

PLANNING COMMISSION
Minutes for Regular Meeting of
May 2, 2024

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

NOT PRESENT Commissioners John Gloster and Mike Holman.

ALSO PRESENT Zoning Administrator Jensen, Recording Secretary Sally Dion and 9 interested parties.

CALL TO ORDER Chairperson Roesler called the May 2, 2024 meeting to order at 6:00 p.m.

AGENDA Motion by Commissioner Warner, second from Commissioner Campeau, **ADOPTED** to accept the May 2, 2024 agenda as written.

5 AYES
2 ABSENT

MINUTES Motion by Commissioner Warner, second from Commissioner Campeau, **ADOPTED**, to accept the April 4, 2024 Regular Meeting Minutes as written.

5 AYES
2 ABSENT

PUBLIC COMMENT

1. Molly Gillhespy, 6074 Murray Road, stated she has been a resident of Fruitland Township for thirty (30) years. She has worked with charity organizations for over twenty (20) years and now wants to give back to the community. They purchased a home at 3675 White Lake Drive on twelve (12) acres that abuts the Muskegon Conservation District. She spoke of wanting to run a non-profit community center at this location. It would provide a few offices, exercise, dance classes, etc. She asked for guidance on how this can happen in Fruitland Township.
2. Jim Gillhespy, 6074 Murray Road, reiterated what Molly had said. Said that her and her family are very giving people.
3. Gayle Lopez, 5641 Oaktree Lane, stated she is a long-time college professor (20 years) plus. This is an awesome piece of property and she supports the plan that the Gillhespy's have.

Motion by Commissioner Butler, second from Commissioner Campeau, **ADOPTED**, to suspend Roberts Rules of Order at 6:10 p.m.

5 AYES
2 ABSENT

Chairperson Roesler asked what it is they would like to do there? Molly answered Yoga, etc., wants to add onto the existing building to provide office spaces, i.e., mental health, wants to get kids outdoors and the Township doesn't have anything to support that. She said it would be totally non-profit.

Chairperson Roesler stated he understands the chartable part, however, it is not something that is allowed, this is a residential district. Molly stated a community building is a Special Land Use in this zoning district, if they had twenty (20) acres as required could they do it then? She said the Muskegon Conservation District would work with them and they have a letter of support from them.

FRUITLAND TOWNSHIP PLANNING COMMISSION May 2, 2024 RESCHEDULED REGULAR MEETING MINUTES

It was stated that they were told by Supervisor Marcinkowski this area was going to be rezoned to Neighborhood Commercial. Chairperson Roesler advised it was discussed at the Planning Commission and it was decided it was being left as residential. If it was to be rezoned all the existing properties would become non-conforming, this in turn causes issues when they want to do something with their homes, etc. It was mentioned that they have been in contact with the owner of the big Red Barn that also want to do something Commercial so why can't just a portion of White Lake Drive be re-zoned. Chairperson Roesler explained that would be considered spot zoning and it is not allowed.

Chairperson Roesler advised that what they said, cannot be done as described, because they stated they planned on professional offices be included. Intent of a community center is a public place, normally owned/operated by a governmental not a privately owned place, absolutely no offices or business would be allowed. All special land uses have to be specific, not general in description, and be identified within the Special Land Use application. Any uses conducted beyond or added to the approved Special Land Use permit would make the entire permit null and void. The Zoning Administrators job is to answer general questions for applicants, review a plan and refer to the Planning Commission if required. The request for the "township" to help an applicant figure out how to make their plan meet requirements or do what they want to do with their property is not the Township's role. The land owner would need to hire a consultant or attorney to help them plan/design the project within the existing requirements. There are several requirements in addition to those specific to the Special Land Use for schools, churches, libraries, and community center buildings. i.e. parking lot, fence, setbacks, etc. He also advised that they would need a legal binding agreement associated with the land deed, with the Muskegon Conservation District to include the use of that property (as was stated as part of the "plan") in any plan submitted, and the permission to use the land would not make it land available to be used in meeting qualifications to meet zoning requirements for the adjoining principle use property.

Motion by Commissioner Butler, second from Commissioner Campeau,
ADOPTED, to return to regular session at 6:40 p.m.

5 AYES
2 ABSENT

OLD BUSINESS

1. Preliminary Site Plan Review, if application complete, set for public hearing – 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.

Zoning Administrator Jensen went over the submitted site plan and they meet the site plan review requirements. He mentioned there had been a driveway permit issued and the applicant did what was required by the Muskegon Road Commission. He received an email from the Muskegon County Drain Commission and the plan was approved as submitted.

Commissioners stated they had not received a DEQ permit for the filling of the pond and that the storage building which was proposed on the site plan submitted for pre-preliminary was not on the current site plan. Screening was also inquired about. Chairperson Roesler advised the plan indicates red cedar trees will be planted, he also said they have indicated a 7 ½ ft deer fence which exceeds normal fence requirements of 7 feet, however, because it is agricultural use, the 7 ½ ft fence could fall under the exception allowed for "necessary devices" if approved by the Zoning Administrator. The standard deer fence in agricultural use is 7 ½ ft and Zoning Administrator Jensen said it is allowed.

FRUITLAND TOWNSHIP PLANNING COMMISSION May 2, 2024 RESCHEDULED REGULAR MEETING MINUTES

Recording Secretary Dion will check with applicant on the DEQ permit and storage building and report to Commissioners as soon as possible.

Motion by Commissioner Warner, second from Commissioner Campeau, ***ADOPTED***, to set public hearing for the regular June meeting.

**5 AYES
2 ABSENT**

2. Electric car charging stations

No update per Chairperson Roesler.

3. Solar structures as accessory structures

Commissioner Butler advised the sub-committee of himself, Commissioner Warner, Commissioner Josephson and resident Mark Grotenhuis met and have drafted language which was handed out.

Referring to the handout it was said that they would be allowed as not being accessory structure. There will be some requirements dependent on what kind is being installed. If we follow the National Electric Code (NEC) we don't need any special requirements for that.

Chairperson Roesler thanked the sub-committee, asked the Commissioners to review and make notes and discussion will continue at the next meeting.

Commissioner Buter thanked the sub-committee members.

PLANNING/ZONING UPDATE

None

COMMISSIONER COMMENTS

None

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Holman, second from Commissioner Campeau, ***ADOPTED***, to adjourn the May 2, 2024 regular meeting at 7:10 p.m.

**5 AYES
2 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary
Township of Fruitland