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**SPRING LAKE TOWNSHIP
PLANNING COMMISSION MINUTES
September 19, 2012 – REGULAR MEETING**

PRESENT: David Rumpel, Dennis Masson, Jack Ketchum, Russ Tiles, and Ron Lindquist

ABSENT: Greg Latch

PARTICIPANTS: Lukas Hill - Community Development Director, Ron Bultje -Attorney

A. Call to Order.

Rumpel called the meeting to order at 7:00 p.m.

B. Adoption of Minutes.

Lindquist moved to adopt the minutes with corrections of the August 15, 2012 regular meeting of the Planning Commission. Ketchum seconded the motion and it passed unanimously.

C. Approval of Agenda.

Lindquist moved to approve the agenda. Masson seconded the motion and it passed unanimously.

D. General Public Comment: Dean Vanderstelt explained that he would like to build an accessory building in the front yard of his lot at the corner of 180th Avenue and Hathaway Court. He explained that he understands the Board of Trustees did not approve proposed text that would have allowed an accessory building in the front yard as a special land use. He encouraged the Planning Commission to re-look at this language and consider sending an improved draft to Board for consideration. Hill explained that the Township Board did not feel that the proposed language was encompassing enough to approve and feared that accessory buildings in the front yard can cause issues, including outside storage accumulation and issues with future development. Lindquist explained that corner lots were not mentioned in the discussion and were not addressed in the text amendment. Masson requested that Mr. Vanderstelt's concern be placed on a future Planning Commission agenda, if necessary.

E. Vander Mill – Minor Site Plan Amendment

Paul VanderHeide stated that he was interested in amending his site plan to allow for a new gazebo 12' x 20' in size approximately ten feet east of the existing building, just north of the outdoor recreation area. VanderHeide state that he prefers to have the gazebo and still retain the right to build a picnic shelter as previously approved. Masson expressed concern about approving items not illustrated on a site plan and want to know the difference between a gazebo and a picnic shelter. VanderHeide stated that a picnic shelter has no floor while the gazebo would have an elevated wooden platform of about

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one foot. Masson questioned if the gazebo would take the place of the previously approved picnic shelter. VanderHeide stated he would like to have both but currently does not know the exact future picnic shelter location. The Planning Commission consensus was that they need to see all future development on the site plan and they did not feel it was appropriate to pre-approve the picnic shelter at this time. VanderHeide stated that he would prefer to have approval for the gazebo as presented and forgo the previous approval for the picnic shelter. Masson stated that any new structures, including the previously approved picnic shelter would need to be approved through a subsequent site plan review process.

Masson moved to approve the minor site plan amendment to allow a 12' x 20' gazebo as illustrated on the site plan with the following conditions:

1. The previous picnic shelter approval is withdrawn and would require future site plan review if the applicant wishes to construct the picnic shelter.
2. Compliance with all verbal representations.
3. Compliance with all other applicable federal, state and local laws.

Lindquist seconded the motion and it was unanimously approved.

F. Devries/Ryke Rezoning Request

Roger Devries stated that he appreciated the opportunity to discuss the rezoning of his property again with the Planning Commission. Devries stated that he was unaware of the rezoning back in 2010 and felt that the proposed R-2 request was consistent with the Master Plan and surrounding development density. Devries stated he was able to locate a wetland delineation performed by Stu Kogge in 2005 and is unaware of any substantial changes to the wetland boundary on the property. Devries stated he understands that there are developmental limitations on the property and that they would be accommodation when going through the development review process.

Lindquist asked how the Master Plan and Zoning Ordinance become what it is today. Hill provided an update and stated that the Township Board did not act on the denial recommendation as they felt there were some unanswered questions relating to the rezoning request, including the current Master Plan designation and current zoning district. Hill explained that reasons for zoning it RR as it is today may include protection of agricultural properties to the north and no sewer available on Van Wagoner. Hill stated that it was likely the Master Plan committee was unaware that sewer was available to this area via Bridlepath.

Mark Gleason, local realtor, made comments that vacant lot supply in Spring Lake Township is low and sewer is available through Hunter's Ridge Subdivision.

