

PLANNING COMMISSION
Minutes for Regular Meeting of
June 3, 2015

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

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 10 interested parties.

CALL TO ORDER Chairperson Roesler called the June 3, 2015 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

Chairperson Roesler introduced Val Jensen who was in the audience and will be our Zoning Administrator when Zoning Administrator Sandel retires.

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

7 AYES

MINUTES Motion by Leslie Sprott , second from Tom Thompson , **ADOPTED**, to accept the May 6, 2015 meeting minutes as written.

7 AYES

PUBLIC COMMENT

None

NEW BUSINESS – PUBLIC HEARINGS

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, Site Plan Review to amend existing approved site plan to request a temporary event tent to be located where the mini golf is and to relocate the mini golf to where the former event tent was located.

PUBLIC HEARING OPEN 6:33 p.m.

Mr. Rooks was here on behalf of Parkland Acquisition Three LLC. He explained this request is to re-locate the event tent for the year 2015, and reiterates there will be no outside amplified music. He stated in fact that they have taken the building known as the Chalet which had slatted windows and replaced them with insulated glass. He stated they had agreed to eliminate the tent for adding kitchens, however, the Township never clarified if it was okay to have a tent just not for overnight use and that amplified music would be allowed inside just not outside. He stated he wrote the request just for the year 2015 because he already had scheduled events and he didn't want to let those people down. The tent will also provide as a weather shelter for shade and rain for those occupying the resort. He has a sale agreement and lease agreement with a new owner. The lease agreement goes through 2017. The new owner approves of the event tent.

STAFF REPORT

Zoning Administrator Sandel advised we received an email from the White Lake Fire Authority stating the tent is all set for the season as long as they do not put on the sides. Putting the sides on while occupied without being re-inspected violates the code and their permit will be immediately revoked.

Chairperson Roesler stated that per the Michigan Building Code if the tent is up less than 180 days it is not considered a structure.

PUBLIC COMMENT

1. **Dave Bossenbroek, 900 3rd Street**, Attorney for Michillinda Beach Association, stated the Association supports the tent being relocated for this year as long as there is not amplified music outside. He asked what the plan was for 2016 and 2017. The Zoning Board of Appeals ruled adding kitchens was a less non-conforming use, and he has concerns about the tent being approved for 2016 and 2017.

PUBLIC HEARING CLOSED 6:50 p.m.

DISCUSSION

Commissioner Josephson stated he thinks relocating the tent to the north is a good idea. He would like to know what the Zoning Board of Appeals approval was.

Commissioner Sprott asked if they could obtain approval for a temporary tent if it was denied here. She does not believe the proposed tent relocation should create trouble for neighbors because the pool and playground are already there, creating noise.

Commissioner Warner stated this proposed application to re-locate the tent should be a non-issue with the approval that was granted by the Zoning Board of Appeals.

Commissioner Ray thinks the proposed location is fine.

Commissioner Deur is fine with moving the tent to the proposed location.

Commissioner Thompson asked what the new owner's intent is. He thought it was to change the property to residential. How far out do events get scheduled? He agrees it will help to relocate the tent to the proposed location.

Chairperson Roesler explains this application is only for the year of 2015, we are limited to acting on that only. What was applied for cannot be changed.

Mr. Rooks stated he received an email from the Fire Marshal that said the sides can be up. Township staff advised they had not seen that email.

Chairperson Josephson asked if the Chalet is air conditioned seeing that is where the inside events with amplified music will be held.

Mr. Rooks answered that yes it will be air conditioned.

Motion by Jan Deur, second from Leslie Sprott, **ADOPTED**, to approve amendment of the site plan as submitted subject to conditions imposed by the White Lake Fire Authority Fire Marshal.

7 AYES

2. Parcel number 61-06-101-100-0002-03 (vacant parcel on Whitehall Road), applicant Midwest V., LLC, owner of Winberg Development, LLC, Site Plan Review for construction of a Dollar General Store and appurtenant infrastructure.

PUBLIC HEARING OPEN 7:09 p.m.

Jim Milanowski gave a brief explanation of the project. It is a standard Dollar General Store with access being provided by a shared driveway, all entities except the Muskegon County Health Department have given approval and they are working on issues with them and are hoping they can obtain approval contingent on their approval.

Zoning Administrator Sandel advised there are a couple of issues he would like them to know about so if approved the approval can be contingent on them. According to our Parking and Loading Ordinance in the NC District all loading spaces shall be located in the rear yard. The proposed loading is in the side yard. They are requesting a variance and the Zoning Board of Appeals will hold public hearing on Monday, June 8. There is a pending land division. This piece is an L shaped parcel that goes back behind the Whitehall Pet Practice. The land division will square both pieces. Don has all paperwork, however, advised them that it would not be approved until we had an easement for ingress/egress over the parcel located immediately south of this parcel.

CORRESPONDENCE

None

PUBLIC COMMENT

1. **Ashley Culp, 1967 Angler Ct**, representing people on Angler, many of them have children, they ride bikes, it is a wooded neighborhood, road noise from the Highway is very loud, with the proposed Dollar General there will be more trees cut down and it will be louder yet. They ask that the neighboring community is thought of when the decision is being made.
2. **Don Pebbles, 6963 Angler Dr**, voices same concerns and also stated the Neighborhood Commercial District requires the loading spaces be located in the rear yard, he is upset they want to change the rules.
3. **Kathy Culp, 1967 Angler Ct**, asked several questions about the proposed building, what is the square footage, does it meet the percentage of lot coverage, will light fixtures point downward, how many trees are going to be left, how tall is the street sign, will that shine, has the Muskegon County Road Commission approved the driveway, does it meet the 100' front setback, could they get a copy of the easement, are they sure runoff will not go to neighboring properties?
4. **Scott Trombley, 6991 Angler Dr**, asks if this will stand right out in the neighborhood, right now the Assisted Living and Vet cannot be seen.

Mr. Milanowski stated the 66' easement will not be touched.

Scott Knowlton with Midwest V, LLC, stated per the developer they want to leave as many trees as they can.

Commissioner Thompson stated that when Angler Ct was approved there was a 1' strip that was to be left as a buffer.

Mr. Knowlton stated the stores normally close at 9:00 p.m., sometimes 10:00 p.m.; all lights are downward, the lights and signs go off after certain times after closing. There is one semi delivery a week and the rest of the deliveries are small.

5. **Angela Gensler, 1935 Angler Ct**, stated they saw a plan that indicates a lot of greenspace, this proposed Dollar General will be right in her back yard, greenspace has already been taken by the Assisted Living and she has lights in her windows every night.
6. **Eric Gensler, 1935 Angler Ct**, reiterates the need for greenspace.

PUBLIC HEARING CLOSED 7:49 p.m.

DISCUSSION

The following are questions and concerns from the Commissioners:

Ownership, driveway cuts, proximity of some parking spaces too close to the road right-of-way, trash enclosures, septic versus hooking into county sewer, overburdening, drawing down on neighboring wells, signs, lights and fixtures, map showing relationship with houses on Angler, greenspace.

Owner will be Midwest V, LLC, Dollar General manages and leases.

Driveway cuts are determined by the Muskegon County Road Commission; however, this will share a driveway with the parcel to the south of it.

Parking spaces are proposed according to the ordinance.

Trash enclosure will be 18X18 concrete slab; fenced area with solid steel gates that houses 2 dumpsters.

Septic/County Sewer, overburdening, drawing down on neighboring wells this location does not require hook up to the County Sewer; they are working with the Muskegon County Health Department to secure septic/well permits.

Signs will comply with sign ordinance and the permit will be secured by the sign company

Lights will comply with ordinance and are on a timer as well as the illuminated sign, they will shine down and there are no lights on the westerly side of the building.

Map showing relationship with houses on Angler/Greenspace developer believes they have taken steps to protect neighbors; a large tree buffer is being left.

Chairperson Roesler explained if the zoning is met a larger overview map is not really going to make a difference. He would like to see a restrictive covenant for the tree buffer. Then he stated the decision has to be based on the ordinance(s) not personal opinion and that they have 90 days to make a decision.

Site Plan Review standards reviewed.

Motion by John Warner, second from William Josephson, **ADOPTED**, to waive the traffic impact study.

7 AYES

Motion by John Warner, second from Jan Deur, **ADOPTED**, to approve the site plan as submitted with the following contingencies, 1) leaving 75' natural area buffer on west side, 2) obtaining septic/well permits, 3) land division approval, 4) creating easement for shared driveway, 5) obtaining Zoning Board of Appeals approval.

ROLL CALL VOTE: Thompson *Nay*, Deur **AYE**, Ray **AYE**, Warner **AYE**, Sprott **AYE**, Josephson **AYE** and Roesler **AYE**.

Commissioner Thompson stated he did not vote in favor because he does not know if there are trees in the buffer area they are talking about, they are proposing two detention ponds one of them in the front which he does not agree with and because of the parking proposed at 15' from the road right-of-way.

NEW BUSINESS

1. Discussion to change meeting day.

Chairperson Roesler asked Mr. Jensen to tell us about himself. Mr. Jensen stated he has been in the building industry since 1975, he has been in real estate both selling and purchasing, he owns his own house inspection company, he is the Planning Commission Chairperson for Holton Township, and he also does building and zoning for Whitehall Township and the Village of Lakewood Club.

Chairperson Roesler advised that the current meeting day will not work with Mr. Jensen's schedule.

Consensus was to change the meeting day from the first Wednesday of the month to the first Thursday of the month starting with the August meeting.

OLD BUSINESS

1. Reports from Sub-Committees

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

Proposed language is on the list of things ready for public hearing.

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

Commissioner Sprott said they are trying to set up a meeting with Sylvan Beach to discuss the language we sent them for review.

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

The proposed language has not been reviewed by Attorney Even yet.

1. Master Plan Review

Commissioner Deur advised that revisions have been done but we are not ready for review yet. He believes a sub-committee should meet with Steve Coverly from the Muskegon Conservation District to review language they suggested some time ago and figure out how to implement it into the Master Plan.

The sub-committee will be Commissioner Deur, Chairperson Roesler and Recording Secretary Dion.

COMMISSIONERS COMMENTS

None

PLANNING/ZONING UPDATES

None

ADJOURNMENT

The June 3, 2015, regular meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Sally Dion, Recording Secretary