

PLANNING COMMISSION
Minutes for Town Hall Meeting
March 4, 2015

AMENDED

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

NOT PRESENT John Warner.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion, Planner Tim Johnson and 38 interested parties.

Chairperson Roesler stated that the purpose of this meeting is to obtain public input and for discussion on the topic of resorts operating as legal non-conforming uses, in the inland lakes zoning district. This meeting provides an informal opportunity for residents to comment and offer input on the inland lakes zoning district in relation to the resorts located in the zone operating in a legal non-conforming status. The planning commission is interested in hearing from residents as well as the general public about their thoughts, ideas or concerns about the current status and uses of resorts in the inland lakes zone and ideas on changes or improvements to Township ordinances related to their use. There will be no decisions made tonight.

Chairperson Roesler introduced Planner Tim Johnson who is here to listen, he will help us design or put together a workable plan if that is the desire.

Chairperson Roesler explained we are currently reviewing the Master Plan; the Master Plan is the foundation of zoning and according to the Michigan Zoning Enabling Act it must be reviewed every five years. The current Master Plan states the township wants to preserve the historical resorts; however, we do not have a definition of historical resort which causes a problem. He explained that the Inland Lakes District is along Duck Lake and White Lake. The Inland Lakes District is technically a residential district with things to protect the shoreline attached. In 1943 there was zoning language that referenced resorts. Amendments made in 1976 then caused resorts to be legal nonconforming. This meant they could continue as they were, however, they were not allowed to expand and new resorts were not allowed. The intent of the law was for nonconformities to eventually go away and the areas revert back to residential, thence this is in conflict with the Master Plan. When thinking about making changes in the Inland Lakes District we have to keep in mind that it will affect the district as a whole not just the resorts. Spot zoning can be done if done for the right reason and if done properly, however, they are not recommended. If the zoning is part of the Master Plan it would not be considered as spot zoning.

Questions from audience: 1) Why was it determined it should be residential, 2) Do we want resorts to prosper and grow or do we want them to go away.

Chairperson Roesler states currently we do not have a definition for Historical Resort or Resort.

Questions from audience: 1) what are the others around the lake(s) allowed to do, has that been looked at.

Chairperson Roesler explains that when working on the Master Plan in 2008 which was adopted in 2010, the Planning Commission was working on a Resort PUD which was never adopted because at that time the owners didn't want change.

Chairperson Roesler reiterates again we are talking about the whole Inland Lakes District not just Lakeside Inn. There are other historical resorts in this zoning that need to be considered.

Chairperson Roesler outlined a historical timeline of Lakeside Inn. It became nonconforming in 1976 because of zoning changes; it should have only been allowed to continue as it did in 1976. He explained the outside patio should not have been allowed, or at least the use of it, they could pour a bigger patio, however, not serve dinner/drinks or have more tables than had before as these would be an expansion of the use. When it was brought to the townships attention, Zoning Administrator Don Sandel determined the outside service was an expansion of the use, the owner then applied to the Zoning Board of Appeals, who also ruled it was an expansion of the use.

CORRESPONDENCE

Chairperson Roesler stated we received fifty four comments, twenty seven residents, twenty seven non-residents, fifty three in favor of outside service at Lakeside Inn and one not in favor.

PUBLIC COMMENT

1. Jim Runyan and Marcia Funnell, 6070 N. Scenic Woods Circle, stated they both whole heartily support changes made by Lakeside Inn already and any changes being made to zoning that will allow Lakeside Inn to continue with outside service.
2. Jim Duncan, 5800 Murray Road, stated he has lived around White Lake for 50 plus years, he applauds the changes made at Lakeside Inn and would like to see more changes, he thinks the owners need to sit down and propose a plan. He does not agree with the amount of boat slips requested as this is a residential district.
3. Frank Hollister, owner of Waters Edge, supports any changes that can be made to make the resorts conforming.
4. Brad VanBergen, Winberg Construction, stated he was the contractor who did the work and according to pictures dating years back there were always tables outside on a patio.
5. Allan Dake, 6860 South Shore Drive, stated when he and some neighbors received notice from the DEQ and Army Corps of Engineers of the number of docks the owners of Lakeside Inn were proposing they wrote a letter to the owners stating their opposition to the number; the owners listened and proposed fewer docks.
6. Sarah Zielinski, 3321 Scenic Drive, new owner of the Red Rooster, is listening tonight because the Red Rooster is also nonconforming as it is located in a residential district.
7. Victoria Kobza-Sotall, 5780 Duck Lake Road, asks seeing that parking is an issue for Lakeside Inn, would the Township ever consider purchasing property like where the old Pickle Barrel was, make a parking lot and trolley people back and forth.

Chairperson Roesler stated he doesn't believe taxpayers would approve of their tax dollars being spent like that and the township surely doesn't want to get in the trolley business.

Victoria said they do things like that in Grand Rapids.

8. Mary O'Connor, 3550 Jones Road, stated she was the Planning Commission Chair in the past and at that time consensus was to recognize historical resorts, their intent was not to have resorts go away, she believes it would be a good time to revisit the RPUD language that was proposed in 2008 and that was the reason it was put in the Master Plan that the township wants to preserve historical resorts was so there was room for changes if requested.
9. Sally Schwartz, 6116 S. Scenic Woods Circle, asked what kind of timeline is there to get changes made.

Chairperson Roesler stated it takes time. First they have to be sure it can be done with the current Master Plan, then the language needs to be drafted, public hearing needs to be held, the Planning Commission then makes a recommendation to the Township Board and they make the final decision.

10. Buzz Kaehler, owner of Lakeside Inn, stated that according to Supervisor St. Amour it had been worked out, assured them **that** they sat down with the attorneys and it would be taken care of.
11. Jim Lindrup, 7095 Starboard Lane, stated he does not feel noise will be an issue.
12. Drew Goss, 6146 Murray Road, stated he believes it is urgent that a decision be made so Lakeside Inn can continue with outdoor service.
13. Mary Ann Bard, 1428 W. Bard Road, she believes the RPUD language proposed in 2008 should be revisited; it was already covered by tax payers.
14. Buzz Kaehler, owner of Lakeside Inn, states it seems there are two big issues, the first is parking and it has been this way for years, they try to monitor it, the second is the docks and he now understands the first proposal was crazy and they have totally cut it back and have received approval from the DEQ and Army Corps of Engineers and he cannot understand why the township will not allow.

Chairperson Roesler reiterates anything beyond what was being done in 1976 at Lakeside Inn is an expansion of the use as the zoning stands today.

Chairperson Roesler states it seems there is an overwhelming desire to have changes made to allow certain things relating to resorts in the Inland Lakes District. A meeting will be held with the Planner now that he has heard comments to see what can be proposed. We will keep everyone updated to the best of our ability.

Respectfully Submitted,

Sally Dion, Recording Secretary