Bultje stated that a rezoning decision cannot be made on the premise of who owns the property or what the future plans are. Bultje clarified the Township Board wants to know if they or the Planning Commission missed something through this review process. Lindquist stated that he was originally opposed to the rezoning, but based on this discussion and new information, he would be willing to change his mind. Bultje suggested

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that the Planning Commission review the rezoning criteria in Section 109, B, 7 of the Zoning Ordinance:

- a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.
- b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.
- c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.
- d. Whether the rezoning is consistent with the goals, policies and future land use map of the Spring Lake Township Master Plan.
- e. Whether the rezoning is compatible with the site's physical, geological, hydrological and other environmental features given uses permitted in the proposed Zoning District.
- f. Whether the property is compatible with all the potential uses allowed in the proposed Zoning District and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.
- g. Whether there is capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested District without compromising the "health, safety and welfare" of the Township or its residents.
- h. Whether there is capacity of the Street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested Zoning District.
- i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding "leap frog" type development.

After review, the Planning Commission did not find the proposed rezoning inconsistent with any of the review criteria in Section 109, B, 7 of the Zoning Ordinance. Masson questioned if it would make sense to rezone the entire quadrant that was noticed which would include the areas from 168th Avenue east to W. Spring Lake Road and Van Wagoner Rd south to the Township line. The Planning Commission agreed that the entire quadrant would also be consistent with the review criteria and offer other potential benefits to other properties.

Lindquist moved to withdraw the previous recommendation for denial and recommend approval to the Township Board the rezoning of the entire quadrant as noticed (168th Avenue east to W. Spring Lake Road and Van Wagoner Rd south to the Township line) from RR –Rural Residential to R-2 Medium Density Residential as it is consistent with the review criteria in Section 109, B, 7 of the Zoning Ordinance. Rumpel seconded the motion and it passed unanimously with a roll call vote.

G. Bike Paths and Sidewalks

The Planning Commission reviewed the example language from Blendon Township that requires Bike Paths and Sidewalks for all new commercial and residential developments. Bultje confirmed that these improvements can only be required on site and no offsite improvements can be mandated (i.e. developing a bike path beyond the

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development boundaries). Lindquist asked if requiring performance guarantees would be consistent with past practice. Bultje and Hill confirmed. Hill was directed by the Planning Commission to prepare a text amendment for consideration.

H. Recreation Vehicle Parking

The Planning Commission reviewed the draft ordinance provided by Hill that would allow an RV to be parked anywhere on a lot for two weeks a year. Hill stated that RV's are normally required to be 35 feet from the road's edge or 25 feet from the right of way. It was the consensus of the Planning Commission that draft language would be reasonable for the two week period only. The Planning Commission directed Hill to include this language in the next public hearing consideration.

I. Keeping of Bees in the R3 District

The Planning Commission reviewed the draft ordinance provided by Hill that would allow the keeping of farm animals and bees in the R3 District. Hill was directed by the PC to change the term "colony" to "hive" for consistency. With this change, the Planning Commission directed Hill to include this language in the next public hearing consideration.

J. Car washes and light Industrial Uses in the Neighborhood Commercial District:

The Planning Commission reviewed text amendments that would allow car washes and light industrial uses in the Neighborhood Commercial District. Changes were made to proposed Section 914 to allow only hand washing facilities, no self-service facilities, and all detailing and washing would be completed indoors. The Planning Commission also expressed new concerns about allowing Light Industrial in the NC district when districts exist for this type of use. It was the consensus of the Planning Commission that instead of allowing light industrial uses in the NC District, that Hill draft language that would allow non-conforming uses to remain and be reestablished in buildings designed for a nonconforming use. This concept would encourage the re-use of buildings in the district. Expansion would still be limited to the restrictions set forth in Section 335, D, which only allow a 50% expansion of nonconforming uses.

K. Reports

1. Township Board: Lindquist discussed the accessory building in the front yard issue.
2. Zoning Board of Appeals: Ketchum summarized the two ZBA meetings in August and September.
3. CDD: Hill discussed bike path requirements for new developments.

L. Motion to adjourn at 9:50 PM made by Rumpel with support from Latsch. Motion passed unanimously.

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Respectfully submitted,

/s/

David Rumpel, Chairman
Planning Commission