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**SPRING LAKE TOWNSHIP
PLANNING COMMISSION MINUTES
JUNE 17, 2015 – REGULAR MEETING**

PRESENT: Jack Ketchum, Greg Latsch, Ron Lindquist, Dennis Masson, Crystal Morgan,
David Rumpel.

ABSENT: Russ Tiles.

PARTICIPANTS: Lukas Hill, Township Community Development Director

A. Call to Order

Rumpel called the meeting to order at 7:01 p.m.

B. Approval of Agenda

Masson made a motion, support by Lindquist, to approve the revised agenda as amended, moving items E and F after item H. The motion passed unanimously.

C. Approval of Minutes

Latsch made a motion, support by Ketchum, to adopt the May 20, 2015 Planning Commission meeting minutes as presented. The motion passed unanimously.

D. Public Comments

Public comment was opened at 7:06pm and closed at 7:07pm. No comments were offered.

G. Accessory Buildings – Text Amendment

Hill stated that this was a proposed Zoning Text Amendment Ordinance to move consideration of requests for a special land use for accessory buildings from the Planning Commission to the ZBA. This text amendment was drafted at the request of the Township Board of Trustees.

Ketchum asked how the Planning Commission started hearing these matters. Hill stated that when the revised Zoning Ordinance was adopted in 2010, accessory buildings were moved from an authorization to a Special Land Use. Some board members believe the Planning Commission is better suited to handle big-picture items, and that the ZBA should handle smaller, residential items.

Latsch and Morgan expressed concern about the appeals process if the text amendment is approved. Appeals from the ZBA can only go to Circuit Court. Morgan also questioned whether there would be notifications to the neighbors, and whether there was a public hearing requirement.

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Hill stated the text amendment refers to Section 902 of the Zoning Ordinance. Section 901 mentions public hearings, and should be referenced in the language of this amendment. Previously, when the ZBA dealt with authorizations, there was a public hearing requirement.

Latsch and Masson stated they were not in favor of the proposed text amendment regardless of the language, because their philosophy is that the Planning Commission is a better place to hear requests.

Rumpel stated the process is working, so why should it be changed.

The public hearing was opened at 7:29pm. There were no comments offered. Motion by Masson, support by Ketchum, to close the public hearing at 7:30pm. The motion passed unanimously.

Motion by Masson, support by Lindquist, to recommend denial of the Zoning Text Amendment Ordinance to the Board of Trustees because the Planning Commission is a better place to hear the requests due to:

1. It is recommended by State guidelines.
2. It allows for a better appeals process for the public.
3. There is a better notification process for the neighbors.
4. It is the generally accepted best practice for the Planning Commission to hear the requests.

With a roll call vote, the motion passed unanimously.

H. Reinhart – Accessory Building Larger and Taller than By Right

Michael Reinhart presented his request for an accessory building on his lot on West Spring Lake Rd. He previously requested an accessory building which was larger than the one being requested now. Based on neighbor and Commissioner comments from the previous request he has moved the building south and reduced the size. He stated he still wants enough space to store his things. He has six acres and feels it is enough land to have a building. He has signed letters from every neighbor who will be impacted, indicating they are not opposed to the project.

Rumpel referenced a letter which was received from the Fords on Dawnview Dr., stating they were not opposed to the building, but were opposed to the size. Would Reinhart agree to install mature evergreens to screen the building? Reinhart indicated he would not be opposed.

Ketchum stated that by right, Reinhart can have two accessory buildings totaling 960 square feet. He is now asking for a third building of about 3200 square feet.

Reinhart stated he didn't consider the structure by the lake a building, he considered it a deck with a retaining wall. MDEQ required that he install the retaining wall.

Hill stated that the Section 306K of the Zoning Ordinance addresses accessory buildings and structures. The table discusses buildings. The deck probably doesn't count as a building.

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Ketchum stated that granting that the deck isn't a building, a total of 960 square feet is allowed and Reinhart is asking for about 3200 square feet. He is also asking for the building to be five feet taller than allowed. Ketchum stated he did recognize that the building is being designed to look like the house.

Lindquist asked when the house was built, and whether Reinhart was aware that he was allowed two accessory buildings with 960 total square feet. Reinhart stated the house was built in 2011 and that he was not really aware of the allowed accessory buildings, because he left it in the hands of the builder. Lindquist stated that when he was building the new house he should have realized he would need more storage. While it is understood that storage is needed, this is a request for a big building.

Motion by Masson, support by Ketchum, to remove the Reinhart application from the table. The motion passed unanimously.

