

PLANNING COMMISSION
Minutes for Regular Meeting of
November 7, 2024

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

NOT PRESENT Commissioners John Gloster.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and **8** interested parties.

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

AGENDA Motion by Commissioner Warner second from Commissioner Holman, **ADOPTED** to **AMEND** the November 7, 2024 agenda by adding under Old Business 3. Article III, General Provisions, Section 3.23 Non-conforming Buildings, Structures and Uses (B.) Expansion and Substitution of Non-conforming Buildings or Structures (4.) and accept as amended.

6 AYES
1 ABSENT

MINUTES Motion by Commissioner Holman, second from Commissioner Butler, **ADOPTED**, to accept the October 3, 2024 Regular Meeting Minutes as written.

6 AYES
1 ABSENT

PUBLIC COMMENT

1. Jeff Marcinkowski, Township Supervisor, 3744 Jay Road, he acknowledged Sally Dion for having twenty-four years of employment with the township.

NEW BUSINESS

1. **Preliminary Site Plan Review** according to Article XV Site Plan Review, for a Special Land Use Application from applicant, Thomas Bradford, 1696 Silver Creek Road, Whitehall, MI, 49461 for parcel number 61-06-103-100-0001-10 for a Bed and Breakfast, to be located at 3775 White Lake Drive, in the Medium Density Residential District according to Article VI, Section 6.03 Uses Permitted by Special Land Use (C.) Bed and Breakfast Establishments and Article XIV Special Land Uses, Section 14.04 Special Land Use Specific Requirements, (C.) Bed and breakfast establishments.

Katy Bradford, applicant's wife, stated they submitted a plan of the house showing which rooms would be used for the Bed and Breakfast and a letter from the keeper that will live here and operate it. She was advised by the Muskegon County Health Department that she can offer pre-packaged or offer a place to cook without a license. If the keeper is cooking food for consumption by guests a license would be necessary. She advised she has a call into White Lake Fire Authority Chief McCarthy and will do whatever is necessary for approval.

Chairperson Roesler talked about hosting events, Bed and Breakfast Special Land Use Requirements do not allow this. They can promote events, however, cannot host them and if they do it has to be for paid guests only.

Consensus after review of Article XIV Special Land Uses, Section 14.04 (C.) Bed and Breakfast Establishments requirements is the submitted application meets them, the only thing not addressed in said plan was a sign. Applicant was advised they would need to adhere to the sign requirements.

Consensus after review of Article XV Site Plan Review standards is that said plan must have White Lake Fire Authority review letter before the public hearing.

Commissioner Campeau did state that the access must remain off from White Lake Drive, as it must be paved.

Motion by Commissioner Butler, second from Commissioner Campeau, **ADOPTED**, to set public hearing for the December meeting.

6 AYES
1 ABSENT

- 2. Preliminary Site Plan Review** according to Article XV Site Plan Review, for a Special Land Use Application from applicant, Q & R Farms, 249 Sunset Trail, Muskegon, MI 49442 for parcel number 61-06-127-400-0002-20 for Blueberry Farming to be located on a vacant lot in the Rural Residential District according to Article IV, 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, (O.) Blueberry Farming.

Consensus after review of Article XIV Special Land Uses, Section 14.04 (O.) Blueberry Farming requirements is the submitted application meets them. At this time this parcel number has a house on it, a Land Division Application has been submitted for approval to divide the house and 6 acres and to farm blueberries on the remainder.

Commissioner Butler, believes more research needs to be done, they are proposing to fence in seventy (70) acres, he believes an impact study should be done for possible impact on surrounding properties, he is concerned with clearcutting with all the trees lost to recent storm(s). He asked if they had approval for onsite fuel? Zoning Administrator said not yet. Commissioner Butler stated we are not looking out for the Health and Welfare of the township.

Chairperson Roesler states he doesn't think an environmental study can be demanded and you can clear cut property even if not farming blueberries. He believes the application meets our requirements. He said it would be up to the future owner of the home and surrounding property if they want to be surrounded by blueberries. He stated the township is following its standards.

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

6 AYES
1 ABSENT

- 3. Preliminary Site Plan Review** according to Article XVIII Private Streets Serving Two (2) to Thirty (30) Lots and Fruitland Township Design and Construction Standards for a private street application from applicants Steve and Tracy Seeger to provide ingress/egress to lots they wish to create out of parcel number 61-06-120-400-0004-00 located in the Medium Density Residential District.

The applicant Steve Seeger submitted a plan that was reviewed by Zoning Administrator Jensen and Chairperson Roesler; while reviewing the Private Street Ordinance they advised what things were needed

to be amended before submission to the Planning Commission. Things were amended and the plan being reviewed tonight was submitted.

Zoning Administrator Jensen advised he has reviewed and the application is complete. The last Private Street was inspected by Westshore Consulting, some discussion was held on if the applicant should handle this or if it should be the Township. Recording Secretary Dion explained if the applicant pays a \$1,200.00 escrow and Westshore Engineering invoices us, we will be sure to get copies of all inspections.

Consensus was to have the applicant pay the escrow.

Commissioner Warner asked about water table and soil borings.

Applicant Steve Seeger stated he is proposing the private street so he can split this property into 3 parcels for his children to build on. He believes Westshore Consulting should be able to furnish the water table and soil borings. He stated he is fine with submitting the escrow and bills coming to the township. He did ask about being able to get a building permit before the road is complete, the first house they want to build is the furthest piece of the split, otherwise, the road would be torn up.

Chairperson Roesler made reference to Article XVIII Private Streets Serving Two (2) to Thirty (30) Lots, Section 18.07 Miscellaneous (C.)

- C. Zoning and Building permits, for up to 10 percent of the development or at least one permit in all cases, may be issued prior to the completion of the private street, at the discretion of the planning commission for good cause shown, (such as weather, or other unforeseen circumstances), after approval of the private street construction permit, provided a financial guarantee of performance assuring the completion of the private street has been submitted in accordance with the requirements of this Ordinance.

He asked about the parcel, Zoning Administrator Jensen advised a Land Division Application has been submitted, and is waiting for approval on the Private Street being approved.

It was stated that we can issue a building permit but not occupancy until the street is complete and approved.

Motion by Commissioner Holman, Second from Commissioner Campeau, **ADOPTED**, to set public hearing for the December meeting.

6 AYES
1 ABSENT

- 4. Article III, General Provisions, Section 3.23 Non-conforming Building, Structures and Uses (B.) Expansion and Substitution of Nonconforming Buildings or Structures (4.).

Chairperson Roesler stated from the review he did of past amendments it appears that this was somehow separated from the paragraph above dealing with lakefront lots.

Consensus was to make the following changes.

SECTION 3.23 NON-CONFORMING BUILDINGS, STRUCTURES AND USES

A. General Conditions. Subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance,

or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or such amendment.

B. Expansion and Substitution of Nonconforming Buildings or Structures.

Non-Conforming buildings and structures may be maintained and repaired to be kept in sound condition and may be restored or rebuilt **whether the non-conforming building or structure is damaged by fire, wind, act of God, or other casualty or is demolished and regardless of the cost of such rebuilding or restoration. A building permit shall be obtained within one (1) year of loss, or else restoration or rebuilding shall not be permitted as described above.**

1. Meet all site development standards of that zoning district thereby eliminating the non-conformity.
2. On lakefront properties if the side and rear setbacks are met expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district.
3. On lakefront properties if the side or rear setbacks are not met then only that portion which meets the setback requirements may be expanded or enlarged up to 50% of the gross floor area as it existed as of January 1, 2012. Any such expansion or enlargement shall comply with the setback and height requirements and all other applicable requirements of that zoning district. **A topographical survey prepared by a licensed surveyor shall be required for all lakefront non-conforming structures to assure proper existing grade elevations and placement.**
4. On non-lakefront properties buildings and structures may be maintained, repaired, expanded or rebuilt on the existing footprint but may not be expanded or rebuilt into any setback requirement beyond the original height or location other than the front setback may be expanded along the line of the existing structure as long as the side yard setback of the zoning districts are maintained.

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

**6 AYES
1 ABSENT**

OLD BUSINESS

1. Electric car charging stations

No update per Chairperson Roesler.

2. Solar structures as accessory structures

Article II, Definitions – S

Solar Energy Systems (add)

Article III, General Provisions, Section 3.37 Solar Energy Systems (add)

After discussion of proposed definition and ordinance some changes were made, consensus was the revisions made the document is ready for public hearing.

Motion by Commissioner Warner, Second from Commissioner Butler,
ADOPTED, to set public hearing for the December meeting.

6 AYES
1 ABSENT

PLANNING/ZONING UPDATE

Commissioner Warner advised the Board of Zoning Appeals will be meeting November 12, 2024 on two variance applications.

COMMISSIONER COMMENTS

Commissioner Butler wants to be sure with Recording Secretary Dion retiring that things would be noticed. Secretary Dion assured him it will be both published in the Muskegon Chronicle and noticed to those within 300 feet of the parcels involved.

PUBLIC COMMENT

1. Jeff Marcinkowski, Township Supervisor, 3744 Jay Road, said he attended a regional meeting and Legislative updates indicate Lane Duck in November regarding VRBO bill going through and taking township control away. If this goes through, how do we proceed? Also, at the time the Land Division Act allows for four (4) splits within a period of time, it is being reviewed to increasing to twenty (20) possibly, how will that affect the township?

ADJOURMENT

Motion by Commissioner Campeau, second from Commissioner Warner,
ADOPTED, to adjourn the November 7, 2024 regular meeting at 7:40 p.m.

6 AYES
1 ABSENT

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland