

PLANNING COMMISSION
Minutes for Regular Meeting of
March 7, 2024

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

NOT PRESENT Zoning Administrator Jensen.

ALSO PRESENT Recording Secretary Sally Dion and 3 interested parties.

CALL TO ORDER Chairperson Roesler called the March 7, 2024 meeting to order at 6:00 p.m.

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

7 AYES

MINUTES Motion by Commissioner Holman, second from Commissioner Campeau, *ADOPTED*, to accept the February 1, 2024 Regular Meeting Minutes as written.

7 AYES

PUBLIC COMMENT

None

NEW BUSINESS

Pre-preliminary Site Plan Review –request from Q & R Farms LLC, for vacant parcel 61-06-127-200-0005-00, Weber Road, according to Article XV Site Plan Review, Section 15.03 Site Plan Review Requirements for a Special Land Use Permit according to Article IV RR Rural Residential District, Section 4.03 Uses Permitted by Special Land Use O. Blueberry farming and Article XIV Special Land Uses, Section 14.04 Special Land Use Specific Requirements, D. Blueberry farming.

Applicant Jeff Jawor presented the proposed plan and his partner Eric (son) was here also. Mr. Jawor stated there is an existing pond on the property they would like to fill in.

Chairperson Roesler explained in the Rural Residential Zoning District Blueberry farms are a use permitted by a Special Land use, it doesn't matter that the parcel is not in the Agricultural Overlay. The project must meet the requirements of Article XV Site Plan Review and Article XIV Special Land Uses, Section 14.04 Special Land Use Specific Requirements D. Blueberry farming to be approved. Upon going over the requirements consensus was they will need something from the following entities: the Muskegon County Road Commission for driveway(s), Muskegon County Drain Commission for the Ackerberg Drain, White Lake Fire Authority regarding the proposed building(s) and EGLE if they wish to pursue filling in the pond. They were advised the proposed building would not be considered an Accessory Building; however, it would be an Agricultural Building. Once the completed application is submitted, the Planning Commission will review and then set Public Hearing.

They would like to plant in the fall.

Recording Secretary Dion will provide copies of the Site Plan Review and Special Land Use Ordinances at their request.

OLD BUSINESS

1. Grade – Article and Sections to be amended:

Article II, Definitions, Section 2.03 B/BASEMENT OR CELLAR

Article II, Definitions, Section 2.08 G/GRADE

Article II, Definitions, Section 2.19 S/STORY

Article III, General Provisions, Section 3.18 FILLING OF LAND B & C

Article III, General Provisions, Section 3.23 NON-CONFORMING BUILDINGS, STRUCTURES AND USES B

Article III, General Provisions, Section 3.35 REQUIREMENTS FOR WIRELESS COMMUNICATION TOWERS AND ANTENNAS WHICH DO NOT EXCEED A HEIGHT OF 50 FEET A (1 & 2)

Article III, General Provisions, Section 3.36 EXISTING WIRELESS COMMUNICATION TOWERS AND ANTENNAS EXCEEDING A HEIGHT OF FIFTY FEET AS A USE BY RIGHT (A 3 i)

Article IV, Rural Residential District, Section 4.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article V, Low Density Residential District, Section 5.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article VI, Medium Density Residential District, Section 6.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article VIa, Lake Michigan Shoreline District, Section 6.04a SITE DEVELOPMENT STANDARDS Maximum Building Height

Article VII, Medium High Density Residential District, Section 7.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article VIII, High Density Residential District, Section 8.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article VIIIa Inland Lakes District, Section 8.02a SITE DEVELOPMENT STANDARDS Maximum Building Height

Article X, Waterfront Marine District, Section 10.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article XI, Neighborhood Commercial District, Section 11.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article XIII, Amusement Park District, Section 13.04 SITE DEVELOPMENT STANDARDS Maximum Building Height

Article XIV, Special Land Uses, Section 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS Y (2 b 3)

Article XVI, Park and Loading, Section 16.04, PARKING LOT PLANS (B)

Article XVII, Signs, Section 17.05 MEASUREMENT OF SIGNS (C)

Article XVIII, Private Streets Serving Two (2) to Thirty (30) Lots (B 2 f)

Article XXIII, Wind Energy Systems (WES), Section 23.02 Definitions (H)

Motion by Commissioner Butler, second from Commissioner Holman, **ADOPTED**, to set public hearing for the April 4, 2024 regular meeting.

7 AYES

2. Electric car charging stations

Chairperson Roesler said Attorney Even is going to research further and he will report back with his findings.

3. Accessory Buildings size, height, and Agriculture uses

Attorney Even provided a memorandum in which it states to determine an accessory use/structure the focus always needs to be on what the principal use is of the property within the specific zoning district under consideration in order to determine what is a principal/permitted use versus an accessory use.

4. Solar structures as accessory structures

No update the subcommittee has not met as of yet.

5. Agricultural Overlay use/purpose

Attorney Even provided a memorandum in which it states an explanation of the purpose behind the agricultural overlay district. The Township does not have enough contiguous agricultural parcels that would justify creation of an agricultural zoning district. Nonetheless the Township has adopted an “Agricultural Overlay Zoning District” in order to provide for and preserve areas of the Township where agricultural uses exist and should be preserved or encouraged. The overlay district specifically allows for farming operations even though the underlying zone does not allow for farming. The overlay district provides for greater protection regarding farming that the Michigan Right to Farm Act and adopted generally accepted agricultural and management practices (GAAMPS).

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

Chairperson Roesler brought Commissioner Gloster up to date on what this was in reference to (he had not been at a meeting since it came up) he was given a copy of the document supplied by Scott Erdman and we are going to leave it as an item for now for further discussion.

PLANNING/ZONING UPDATE

None

COMMISSIONER COMMENTS

None

PUBLIC COMMENT

1. Patricia Whitener, 3293 Bard Road, stated the parcel proposed for blueberry farming S.E. corner butts up to her and she has concerns of water coming on her property with all the clearing of the trees and if he fills in the existing pond.

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Campeau, ***ADOPTED***, to adjourn the March 7, 2024 rescheduled regular meeting at 7:25 p.m.

7 AYES

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland