

PLANNING COMMISSION
Minutes for Regular Meeting of
August 6, 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 19 interested parties.

CALL TO ORDER Chairperson Roesler called the August 6, 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 August 6, 2014 meeting agenda as written.**
ALL AYES

MINUTES **Motion by Jan Deur, second from William Josephson, *ADOPTED*, to accept the July 2, 2014 meeting minutes as written.**
ALL AYES

PUBLIC COMMENT

None

PUBLIC HEARINGS

1. Application from Faulk & Foster on behalf of Verizon Wireless , for a Special Land Use Permit, according to Article XIV SPECIAL LAND USES, Section 14.04 EE. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, for the proposed construction of a 195’ monopole cell tower on vacant parcel number 61-06-118-400-0001-00, owned by Fruitland Township, located on Nestrom Road in the Low Density Residential zoning district.

PUBLIC HEARING OPEN 6:33 p.m.

Duke Yeager from Faulk & Foster was here on behalf of Verizon Wireless. He stated Verizon is trying to fill the small gaps in service, thence the request for the proposed construction of a 195’ monopole cell tower.

Zoning Administrator Sandel stated the township has been working closely with Faulk & Foster and he believes all of the Special Land Use specific requirements have been met. Because the lease is for more than one year he did request a recordable survey.

COMMISSIONERS COMMENTS

Commissioner Thompson asked if this cell tower will require lighting. Mr. Yeager responded no this tower will not require lighting. According to the Federal Aviation Administration (FAA) lighting requirements are determined by the height and location. Structures taller than 200 feet are subject to FAA lighting requirements, however, structures that are shorter than this height may also require lighting, depending on the structure’s location.

Commissioner Deur advised a lease has been negotiated by the township attorney and signed by Supervisor St. Amour. He stated he understands tower owners are known to sell, will Verizon sell this one? Mr. Yeager responded that of course he could not say for sure, however, he does not foresee that happening.

Commissioner Deur asked if other companies will co-locate. Mr. Yeager stated that yes a cell tower owner is required to allow co-location. Both cell and internet service companies can request to co-locate.

Commissioner Warner asked how much land will be cleared and when will the tower be completed. Mr. Yeager stated the leased area will be cleared, however, they will only clear what they have to, the tower will probably not be able to be seen from the road and his guess would be it will be completed by late September/October or most certain by the end of this year.

Commissioner Sprott asked how many will be co-located. Mr. Yeager responded he does not know, however, he has seen up to 8.

Chairperson Roesler asked if the gate will be at the road. Mr. Yeager responded more than likely not.

Commissioner Deur asked if the tower will be compatible with the 5G network antennae. Mr. Yeager responded that yes it will be.

CORRESPONDENCE

None

PUBLIC COMMENT

1. Jerry Kendall, 5050 Nestrom Road, asked if tower signals will affect his satellite dish. Mr. Yeager responded no.

PUBLIC HEARING CLOSED 6:48 p.m.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to recommend approval to the Township Board of Trustees a Special Land Use Permit, according to Article XIV SPECIAL LAND USES, Section 14.04 EE. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services, for the proposed construction of a 195' monopole cell tower on vacant parcel number 61-06-118-400-0001-00, owned by Fruitland Township, located on Nestrom Road in the Low Density Residential zoning district according to site plan, JOB NO. 04093-2108 submitted with application.

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.**

Chief Holman, White Lake Fire Authority, advised he was here to address concerns of radius of driveway/turnaround and fire suppression brought forth from Commissioners at the June meeting. He stated he was working with Nederveld on the radius concern. Kyle Wilson of Nederveld advised a revision has been made to the site plan to address this; he handed out a revised plan to Commissioners and staff. Chief Holman stated that buildings the size that are being proposed do not require sprinklers. The occupant load could require it; however, they will need a final plan to determine this. He did advise if fire suppression is required an above or underground water storage tank would be required.

Commissioner Warner asked if the kitchen will require suppression. Fire Chief Holman responded that yes it would require some sort of suppression.

Commissioner Deur asked with the location of the buildings being changed from what existed will that cause trouble in getting to other buildings if needed. Fire Chief Holman responded that this will actually be better, they will now have access to some buildings they didn't before.

Jon Rooks, Parkland Acquisition Three LLC, explains after the discussion he had with Zoning Administrator Sandel there was a slight re-design to move the restaurant to the South building to accommodate moving the tent for weddings, this will allow greater noise blockage to some neighbors on the south side, because the tent will be surrounded by the new and existing buildings. In digging through old records it was found that the original lodge that burned had a single stall garage so he added that to the site plan and made the rest of what he was proposing as garages common area.

Chairperson Roesler went over the list of items that were requested to be addressed.

1. Parking areas including ADA parking.
2. Drainage to include "rain gardens".
3. Utilities identify current locations and any proposed changes.
4. Deck locations and uses.
5. Outside lighting.
6. Trash/refuge storage location/screen etc.
7. In addition we need clarification from the fire chief that the access meets our requirements i.e. radius of drive to accommodate apparatus and we need clarification of the "occupancy classification" referenced in the original letter. What determines the "occupancy classification" and what classification does the proposed development fall into?
8. We need at least some "renderings" or conceptual drawings of proposed floor plan, outside design/appearance, light placement on the outside of the proposed building, placement of doors etc.
9. We need to know more exact locations and use of any outside dining/food service/bar service on the deck.

Kyle Wilson of Nederveld handed out correspondence from the Muskegon County Road Commission, Muskegon County Drain Commission and an email from the Muskegon County Conservation District.

Consensus of commissioners is the items listed have been addressed.

Commissioner Thompson had the following comments/questions/concerns.

He asked if they will be only renting blocks of rooms or can someone rent an individual room. Mr. Rooks responded that an individual room can be rented.

He asked how many parcels are included and states a concern regarding the parcels being able to be divided in the future and made single family parcels. Zoning Administrator Sandel advised there are two (2) parcel numbers, however, they are comprised of several legal descriptions, property obtained at different times. To divide they would have to meet current site development standards.

Commissioner Deur had the following comments/questions/concerns.

He thanks Mr. Rooks for the additional work on the site plan. He stated that on the conceptual plan of the proposed buildings not every bedroom shows a bathroom, why is that? Mr. Rooks stated it should show a bathroom in every bedroom.

He stated the most recent site plan shows potential tent location. Is this the final plan? Mr. Rooks responded no, the tent location is to be determined. He has met with neighboring property owner Mr. Twardock who does not approve of the potential location. They also discussed construction of noise barrier walls around the tent where it exists; Mr. Twardock does not like that idea. Mr. Rooks does not believe weddings are the way to operate, however, if he sells to someone else, they may, so they need to preserve the use. He said they will never violate the 11:00 p.m. noise curfew and they will work with neighbors, and if wanted they will provide decibel controlled equipment.

He asked about seating on the outside patio. Mr. Rooks responded there will be seating for seventy-five (75).

He asked about Mr. Rooks' rental intentions. Mr. Rooks stated he is proposing seasonal lodging with the restaurant being open year round. Commissioner Deur also asked whether it was Mr. Rooks' intent to operate the property as a one-owner resort, rather than as separate dwelling units with multiple owners. Mr. Rooks responded affirmatively.

Commissioner Deur wants to be sure the issue with the access road is resolved; he asked Chief Holman if he will be sending a revised letter. Chief Holman responded that yes he would.

Commissioner Warner had the following comments/questions/concerns.

There was brief discussion on the comparison of water usage provided by Nederveld. Kyle Wilson of Nederveld advised that comparison was very conservative. There was a question of the size of proposed drain-fields. Kyle Wilson advised they will continue to work with the Muskegon County Health Department.

Commissioner Spratt asked if construction of the project as a whole would be completed at the same time. Mr. Rooks responded that yes they will be.

Commissioner Josephson had the following comments/questions/concerns.

He asked about the number of units. Mr. Rooks responded that the DEQ requirements say they can only have four (4) units in each building. He had to use one (1) of the units for the restaurant, thence allowing four (4) units in the one building and three (3) units and restaurant in the other. The buildings cannot be connected in any way or they would have to meet other setback requirements.

He asked with the deck being proposed all the way across wouldn't that make it one (1) building. Mr. Rooks responded no.

PUBLIC COMMENT

1. Frank Jones, 5093 Scenic Drive, asked for clarification on possible requirements according to occupancy. Chief Holman stated he has not seen the final plans; however, the occupant rating sets requirements for several different things. The requirements can be alarm notification systems to full fire suppression being required. All occupants are factored not just sleeping occupants.
2. Dave Twardock, 5161 Scenic Drive, stated he has met with Mr. Rooks twice regarding the tent location, he also has concerns of the number of proposed units, the old lodge had 17 bedrooms and the new proposes 35, he asked if the timing of replacing a non-conforming use requirement is being waived, and he said the noise problem has been going on for 10 years and the township has not deemed it necessary to take care of this, the tent cannot be moved anywhere to fix the noise, the only solution would be to demand the weddings/receptions be held inside.
3. Dick Schumacher, 5147 Scenic Drive, stated concern with noise level, he likes the proposed location of the tent, he appreciates the new owners working with neighbors, asks if you can rent just one (1) room, Mr. Rooks responds that yes you can rent one (1) room, there will be thirty-five individual bedrooms with a bathroom, however, the sleeping capacity will be the same as the former lodge.
4. Darlene Mahoney, 5214 Scenic Drive, lives directly across the street, they never minded the music, however, has concerns with water usage, she said in 2000 when a test well at the lodge dried up several wells in the area it was determined a hydrological study should be done of the aquifer, she asks has that been done.
5. Tracy Knoth, 5230 Scenic Drive, lives directly across the street, they never minded the music, has concerns with water usage, she hopes very important answers are obtained before approval regarding noise, flow of traffic with widening the drive being required by the Muskegon County Road Commission, occupancy concerns.
6. Burr Martin, 5081 Scenic Drive, water usage concerns, noise concerns, occupancy load of the lake frontage (key-holing) which he states needs to be limited for the surrounding property owners.

Chairman Roesler reminded again that we are re-establishing the non-conforming use that has always been there, we are obligated to allow this, however; the use cannot be expanded. We must think in the terms of if the lodge had not burned, what would be happening there. If fire suppression would be required and it involved construction of a water tower or storage tank, it would not be allowed because it is not part of the site plan being reviewed and also would be considered an expansion. If there wasn't the DEQ requirement of having to move the building back from the bluff the building would have been put back on the exact footprint with the same use.

DISCUSSION

Commissioner Thompson stated he understands the concerns brought forth with possible water usage, tent/noise issues, unfortunately, the township should have never allowed the outside weddings, however, they did and they have been allowed for at least ten (10) years.

Zoning Administrator Sandel advises commissioners to remember this is a site plan review, not an architectural plan. The use has been continued as a resort since the fire took place.

Commissioner Deur stated clarification from Attorney Even is still necessary on if 35 rooms can be rented out or does that expand the use. The prior lodge had 17 rooms.

Commissioner Dykhouse asked about the water issue concerns, why did the neighbors run out of water previously, is the test well still there, will they be using the test well.

Commissioner Warner stated that general operation should not cause trouble with water; however, he does have concerns with the proposed septic systems.

Commissioner Sprott stated that the number of units versus bedrooms is confusing; especially seeing those are not defined in the zoning ordinance, however, she thought we were ruling according to the number of occupants the previous lodge accommodated.

Commissioner Josephson stated he is satisfied with the numbers and that the septic systems will be regulated by the Muskegon County Health Department. He still questions the outdoor weddings/receptions and believes they should be required to be inside.

Chairperson Roesler stated there are still a few things that need to be clarified by Attorney Even; therefore, a decision will not be rendered tonight.

Motion by Jan Deur, second from John Warner, **ADOPTED**, to **TABLE**, 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.

ALL AYES

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 he would like to set up a Saturday morning work session sometime in September.

3. Article III, General Provisions, Section 3.31 Average Setback Lines (sub-committee is Commissioners Warner, Josephson and Dykhouse)

- Intent

- Possible conflicts with Zoning District Site Development Standards regarding Streams, Creeks & Lakes

Commissioner Josephson stated that he and Zoning Administrator Sandel have met and discussed and will report at the next meeting.

COMMISSIONER COMMENTS

Chairperson Roesler advised he will be gone on the date of the regularly scheduled meeting in September. Consensus was to re-schedule the September meeting to September 10th.

Commissioner Deur advised that the Citizen Planner classes begin on Tuesday, September 9th at the Laketon Township Hall.

ADJOURNMENT

Motion by William Josephson, second from Leslie Sprott, **ADOPTED**, to **ADJOURN** the August 6, 2014, regular meeting at 8:50 p.m.

ALL AYES

Respectfully Submitted,

Sally Dion, Recording Secretary