

PLANNING COMMISSION (AMENDED)
Minutes for Regular Meeting of
April 2, 2014

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

NOT PRESENT William Josephson, excused

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

CALL TO ORDER Chairperson Roesler called the April 2, 2014 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 Leslie Sprott, ADOPTED, to accept the April 2, 2014 meeting agenda as written.**
6 AYES 1 ABSENT

NOMINATIONS: **Motion by Jan Deur, second from John Warner, ADOPTED, to nominate David Roesler as Chairperson, Tom Thompson as Vice Chairperson and William Josephson as Secretary.**
6 AYES 1 ABSENT

Motion by Jan Deur, second from Leslie Sprott, ADOPTED, to close nominations and to elect Dave Roesler as Chairperson, Tom Thompson as Vice Chairperson and William Josephson as Secretary.
6 AYES 1 ABSENT

MINUTES **Motion by Tom Thompson, second from John Warner, ADOPTED, to accept the March 5, 2014 meeting minutes as written.**
6 AYES 1 ABSENT

PUBLIC COMMENT None

OLD BUSINESS

1. Parcel number 61-06-012-300-0032-00, 6748 South Shore Drive, White Lake Yacht Club, request to amend the zoning district and zoning map from Inland Lakes District zoning to Waterfront Marine District zoning.

Motion by John Warner, second from Leslie Sprott, ADOPTED, to remove from table for discussion.

6 AYES 1 ABSENT

Commissioners Deur and Sprott requested to be recused as they are members of the Yacht Club. They left the room for discussion and the vote.

Chairperson Roesler advised he met with Attorney Even regarding concerns brought forth regarding existing things the Yacht Club has that are uses currently permitted by Special Land Use with the changing of the zoning district. Attorney Even’s opinion is that these things would not be a problem because they are so minor.

Brad VanBergen and Mark Zickel were both here on behalf of the White Lake Yacht Club to answer any questions or address concerns.

Commissioner Thompson reiterated his concern from last month about needing a bench mark of what is there when the zoning changes from Inland Lake District to Waterfront Marine zoning. He asked how many docks are there now. He believes the number should include permitted moorings. According to Mark Zickel there are 13 outside permanent slips, 16 inside slips for a total of 29 slips and 10 moorings. Mark Zickel went on to state for the record again that there are no immediate plans to change anything; this is a contingency plan only. They understand to change anything they would be required to come back to the township.

Zoning Administrator Sandel stated he has requested a few changes on the plan he received from Westshore Consulting, when it is received we will have a bench mark showing existing improvements at the time of the zoning change and it will be dated and made part of the file.

Motion by John Warner, second from Mark Dykhouse, **ADOPTED**, to recommend approval to the Township Board to amend the zoning district and zoning map pursuant to receipt of plan to be dated and used for bench mark showing existing improvements at the time of the zoning change for parcel 61-06-012-300-0032-00, 6748 South Shore Drive, White Lake Yacht Club, from Inland Lakes District to Waterfront Marine District.

**6 3 AYES 1 ABSENT
2 ABSTAINED**

Commissioners Deur and Sprott returned to the meeting.

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

Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to remove from table for discussion.

6 AYES 1 ABSENT

Chairperson Roesler asked if anyone was present to represent Parkland Acquisition Three LLC. No one was present to speak on the application status. He advised we did receive correspondence from the White Lake Fire Authority; however, we are still waiting for response from the Muskegon County Drain Commission and Muskegon County Health Department. He advised we have also not received response from Mr. Rooks to the letter dated March 20, 2014 that he sent. Chairperson Roesler believes we have time to give more time for response to his letter and from the other two county entities.

Zoning Administrator Sandel advises the preliminary site plan review by the White Lake Fire Authority indicates the proposed site plan contains a fire department access road with dimensions of 12’ (twelve feet) width and an unobstructed vertical clearance of equal or more than 13’6”

(thirteen feet six inches) and that as defined by Fruitland Township this particular access road is defined as a residential driveway therefore not requiring the property owner to meet or exceed the intent of the Fire Code, however, if the ownership should change into multiple parties or the occupancy classification changes then the most recent edition of the Fire Code adopted by the White Lake Fire Authority in conjunction with the Township of Fruitland shall be met. The section regarding this requirement is defined currently in the International Fire Code, 2009 Edition, Chapter 5, Section 503; Fire Department Access Road.

Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to table until the May meeting due to the lack of response from the Muskegon County Health Department, Muskegon County Drain Commission and to the letter dated March 20, 2014 sent by Chairperson Roesler.

6 AYES 1 ABSENT

3. Reports from Sub-Committees

- Fences, walls, hedges, berms and screens language in Lakefront Districts

No report.

