

PLANNING COMMISSION
Minutes for Regular Meeting of
February 1, 2024

PRESENT Commissioners Dave Roesler, John Warner, Paul Josephson, Chris Campeau, Mike Holman and Brian Butler.

NOT PRESENT John Gloster.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and 1 interested party.

CALL TO ORDER Chairperson Roesler called the February 1, 2024 meeting to order at 6:00 p.m.

AGENDA Motion by Commissioner Holman, second from Commissioner Campeau, to *ACCEPT*, the agenda as written.

6 AYES
1 ABSENT

MINUTES Motion by Commissioner Warner, second from Commissioner Holman, *ADOPTED*, to accept the January 11, 2024 Regular Meeting Minutes as written.

6 AYES
1 ABSENT

PUBLIC COMMENT

None

NEW BUSINESS

1. Accessory Buildings size, height, and Agriculture uses

Chairperson Roesler stated he believes buildings related to a bona-fide agricultural use under the Right to Farm Act might be considered an Agricultural Building not an Accessory Building. Agricultural use would need to meet both the Right to Farm Act and GAAMPS. We might need a definition of an Agricultural Building. He will request Attorney Even give opinion.

Zoning Administrator Jensen referenced Article II Definitions and Article III General Provisions regarding Accessory Buildings and Agricultural uses. He agrees barns should not be considered as Accessory Buildings.

Commissioner Butler stated the Board of Zoning Appeals did not consider horses as a bona-fide agricultural use in the past; he would like to see this clarified.

Commissioner Warner, Board of Zoning Appeals liaison stated several times the denial related to the above was because of size not if it was a bona-fide agricultural use or not.

Consensus was to work on existing language to see if it needs to be cleared up. Chairman Roesler will work through Attorney Even on getting clarification.

FRUITLAND TOWNSHIP PLANNING COMMISSION February 1, 2024 RESCHEDULED REGULAR MEETING MINUTES

Related to the size and height Chairperson Roesler researched neighboring ordinances and found the largest accessory building allowed was 4,000 sq. ft. in Dalton Township.

Commissioner Josephson stated for 10 acres and over existing language allows 3,200 sq. ft.

The question was asked if all buildings are considered for the maximum lot coverage. Zoning Administrator Jensen stated yes.

Commissioner Butler believes it should be figured by percentage.

Commissioners Holman, Warner and Campeau believe the existing square footages are good as is. It was worked on long and hard along with professional planners.

Motion by Commissioner Holman, second from Commissioner Campeau, **ADOPTED**, to leave the existing Accessory Building maximum sizes and height as is.

5 AYES
1 NAY (Butler)
1 ABSENT

2. White Lake Drive corridor zoning

Chairperson Roesler researched the parcel on the corner of Zellar and White Lake Drive, there are many deed restrictions on the property, due to contamination from the old Muskegon Chemical Company. The restrictions require nothing can be done with areas of ground water until the MDEQ allows it. Restrictions also preclude any activity or development that may interfere with monitoring system/wells, remedial action.

Chairperson Roesler contacted Scott Huebler from the City of Whitehall to find out the status of city water along White Lake Drive on the city side. Scott said at this time there is no water use plan with Fruitland Township. If in the future, there was a plan put forward, the water would probably have to come from the loop that supplies the high school. If a plan was pursued it would have to be decided how to fund the infrastructure to get water to the properties on the Fruitland side of White Lake Drive.

Chairperson Roesler also pointed out the zoning map indicates some parcels along White Lake Drive, specifically the one on the corner of Zellar and White Lake Drive are divided in two different zoning districts. A request for rezoning must meet qualifications, the request needs to come from the Planning Commission, the Township Board of Trustees or a parcel owner(s).

Commissioner Campeau doesn't want to see commercial along the White Lake Drive corridor.

Commissioner Warner advises this is residential zoning.

Chairperson Roesler stated we have Neighborhood Commercial along Whitehall Road. The Neighborhood Commercial zoning does not allow any new homes be built. The Neighborhood Commercial District, has a Use by Right, homes that existed in January 1, 2009.

Chairperson Roesler stated if you could get water on the parcel located on the corner of Zellar and White Lake Drive an Open Spaced Planned Unit Development might be a good approach. He said taking the corner parcel out do we want Neighborhood Commercial on the other parcels in this area? Would it be

FRUITLAND TOWNSHIP PLANNING COMMISSION February 1, 2024 RESCHEDULED REGULAR MEETING MINUTES

more appropriate than zoned now? This parcel also includes some flood zone area. There are many obstacles.