The public hearing was opened at 8:01pm.

George Postmus, 16255 Dawnview Dr., sent a letter. He brought a revised version, and read part of the letter to the Commissioners. He is opposed to allowing such a large building in R1 and on a waterfront lot. He is concerned about the building being visible from Dawnview.

Several letters were received:

George Postmus, 16255 Dawnview Dr., is opposed to the size of the building, especially on an R1 lot.

Michael Bieglow, 17880 W. Spring Lake Rd., stated he and his wife support the current request.

Lester and Colleen Ford, 16225 Dawnview Dr., are opposed to the size of the building. They stated they would not oppose a building which met the Township size specifications.

A form letter, stating that the signer is fine with the location being proposed, and that they would prefer to look at a nice building, rather than the equipment sitting outside, was signed by several neighbors:

Jennifer Craig-Sorber, 16153 Dawnview Dr.

Jason Bricker, 17960 W. Spring Lake Rd.

George and Sarah Zysk, 16394 Dawnview Dr.

Jack and Marjorie Troxel, 16173 Dawnview Dr.

Reinhard Walther and Janina Schmiedeer, 16237 Dawnview Dr.

Motion by Lindquist, support by Masson, to close the public hearing at 8:15pm. The motion passed unanimously.

Latsch stated that the Planning Commission has to be careful to protect the character of the neighborhood, and that the size is an issue.

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Rumpel stated that Reinhart has sufficient property and he is willing to screen the building. The neighbors don't disagree with the building.

Hill pointed out that one of the provisions in the review criteria allows the Commissioners to require a deed restriction as part of the approval. They could use that provision to require that there be no splits of the property as long as the building is standing.

Reinhart asked what size of building would be likely to be approved, because he did not want to go to the expense of additional design if it would still be denied. After Board discussion, the general feeling is that they would be likely to approve a 40x50 foot total building, with no lean to, with a roof height with a 21 foot maximum, and with mature vegetation to screen the building on the side facing Dawnview Dr.

Motion by Ketchum, support by Masson, to table the item for additional input from the applicant. The motion passed unanimously.

E. Hickory Road LLC – Rezoning Request

Hill stated that the current owners of 93 acres in the northwest part of the Township would like to rezone their property from R2 to RR to allow for agricultural buildings and uses. Staff would suggest rezoning the entire 166-acre Section for consistency. There is currently no interest in developing this land. The Commissioners directed Hill to contact affected property owners.

Motion by Masson, support by Ketchum, to set a public hearing for the rezoning of the Section. The motion passed unanimously.

F. 17805 148th Ave – Conditional Rezoning

Hill stated that there is a potential buyer for this property who would like to use it for a self-storage facility. The neighboring parcel is owned by the same person and is already a self-storage facility. The parcel is currently zoned Mobile Home Park (MH). The request would be to rezone the parcel Light Industrial (LI), which would allow for the self-storage facility. Hill stated it would be preferable to do a conditional rezoning to LI restricted to self-storage. The Commissioners stated that they were not opposed to the conditional rezoning.

I. Fence Materials – Text Amendment

A draft Zoning Text Amendment Ordinance was presented. The new amendment includes an improved definition of a fence and adds the requirement that the Zoning Administrator is required to approve the material if it is not a common fencing material. Morgan stated that she thought that the definition of fence should include purpose, to try to eliminate some unacceptable fencing materials which may be commonly used elsewhere.

Motion by Latsch, support by Masson, to recommend approval of the Zoning Text Amendment Ordinance, with the addition of "purpose" in the definition of other material. The motion passed unanimously.

J. Trees/Mass Grading– Discussion

Hill stated that as no new material was available, the item would be deferred to a future meeting.

K. Commissioner Comments

1. Township Board: The lease with the Village for space in Village Hall has been signed. The plan is for board meetings to be held at Barber School. The Village DDA will purchase the current Township Hall and property and raze the building. The current plans are to construct parking and a permanent farmer's market. Bonds for the new fire station have been sold.
2. Zoning Board of Appeals: No meeting.
3. Community Development Director: The Board has approved bidding the subarea plan for M104 and 148th Ave. Hill recommends not finalizing the Master Plan Update until after the subarea plan is complete, as it may affect the items in the Master Plan. Commissioners agreed that was acceptable.

L. Adjournment

Ketchum moved to adjourn the meeting at 9:12pm. Latsch seconded the motion, which passed unanimously.

Respectfully submitted,

Jack Ketchum, Secretary
Planning Commission