy to implement.

During further discussion it was stated that there are sixty two homes total and that four of them are not part of Sylvan Beach Association that would more than likely need to follow the requirements for the zoning district they are located in.

Commissioner Josephson believes the four not part of Sylvan Beach Association need to be part of the overlay, why exclude them.

Zoning Administrator Sandel stated he believes they should be given the option.

Commissioner Deur said the current AG Overlay District probably would be a good model to follow.

Chairperson Roesler stated we do not want to be more restrictive.

- **Article III, General Provisions, Section 3.31 Average Setback Lines, Intent and possible conflicts with Zoning District Site Development Standards regarding Streams, Creeks & Lakes (sub-committee is Commissioners Warner, Josephson and Dykhouse)**

The sub-committee is working on rewriting the average setback language, if accepted when proposed it can be added to the list of things ready for Public Hearing.

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

Chairperson Roesler stated that the Township attorney and the Buzz's Lakeside Inn attorney have had discussions and it was decided to look at what can be done with the current zoning to enable them to continue what they have been doing.

### **3. Request from Muskegon County Clerk's Association – Discuss possible amendment to sign ordinance regarding political campaign signs.**

The Muskegon County Clerk's Association urges a collaborative effort for all Muskegon County Municipalities to have a uniform number of 10 days following general and special elections for removal of political campaign signs and that necessary actions to update and/or amend their ordinances and/or resolutions are taken, effective for the November 2016 general election.

Chairperson Roesler stated he has reviewed the current language and it states 5 days for the removal of such signs.

Commissioner Deur stated he is on the fence with this. He stated that Clerk Rillema does not have a strong desire to change and Attorney Even does not have a preference.

Commissioner Thompson stated he believes it would be easier if everyone in the County had the same number of days for removal.

Chairperson Roesler stated he believes this is trying to make it easier for the politicians.

Consensus was not to take any action at this time.

### **4. Master Plan Review**

Chairperson Roesler advised that Zoning Administrator Sandel, Commissioners Deur, Warren and himself had a phone conference with Planner Tim Johnson today to see if there are any state laws requiring changes. He will check and let us know, however, he does know of one and that is complete streets and we asked him to work on big box stores also.

We will continue review at the next meeting after business is taken care of, limiting the time to ½ to ¾ hour.

**COMMISSIONERS COMMENTS**

Commissioner Deur advises that the site plan decision can be appealed. According to our ordinance, it can be appealed to the Township Board; however, according to Attorney Even, and according to our Citizen Planner Course instructor, it needs to be revised to change that from the Township Board to the Zoning Board of Appeals.

**PLANNING/ZONING UPDATES**

None

**ADJOURNMENT**

Motion by William Josephson, second from Leslie Sprott, ***ADOPTED***, to ***ADJOURN*** the October 8, 2014, regular meeting at 8:10 p.m.

***ALL AYES***

Respectfully Submitted,

Sally Dion, Recording Secretary