Commissioner Warner said he feels this is best to look at with the next Master Plan updated.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to not pursue the rezoning of the parcels along White Lake Drive at this time.

6 AYES
1 ABSENT

3. Solar structures as accessory structures

Chairperson Roesler handed out some sample language regarding Solar Energy Equipment for review.

Zoning Administrator Jensen stated the existing definition of structure includes solar equipment as defined now.

Chairperson Roesler asks if we should try this on our own or hire a planner? Solar is not going away.

Zoning Administrator Jensen said the language Chairperson Roesler provided is a great start.

Commissioner Warner believes this needs to be addressed.

Consensus was to set up a subcommittee.

Motion by Commissioner Butler, second by Commissioner Campeau, **ADOPTED**, to set up a subcommittee of Commissioners Warner, Butler, Josephson with Zoning Administrator Jensen to work on language.

6 AYES
1 ABSENT

4. Agricultural Overlay use/purpose

Chairperson Roesler stated looking at the zoning map the Agricultural Overlay covers different zoning districts, it allows the Agricultural uses for all those parcels that have the overlay. The Definition of Agricultural Uses and Article IVa Agricultural Overlay District, Section 4.05a Site Development Standards seem to contradict one another. This needs further review.

5. 960 minimum square foot for single family dwelling

Chairperson Roesler stated there was a vote of the people in 2002, according to Attorney Even we are not bound by the vote because, the vote was improperly conducted, therefore, the Planning Commission can change if so desired. The existing Minimum Dwelling Unit Floor Area and maximum garage size is 1120 square feet GFA/ 960 square feet GFA on ground floor. In addition to the accessory buildings and structures permitted herein, each single-family and each two-family dwelling may provide one garage for use by the occupants of each dwelling unit. The garage may be attached to the dwelling or detached from the dwelling. The maximum size of such garage shall not exceed 1,000 square feet.

Zoning Administrator Jensen stated the biggest percent of people in our Township want bigger house.

Consensus was not to make any amendment to the existing language.

Motion by Commissioner Butler, second from Commissioner Josephson, **ADOPTED**, to leave the Minimum Dwelling Unit Floor Area and Maximum Building size as is.

**6 AYES
1 ABSENT**

6. Review of ground floor definition when related to a garage under the first floor

Discussion was held on if the definition of basement possibly needs to be amended. Chairperson Roesler asked each Commissioner to bring language for discussion, possibly may require a sub-committee.

OLD BUSINESS

1. Grade – Definition

Attorney Even provided suggested definitions for grade. After discussion of suggested language, consensus was to use as suggested, and after reviewing the list of places in the ordinance that grade appeared it was decided to either add finished, existing or leave as is for grade in several Articles and Sections. Recording Secretary Dion will make changes and have ready for publication for public hearing.

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to set public hearing for the April meeting.

**6 AYES
1 ABSENT**

2. Electric car charging stations

Chairperson Roesler reviewed that we can decide where we want them placed and will need to research what requirements would need to be met. He had some suggestions of maybe where to allow, Bed & Breakfast, Public Park, Golf Course, Gun Club, Schools, Churches.

Commissioner Warner believes they should be okay in the Neighborhood Commercial as a Use by Special Land Use with requirements.

Chairperson Roesler stated we may need professional help from a planner/consultant.

PLANNING/ZONING UPDATE

None

COMMISSIONER COMMENTS

PUBLIC COMMENT

1. Jeff Marcinkowski, Supervisor, 3767 Jay Road, stated he would continue to work on the White Lake Drive corridor zoning. He would like to see the rezoning from Blank to Zellar as Neighborhood

FRUITLAND TOWNSHIP PLANNING COMMISSION February 1, 2024 RESCHEDULED REGULAR MEETING MINUTES

Commercial. He wants the solar structure subcommittee to look at amp load and to keep in mind someone could go to court as a taking of being allowed a use. There is still issue with Agricultural Overlay District language and the definition of Agricultural Uses. He expressed disappointment with the minimum square footage not being addressed further, he will take back to the Township Board of Trustees. He agrees with the list of possible locations for the Electric car changing stations except for the Bed and Breakfast. He asked if a house located in the Neighborhood Commercial District could be turned into a business? As far as the Accessory Building sizes and height he believes the Planning Commissioners thinking is backwards.

ADJOURMENT

Motion by Commissioner Warner, second from Commissioner Holman, **ADOPTED**, to adjourn the February 1, 2024 rescheduled regular meeting at 8:35 p.m.

6 AYES
1 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland