

PLANNING COMMISSION
Minutes for Regular Meeting of
July 15, 2021

PRESENT Commissioners Dave Roesler, Mike Holman, John Warner and William Josephson.

ALSO PRESENT Recording Secretary Sally Dion and 5 interested parties.

NOT PRESENT Zoning Administrator Jensen, John Gloster and Maribeth Picard, excused, Ina Ray, resigned.

CALL TO ORDER Chairperson Roesler called the July 15, 2021 meeting to order at 6:00 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA Motion by Commissioner Josephson, second from Commissioner Holman, **ADOPTED**, to accept the agenda as written.

4 AYES, 3 ABSENT

MINUTES Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to amend the June 3 Regular Meeting Minutes by correcting the spelling of Supervisor Marcinkowski under New Business 1. and under discussion under definition of Residential add (s) to district in 4th paragraph, 3rd sentence and accept as amended

4 AYES, 3 ABSENT

Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to amend the June 9 Special Meeting Minutes under New Business, definition of Residential, to add (al) to person in 2nd paragraph, 2nd sentence and accept as amended.

4 AYES, 3 ABSENT

PUBLIC COMMENT

- Robert Fles, 2453 Scenic Drive, stated short term rentals should not be allowed, asked if the proposed amendments are going to take care of it.
- John Rosasco, 2515 Scenic Drive, concurs with comment by Mr. Fles.
- Jeff Marcinkowski, Supervisor, 3767 Jay Road, explained that if the proposed House Bills in Lansing for short term rentals pass the Township will no longer have jurisdiction, however, we are taking steps so that we can control for now.

NEW BUSINESS

PUBLIC HEARING

Parcel Number 61-06-114-100-0001-00, 2971 W. Michillinda Road, Scott and Tara L. DeMarr, owners, requests a Special Land Use Permit according to Article XIV Special Land Uses, Section 14.04 Q. Kennels, for the purpose of modification to current stables to accommodate multiple 4'x6' indoor dog kennels to include covered 4'x12' runs that will be enclosed in additional 40'x80' fenced yard, in the Rural Residential District.

PUBLIC HEARING OPEN 6:15 P.M.

Applicant Tara DeMarr, 2971 Michillinda Road, stated they have had a Horse/Equestrian farm operated under a Special Land Use Permit that was approved for the previous owners for many years, they want to adjust the use to include a Kennel Permit to breed and raise English Bull show dogs. She is asking for 10-12 females, however, said probably will be 5 or 6. She is a retired Vet Tech and this is her passion. She stated these are the most stolen breed of dog so this is why she wants to have the kennels in the existing barn. There will be no change of infrastructure, just change of use. She will be removing some horse stalls to make room for the kennel area. The kennels will be clean and heated.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:27 P.M.

Site Plan Review Standards were reviewed. No issues were found.

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to recommend approval of the Special Land Use request as submitted to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article II, Definitions, Section 2.04, Definitions – C

PUBLIC HEARING OPEN 6:42 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:46 P.M.

Commissioner Josephson read the following language to be made part of the record.

COMMERCIAL

This term relates to the use of property in connection with the lodging of transient guests for profit for a rental fee or the purchase, sale, lease, barter, display or exchange of goods, wares, merchandise or personal services or that is used in commerce or the maintenance of service offices or recreation or amusement enterprise or garage/basement/yard sales operating more than six (6) days during any one (1) twelve (12) month period and designed to make a profit. Any rental of a dwelling for a fee if less than 30 consecutive days is a commercial use.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article II, Definitions, Section 2.18, Definitions – R

PUBLIC HEARING OPEN 6:47 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:48 P.M.

Commissioner Josephson read the following language to be made part of the record.

RESIDENTIAL

This term relates to the use of real property for dwelling purposes and is the owner's principal, seasonal or main living place. This term does not include any rental of a dwelling for a fee if less than 30 consecutive days.

Property owners who own a dwelling but who live there only on a seasonal basis and who have a continuity of presence as evidenced by the storing of their personal possessions for their personal use such as golf clubs, ski equipment, cycling equipment, boating equipment, and clothing is included within the meaning of the term Residential.

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article III, General Provisions, Section 3.29, Outdoor Storage in Residential Districts

PUBLIC HEARING OPEN 6:50 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:51 P.M.

Commissioner Josephson read the following language to be made part of the record.

The outdoor storage or parking of recreational vehicles or recreational equipment, in all Residential Districts shall be subject to the following minimum conditions:

Motion by Commissioner Josephson, second from Commissioner Warner, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article VIa, Lake Michigan Shoreline District, Section 6.04a, Site Development Standards, 1. a)

PUBLIC HEARING OPEN 6:52 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:55 P.M.

Commissioner Josephson read the following language to be made part of the record.

FRUITLAND TOWNSHIP PLANNING COMMISSION July 15, 2021 REGULAR MEETING MINUTES

- a) No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms which provide beach access and comply with the requirements of Michigan Law and the Department of Environmental Quality (DEQ). All such Items (including stairs and platforms) shall be approved by the Zoning Administrator.

Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article VIIIa, Inland Lakes District, Section 8.02, Site Development Standards 11.

PUBLIC HEARING OPEN 6:56 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 6:57 P.M.

Commissioner Josephson read the following language to be made part of the record.

11. No structures or buildings shall be built or installed lakeward of the bluff line except for wooden stairs and platforms which provide beach access and comply with the requirements of Michigan Law and the Department of Environmental Quality (DEQ). All such Items (including stairs and platforms) shall be approved by the Zoning Administrator.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

Article XIV, Special Land Uses, Section 14.04 Special Land Use Specific Requirements, LL. Historic Resorts, 2.

PUBLIC HEARING OPEN 6:58 P.M.

No public comment or correspondence.

PUBLIC HEARING CLOSED 7:00 P.M.

Commissioner Josephson read the following language to be made part of the record.

2. Applicability. The provisions of this Section 14.04LL shall only be applicable to Parcel Number 61-06-245-005-0001-00 which is the only historical resort located within the Inland Lakes Zoning District in existence and operating as of the effective date of this Ordinance amendment July 5, 2016. 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.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to recommend approval as written above to the Township Board of Trustees.

4 AYES, 3 ABSENT

OLD BUSINESS

1. Master Plan Review/Update, Survey Results

Chairperson Roesler stated there is still no updated Census information.

2. Barn Weddings/Special Events

Chairperson Roesler advised he did speak with Attorney Even, and he believes that Barn Weddings/Special Events are commercial uses and not allowed if collecting money on a regular basis for it. He does not see a need to propose ordinance language at this time. He advised he is referring the issue to the Township Board of Trustees, removing from the Planning Commission agenda.

3. Accessory Buildings and Uses - Sizes

Chairperson Roesler advised Attorney Even has no problem with revisiting the Accessory Building sizes allowed and that he has contacted Planners Tim and Jan Johnson to help determine what is reasonable. He is still waiting to see when available and then will set up a sub-committee of three to meet with whomever is available.

PLANNING/ZONING UPDATES

Commissioner Warner advised the Board of Zoning Appeals met in July on another Accessory Building Size variance request; it was denied.

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Josephson, **ADOPTED**, to **ADJOURN**, the July 15, 2021 regular meeting at 7:28 p.m.

4 AYES, 3 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland