

PLANNING COMMISSION
Minutes for Regular Meeting of
December 1, 2010

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 1 interested party.

CALL TO ORDER Chairperson Kooistra called the December 1, 2010 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by William Josephson, second from Susan Hertel, ADOPTED, to accept the December 1, 2010 meeting agenda as written.**

7 AYES

MINUTES **Motion by Jan Deur, second from Steve Nagengast, ADOPTED, to accept the November 3, 2010 regular meeting minutes as written.**

7 AYES

PUBLIC COMMENT

Dr. Holly, 6820 South Shore Drive – States there must be a shift from a reactive to proactive program for the future management of Duck Lake which is a great jewel of Fruitland Township. He believes a Duck Lake Community Zone needs to be created. To prepare for such zone he believes a request for a grant is necessary for the use of having Grand Valley State University perform a study of the geology, geography and environment of the Duck Lake area (both land and water) including the surrounding State Park, Township Park, Marcus Park and private lands, a suggested program for monitoring and improving the environment and a documented study of the current usages of the lake area and suggestions and concerns which might arise with future increases in usage.

Chairperson Kooistra advises this will be taken under advisement and put on the January agenda.

OLD BUSINESS

1. Medical Marijuana Sub-committee Report – Commissioner Deur

Commissioner Deur reported that he, Commissioners Hertel and Lernowich met with Muskegon County Sheriff Roesler to get his input on what he has seen throughout the county related to this matter. He does concede this is a big problem and believes it needs to be addressed countywide. Some townships have placed a moratorium until they obtain further information. A specific reason must be specified for a moratorium and the best reason would probably be to prohibit dispensaries. There is another meeting next week with both Sheriff Roesler and a representative of the State Police and Commissioner Deur stated he will update us on that at the next meeting.

2. Zoning Ordinance Review Committee – Commissioner Josephson

- Discuss Article XVII, Signs – Still waiting for State of Michigan findings before starting to work on amending the Ordinance.

- Discuss Article III, Section 3.23 Nonconforming Buildings, Structures and Uses –

B. Expansion and Substitution of Nonconforming Buildings or Structures.

1. Nonconforming uses including buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt provided, however, that the restored or rebuilt building or structure is on the original footings and foundations or on new footings and foundations constructed exactly where the footings and foundations of the nonconforming structure were located. **All expansions, or enlargement shall not exceed an additional 50% of the floor area as it existed as of January 1, 2011.** 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 nonconforming 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.
3. Buildings or structures that are nonconforming due to front or rear setback requirements, may be expanded, extended, enlarged, altered or remodeled provided that all of the following requirements are complied with 1) front setbacks ~~are~~ **shall be** maintained as prescribed by the zoning district or are in line with the existing structure, 2) rear setbacks **on non-lakefront lots are shall be** maintained as prescribed by the zoning district or are in line with the existing structure, 3) **rear setbacks for** lakefront lots ~~may not restrict the lake view of the adjoining lots~~ **shall be maintained as prescribed by the zoning district,** 4) all side setbacks are within the requirements of the zoning district, 5) lot coverage requirements are maintained, 6) building height requirements are maintained.

**Motion by Susan Hertel, second from Steve Nagengast,
ADOPTED, to set public hearing for January 5, 2011
for language as written above.**

7 AYES

3. New Structure Building Permit Requests – Zoning/Building Coordinator Sally Dion

Sally reported there were seven (7) new house permits issued between January 1, 2010 and November 30, 2010.

NEW BUSINESS

1. MTA-PC Information

Chairperson Kooistra handed out information taken from the Michigan Township Association – Township Boards and Commissions–2008 regarding important attributes of a Planning Commission.

2. Zoning Department Flow Chart

Chairperson Kooistra handed out a Fruitland Township Zoning Flowchart which should help in directing someone who needs to apply for something other than a simple zoning compliance.

COMMISSIONER COMMENTS

PLANNING/ZONING UPDATES

Zoning Administrator Sandel spoke regarding properties that Dennis Hughes, owner of the White Duck Market owns and that he would like to do a campground. The acreage of these properties does not meet the thirty (30) acres required for a campground and Dennis wondered if the Planning Commission would be willing to change that acreage requirement. Consensus of the Planning Commissioners is they reviewed this issue in the past and it was decided to leave the minimum lot size thirty (30) acres.

ADJOURNMENT

Motion by William Josephson, second from Jan Deur, *ADOPTED*, to adjourn the December 1, 2010 regular meeting at 8:20 p.m.

Respectfully Submitted,

Sally Dion, Recording Secretary