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

Commissioner Sprott stated a tentative meeting has been set for May 22, 2014.

- Review Swimming Pools in the Lake Districts (sub-committee is Commissioners Josephson, Thompson and Dykhouse).

The following language was proposed for review.

PROPOSED LANGUAGE 4/2014

ARTICLE III GENERAL PROVISIONS

SECTION 3.27 SWIMMING POOLS

- A. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged, or altered until a building permit has been obtained.
- B. The outside edge of the pool wall shall not be located closer than thirty (30) feet from any rear lot line or twenty (20) feet from any side lot line. Swimming pools shall not be located in the front yard **unless it is placed at least two hundred (200) feet from the road right-of-way.**
- C. **See Site Development Standards for rear yard setbacks in the Lake Michigan Shoreline District, Inland Lakes District and under Limitations on Construction in the North Duck Lake Overlay District.**
- € **D.** All swimming pools shall be constructed and enclosed by a barrier in accordance with applicable construction codes as adopted by Fruitland Township.

ARTICLE VIa LAKE MICHIGAN SHORELINE DISTRICT

SECTION 6.04a SITE DEVELOPMENT STANDARDS

<u>Swimming Pools</u>	<u>Fences shall be a minimum of 50’ from the bluff line and shall not exceed 4’ and be in accordance with applicable construction codes as adopted by Fruitland Township. No structure except swimming pools shall be allowed inside of the rear yard setback. Diving boards shall have a maximum of 36” when located in the rear yard setback.</u>
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ARTICLE VIIIa INLAND LAKES DISTRICT

SECTION 8.02a SITE DEVELOPMENT STANDARDS

<u>Swimming Pools</u>	<u>Fences shall be a minimum of 50’ from the Ordinary High Water Mark of 580.5 IGLD 1985 and shall not exceed 4’ and be in accordance with applicable construction codes as adopted by Fruitland Township. No structure except swimming pools shall be allowed inside of the rear yard setback. Diving boards shall have a maximum of 36” when located in the rear yard setback.</u>
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ARTICLE VIIIb NORTH DUCK LAKE OVERLAY DISTRICT

SECTION 8.02b LIMITATIONS ON CONSTRUCTION

3. Fences for swimming pools shall be a minimum of 50’ from the Ordinary High Water Mark of 580.5 IGLD 1985 and shall not exceed 4’ and be in accordance with applicable construction codes as adopted by Fruitland Township. No structure except swimming pools shall be allowed inside of the rear yard setback. Diving boards shall have a maximum of 36” when located in the rear yard setback.

After discussion consensus was to add (in height) behind the 4’ and (high as measured from the pool deck) behind the 36” and send to Attorney Even for review and comment.

4. **Discussion on Article III, General Provisions, Section 3.31 Average Setback Lines**
 - Intent
 - Possible conflicts with Zoning District Site Development Standards regarding Streams, Creeks & Lakes.

Zoning Administrator Sandel and Zoning Coordinator Dion will work on proposing language for the areas we feel need clarification.

NEW BUSINESS

1. **Discuss Proposed Regulations for Wireless Communication Towers**

Commissioner Deur spoke of a Verizon Wireless Tower being proposed on Township property located on Nestrom Road near Wabaningo Road. At this time a proposed lease is being worked on. He believes we will see a Special Land Use application in the next few months.

Commissioner Warner had brought a few questions to Zoning Coordinator Dion's attention before the meeting regarding the proposed language provided by MainStreet Planning. At that time she noticed some of the Zoning Districts referenced are no longer districts. Consensus was to have Zoning Administrator Sandel and Zoning Coordinator Dion review the language before discussion is held.

2. Potential change to Sign Ordinance

Commissioner Deur advised there has been no update from the County Clerk.

3. Medical Marihuana Subcommittee Update

Commissioner Deur advised he is still waiting to hear from Attorney Even.

COMMISSIONERS COMMENTS

Commissioner Deur passed out pamphlets regarding the Michigan Citizen Planner Course. Some may have already completed the course; however, it has been updated including all the new laws. Supervisor St. Amour spoke with our insurance carrier who has offered to give the Township a grant to pay for Planning Commission and Zoning Board of Appeals members to attend this course. Commissioner Deur requested the Commissioners let him know before April 30th what kind of schedule would work best so he can get the course scheduled.

PLANNING/ZONING UPDATES

ADJOURNMENT

ADJOURNMENT

Motion by Jan Deur, second from John Warner, ADOPTED, to adjourn the April 2, 2014, regular meeting at 8:00 p.m.

6 AYES 1 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary