

PLANNING COMMISSION
Minutes for Regular Meeting of
July 2, 2014

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

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 2 interested parties.

CALL TO ORDER Chairperson Roesler called the July 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 adopt the July 2, 2014 meeting agenda as written.**

ALL AYES

MINUTES **Motion by Jan Deur, second from William Josephson, *ADOPTED*, to accept the June 11, 2014 meeting minutes as written.**

ALL AYES

PUBLIC COMMENT

1. Supervisor Sam St. Amour stated the Planning Commission is the backbone of the Township, he commends them for the job they do.

PUBLIC HEARINGS

1. Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses, E. Lots of Record

1. Lots of Record – Residential. Any parcel created or recorded prior to the effective date of this Ordinance, or amendment, in a district permitting a dwelling as a matter of right may be used for a single-family dwelling even though the lot area, lot width and/or dimensions are less than those required for the district in which the lot is located, provided that the dwelling and/or any other structures on the lot comply with the minimum floor area, height, lot coverage, and yard setbacks required in that district or those setbacks previously approved for subdivisions or condominiums being no less than thirty (30) feet for front and rear setbacks and ten (10) feet side yard setbacks.

2. **In the event that any parcel that conformed with the dimensional requirements of this ordinance at the time that a dwelling was erected upon said parcel and thereafter said parcel becomes dimensionally nonconforming as a result of a foreclosure over a portion of the parcel or a partial taking by eminent domain then the use of the remaining parcel for residential purposes shall be allowed to continue, however any structures on the parcel shall not be further enlarged without compliance with such other applicable requirements of this ordinance or as may be allowed by way of variance.**

- ~~2.~~ **3.** Lots of Record – Non-Residential. Any parcel created and recorded prior to the effective date of this Ordinance, or amendment, in a district that does not permit a dwelling as a matter of right may be used for a purpose lawful in that district even though the lot area and/or dimensions are less than those required for the district in which the parcel is located, but only if such use is authorized as a variance by the Board of Zoning Appeals, in accordance with the variance provisions of the Ordinance.
- 3. 4.** In the Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Lake Michigan Shoreline (LMSD), Inland Lakes (ILD) and North Duck Lake Overlay (NDLOD) zoning districts, if two or more adjacent nonconforming vacant lots of record are held in common ownership, said lots shall be considered to be an undivided parcel for purposes of obtaining a zoning permit and shall be combined into a parcel (s) that has a lot width of at least 90 feet and a lot size of at least 50 percent of the minimum lot area required in the zoning district where the parcel (s) are located.

PUBLIC HEARING OPEN 6:34 p.m.

CORRESPONDENCE

None

1. Dave Bossenbroek, Attorney, supports this amendment. Zoning Administrator Sandel stated he was glad to see eminent domain covered.

PUBLIC HEARING CLOSED 6:37 p.m.

Consensus of Commissioners is to recommend amendment of language as proposed.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to recommend approval of amendment to the Township Board of Trustees as proposed.

ALL AYES

2. Article XX, Administration and Enforcement, Section 20.09 Remedies and Enforcement

Any person, firm or corporation, including an agent, in charge of any structure or land who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day a violation continues shall be deemed to be a separate offense. In addition to other sanctions, the Township ~~or any owner of real estate within the Township~~ may institute an appropriate court proceeding to prevent, enjoin, abate or remove any violation of this Ordinance, compel compliance with this Ordinance, or seek other equitable or injunctive relief. Persons determined to be in violation of this Ordinance shall be required to reimburse the Township for its actual costs of prosecution, including court costs and reasonable attorney fees.

PUBLIC HEARING OPEN 6:42 p.m.

CORRESPONDENCE

None

COMMISSIONERS COMMENTS

Commissioner Deur stated that according to Attorney Kevin Even the language as written now is contrary to state law.

1. Dave Bossenbroek, Attorney, stated he agrees with Attorney Even.
2. Supervisor Sam St. Amour, stated he supports the proposed language.

PUBLIC HEARING CLOSED 6:46 p.m.

Consensus of Commissioners is to recommend amendment of language as proposed.

Motion by John Warner, second from Leslie Sprott, **ADOPTED**, to recommend approval to the Township Board of Trustees the amendments as proposed.

ALL AYES

OLD BUSINESS

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, request for Site Plan Review to replace fire damaged building which has since been demolished.**

Chairperson Roesler stated he and Commissioner Deur met with Attorney Kevin Even after the last meeting for clarification on a few things. One of the things was when the ninety (90) days starts that Final action shall be taken by the Planning Commission. Final action shall be taken within ninety (90) days after fully completed application and site plan has been received by the Township. If requested by the Zoning Administrator some site plan review requirements can be waived if deemed unnecessary by the Planning Commission. Expansion of the use will not be allowed, however, they must be allowed to rebuild/replace the building.

Zoning Administrator Sandel explained after listening to the recorded meeting between Attorney Even, Chairperson Roesler and Commissioner Deur on June 18 he went and met with Mr. Rooks. He stated they discussed what is needed to complete the Site Plan. During the discussion Mr. Rooks stated they will try and come up with a solution for the wedding noise. He explained he checked on a traffic study and it is very costly. On June 25th Zoning Administrator Sandel emailed a letter listing the items that need to be addressed in writing on the site plan. He then received an email from Mr. Rooks on Wednesday, June 25th stating that after reviewing the items that need to be addressed he would not be ready for the July 2nd meeting.

Motion by John Warner, second from Jan Deur, **ADOPTED**, to suspend rules to allow Supervisor St. Amour address the board.

ALL AYES

Supervisor St. Amour stated there was never approval other than a handshake to allow weddings. He believes there may have been an estimated traffic study done at one time but not an official one.

Motion by Jan Deur, second from Leslie Sprott, *ADOPTED*, to un-suspend rules and return to regular session.

ALL AYES

Upon request from Zoning Administrator Sandel consensus of Commissioners was to waive the sign location, traffic study and small scale drawing of adjoining properties from the Site Plan Review requirements for this application.

2. Reports from Sub-Committees

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

No report.

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

No report.

- Master Plan Review

Chairperson Roesler stated we need to think hard about creating districts/zones for resorts. There are several resorts in the township, ex: Parkland Acquisition III (Michillinda Beach Lodge), Buzz's Lakeside Inn (Lakeside Inn), Glaser's Glen, Waters Edge, Sea Fever. He asked all Commissioners to go through the existing Master Plan, make notes and then they can set up a work session to go through it together.

Commissioner Deur stated that the Parks and Recreation Commission asked if we were going to do a survey and if we do could they piggy back on it. Consensus was there is really no need to do another survey. Commissioner Deur will advise the Parks and Recreation Commission.

3. 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 did a drawing showing what he believes is conflicting. A Sub-committee was set to review and report back (Commissioners Warner, Josephson and Dykhouse)

Commissioner Josephson said he would be on this sub-committee if another Commissioner could take his place on the fence sub-committee. Chairperson Roesler said he would be on the fence sub-committee.

ADJOURNMENT

Motion by William Josephson, second from John Warner, *ADOPTED*, to
ADJOURN the July 2, 2014, regular meeting at 8:15 p.m.

ALL AYES

Respectfully Submitted,

Sally Dion, Recording Secretary