

PLANNING COMMISSION
Minutes for Regular Meeting of
April 7, 2016

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

ALSO PRESENT Attorney Even, Zoning Administrator Jensen, Recording Secretary Dion and **8** interested parties.

CALL TO ORDER Chairperson Roesler called the April 7, 2016 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA Motion by William Josephson, second from John Warner, **ADOPTED**, to accept the agenda as written.

7 AYES

NOMINATIONS: **Motion by Jan Deur, second from Leslie Sprott, ADOPTED, to nominate David Roesler as Chairperson, Tom Thompson as Vice Chairperson and William Josephson as Secretary.**

7 AYES

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.

7 AYES

MINUTES Motion by John Warner, second from Leslie Sprott, **ADOPTED**, to accept the March 3, 2016 meeting minutes as written.

7 AYES

PUBLIC COMMENT – None

PUBLIC HEARING

- 1. Article VIIIa, Inland Lakes District** – Section 8.04a Uses Permitted by Special Land Use (G.) Historic resorts as regulated by Section 14.04 LL herein. (**Amend**)
- 2. Article XIV Special Land Uses** – Section 14.04 Special Land Use Specific Requirements (LL.) Historical Resorts (**New**)

PUBLIC HEARING OPEN 6:35 P.M.

Chairperson Roesler gave brief explanation of the proposed language.

The purpose of adding LL. Historic Resorts to ARTICLE XIV Special Land Uses, Section 14.04 Special Land Use Specific Requirements would recognize existing resorts which have contributed to the historic character of Fruitland Township and to provide an opportunity for these resorts to remain viable by allowing such uses to upgrade and redevelop their facilities in order to provide

contemporary resort amenities in accordance with current Township goals and requirements. Specifically, the objectives of this section are:

- a. To allow existing resorts which are non-conforming to be able to redevelop and modernize their facilities by seeking a Special Land User Permit without changing the historical aesthetic character of the resort.
- b. To allow existing resorts to be re-developed with a mix of uses, structures, buildings and housing types typical of a resort community in a manner which preserves the residential character of existing and planned residences on nearby properties and consistent with the Township's zoning ordinances.
- c. To preserve and protect the shoreline of resort property abutting White Lake.
- d. To preserve the natural features of the site as much as is practicable while allowing for additions and improvements to the resort without increasing the historical footprint of the resort.
- e. To permit an appropriate number, type, design and location of lodging facilities which will avoid overcrowding of the land, achieve compatibility with nearby land uses and allow for continuation of the resort as a viable business.

The provisions of this Section 14.04 LL shall only be applicable to Buzz's Lakeside Inn and the Water's Edge which are the only historical resorts located within the Inland Lakes Zoning District in existence and operating as of the effective date of this Ordinance amendment (effective date). Only historic resorts located in the Inland Lakes Zoning District that were in existence and operating as of the effective date of this Ordinance amendment may be issued a special land use permit in accordance with the procedures and requirements of this section.

PUBLIC COMMENT

1. Jim Runyan, 6070 N. Scenic Woods Circle, speaking on behalf of his wife Marcia Funnell also, **supports**.
2. Bob Penny, 5830 W. Duck Lake Road, **supports**.
3. Frank Hollister, owner of The Water's Edge, states it has been in operation since 1971, before that it was Murray's Inn, zoning used to allow his uses, he feels the proposed language is too restrictive, **opposes**.
4. Buzz Kahler, owner of Buzz's Lakeside Inn, states he appreciates all the time and work put into the proposed language, however, one section needs to be addressed and that is needing approval for every event, that would not always be possible, it will not work, they would not be able to organize events.

CORRESPONDENCE

1. Frank Lundell Jr., 3239 Scenic Drive, **supports**.
2. Jennifer Day, 6106 Murray Road, **supports**.
3. Betsy and Tom Grein, 5780 Oak Tree Lane, **supports with notes**, does not want to see a change in the zoning regarding height, keep in mind the boat traffic in that area, it is already congested when approving the number of boat slips and light and noise pollution must be considered.
4. Kay Bitter, 6080 Murray Road, **supports**.

5. Lois Daeschler, 7130 Starboard Drive, supports.
6. Leland Holly, 6820 South Shore Drive, supports.
7. Jim and Bonnie McColl, 6155 & 6066 Murray Road, supports.
8. Dallas C. and Sharon Dort, 6011 Murray Road, supports.
9. Carolyn Hummel, 5881 & 5655 Murray Road, supports.
10. Frank Hollister, 6195 Murray Road, listed several questions/concerns.

PUBLIC HEARING CLOSED 6:51 P.M.

Chairperson Roesler states he will try and address the questions/concerns that Mr. Hollister listed. The first thing we must keep in mind is these two resorts are non-conforming, which does not allow for any expansion. If we do nothing they will remain as they are now, not allowed to expand, etc. We cannot spot zone, it would require changing a whole district and that would allow all parcels in said district to do things non-residential. The reason Glaser's Glen is not included is because the only part of it on the lake in the district is not big enough to do anything with. If the language is adopted, the two resort owners can apply for a Special Land Use Permit for a certain use and if approved the use can be done. The intent of the Township is to allow as exist but not expand the footprint. The permitting process will be discussed further; this is needed for the Township to have some control of special events. He believes before summer there should be a list of events.

Buzz Kahler said you have to be able to guarantee something; you can't wait for approval from the Township Board following recommendation by the Planning Commission.

Chairperson Roesler believes that the proposed language for Section 14.04 Special Land Use Specific Requirements, LL. Historic Resorts, #4. needs more work.

4. Historical Resort Permitted uses Subject to Approval by the Township Board following recommendation by the Planning Commission. The following uses may be allowed but only when specifically authorized by the Township Board provided such uses are determined to be compatible with nearby residential land uses and as recommended by the Planning Commission. In allowing such uses the Board may attach conditions to ensure such activities do not have an adverse effect on nearby lands and residents and are consistent with the historical use.
 - a. Wedding receptions, graduation parties, family reunions, and other similar outdoor gatherings and uses which are typically associated with a resort.
 - b. Boat docks and slips, either temporary or permanent.
 - c. Outdoor music.
 - d. Other uses which are determined by the Township Board to be similar to those listed above which are typical to a resort operation.

Buzz Kahler said he would like the restriction regarding public gatherings to be township wide.

Chairperson Roesler said it would cover the full township as it would probably be some form of Special Event Permit.

Chairperson Roesler explained to Mr. Hollister that he does not have to apply for a Special Land Use Permit he can continue as is, as a nonconforming use, but then would not be afforded the rights of the Special Land Use.

Attorney Even explained the hope was to make these properties conforming, if a Special Land Use Permit is approved it would make the property conforming, without it the property remains non-conforming.

DISCUSSION

Commissioner Josephson concurred with Chairperson Roesler regarding Section 14.04 Special Land Use Specific Requirements, LL. Historic Resorts, #4 needing more work.

Commissioner Sprott agrees with Commissioner Josephson and added she believes they should be allowed to pick so many dates for events and have them approved.

Commissioner Warner concurred, working for Muskegon County he knows the fairgrounds provide a calendar and keep them updated with changes.

Commissioner Ray agreed with previous comments.

Commissioner Deur thinks points are good and further discussion is needed.

Commissioner Thompson has concerns with parking and noise; he believes it is a balancing act for resort owners.

Buzz Kahler said give them a limit of number of people for events without a permit, he doesn't want to have to get permission every time. He said 150 people would be an average for a wedding.

Chairperson Roesler stated that would not be a good thing, the township needs to be able to restrict if there are problems, other land owners in this residential zoning district need to be considered.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to table for further discussion.

7 AYES

OLD BUSINESS

1. Article III, General Provisions - Section 3.11 Fences, Wall, Hedges, Berms and Screens (A.) (amend).
Article XX, Administration and Enforcement – Section 20.06 Zoning Permit Required (A.) (amend).

The language was sent to Attorney Even for review. He responded by stating he reviewed the language and noted that the Ordinance does not define “wall”. This is something that probably should be addressed. Also the definition of screen and the ordinance as written might require a permit where someone puts up a privacy screen in the middle of their property, such as a Gazebo, that does not obscure anyone's view and serves no purpose. This too might be something for the committee to consider.

Consensus was to have the sub-committee; Commissioners Warner, Sprott and Josephson meet with Attorney Even for further discussion and report back.

2. Report from sub-committee (Commissioners Deur, Sprott and Josephson)

Article II, Definitions - Section 2.06 (D) Dwelling, or Dwelling Unit

Article III, General Provisions - Section 3.08 Accessory Buildings and Uses.

The following language was sent to Attorney Even for review; however, he had not had a chance to respond.

ARTICLE II DEFINITIONS

SECTION 2.05 DEFINITIONS – D

~~DWELLING, OR DWELLING UNIT~~

~~Any building or portion thereof having cooking or bathroom and or housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. A motor home, trailer coach, garage, automobile chassis, tent, or portable building shall not be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.~~

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION 2.12 DEFINITIONS – K

KITCHEN

An area used, or designated to be used, for the preparation of food.

ARTICLE III GENERAL PROVISIONS

SECTION 3.08 ACCESSORY BUILDINGS AND USES

D. No part of an **a detached** accessory building shall be used as a dwelling **or dwelling unit**.

Building Official Chris Hall gave Recording Secretary Dion the definition of Sleeping Unit from the 2012 International Building Code and asked if the language was still being discussed to provide it to the sub-committee. Consensus was for the sub-committee to meet with Attorney Even for further discussion and to report back.

COMMISSIONER COMMENTS

Chairperson Roesler advised that he was copied on a letter sent to Supervisor St. Amour from Planner Tim Johnson explaining that he is no longer with Wade/Trim. He and his wife are back as MainStreet Planning. Chairman Roesler responded he would like to continue to use MainStreet Planning when needed.

Commissioner Deur stated the following appointments were made to the Planning Commission: Val Jensen, Zoning Administrator, non-voting member extended to March 31, 2017. Planning Commissioners Tom Thompson and William Josephson until March 31, 2019. Deur's term as ex-officio member from the Township Board expires with the election in November 2016 and he is not planning to rerun for the Township Board of Trustees. The Township Board of Trustees must have a member on the Planning Commission so someone new will be appointed to start after the election.

Commissioner Thompson suggested that the Neighborhood Commercial District be reviewed for how it can be developed. He also suggests a reminder be sent to Michigan's Adventure regarding the entrance/exit for the training center. When that project was approved they said they would have a designated separate entrance and exit and this has not been done.

PLANNING/ZONING UPDATE

No updates

ADJOURNMENT

Motion by Leslie Sprott, second from John Warner, **ADOPTED**, to **ADJOURN** the April 7, 2016 regular meeting at 8:00 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary