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**SPRING LAKE TOWNSHIP
PLANNING COMMISSION MINUTES
MARCH 15, 2017 – REGULAR MEETING**

PRESENT: Greg Latsch, Dennis Masson, Crystal Morgan, Jerry Rabideau, Russ Tiles
ABSENT: Jack Ketchum, David Rumpel
PARTICIPANTS: Lukas Hill, Township Community Development Director
Ron Bultje, Township Attorney

A. Call to Order

Masson called the meeting to order at 7:00pm.

B. Approval of Agenda

Latsch made a motion, support by Morgan, to approve the agenda as presented. The motion passed unanimously.

C. Approval of Minutes

Latsch made a motion, support by Morgan, to adopt the February 15, 2017 Planning Commission minutes as presented. The motion passed unanimously.

D. Public Comments

A time for public comment was provided. No comments were offered.

E. Lori Lane Special Land Use

Michael Johnsen, builder, was present representing the potential buyer of a lot on Lori Lane. Hill stated that Lori Lane is a non-conforming private road due to the width. There is a fire hydrant at the east end of the road, and the Fire Chief stated that with the fire hydrant access, good overall road clearance and multiple turn-around locations an additional dwelling unit would not present a problem.

Masson asked why this issue was being discussed when there wasn't a current owner involved. Johnsen stated that there was a clause in the purchase contract that would cause the sale to be canceled if the lot is not buildable so a determination was needed.

Hill stated that an easement exists for access to the site, and that the only concern is the width of the road. There is an existing owner on Lori Lane who would like a culvert under the driveway to keep the water flowing properly.

DRAFT

Latsch asked if there was an existing private road maintenance agreement. Hill stated that there is not one at the current time. A discussion with owners on the road found some owners are in favor of creating an agreement, but others are not.

Masson asked how long the road has been there. Hill stated that it has been there for a long time, and since before the current standards were adopted.

The public hearing was opened at 7:06pm. There were no comments. Motion by Latsch, support by Morgan, to close the public hearing at 7:07pm. The motion was approved.

Bultje noted that issuing a special land use will convert Lori Lane to a conforming road, which is appropriate for a road that has been functioning for years.

Motion by Rabideau, support by Latsch, to approve the Special Land Use to expand the service level of Lori Lane, an existing nonconforming private road, per Sections 326, 902 and 940 of the Zoning Ordinance, with the following conditions:

- a. The applicant and other property owners using Lori Lane consider enacting a private road maintenance agreement.
- b. The applicant provide documentation of the easement proving access for the subject lot.
- c. The applicant will install a culvert under the driveway.

With a roll call vote, the motion passed unanimously.

F. Boelema Preliminary Discussion Regarding Conditional Rezoning

Tim Boelema presented his request for guidance regarding a possible conditional rezoning for 17759 N. Fruitport Rd., commonly called the Coffee Gallery building. The building has been used as a commercial building since at least the 1940s. He would like a conditional rezoning to Mixed Use Commercial to expand the uses that would be allowed in the building without a special land use request. The property is currently zoned R2, and requiring a special land use for each rental client is causing difficulty because of the time required to get an approval. Currently the site includes commercial space, an occupied apartment, and a storage building. There is an existing Special Land Use approved for a coffee shop, art gallery, flower shop or soup and sandwich shop. Boelema would like to have more options available. Boelema handed commissioners an additional submission that included pictures of the site and copies of the previous Planning Commission minutes granting the current Special Land Use.

Rabideau asked what other uses were envisioned. Hill referred Commissioners to the letter Boelema wrote listing possible uses, which are a subset of the allowed uses in the Mixed Use Commercial zone. Boelema also listed conditions on the use that he proposed, to keep the property from being a nuisance to the neighbors.

Hill stated that for a conditional rezoning, the applicant must propose conditions and the Planning Commission does not add more conditions. Mixed Use Commercial zoning allows for

many uses, and the applicant could limit the list to preclude uses that would disturb the neighbors, like a gas station.

The official process would involve an application and contract from the property owner, and the Planning Commission would hold a public hearing. The contract would be between the property owner and the Township, so the Township Board would make the final decision. Bultje stated that if the Township Board approves the contract, it would be recorded with the Register of Deeds and would run with the land.

Masson stated his concern about the possible uses. Bultje stated that the Commissioners could consider the Mixed Use Commercial zone and limit which of those uses would be allowed by restricting them in the contract.

Tiles asked if the existing Special Land Used could be extended. Bultje stated that each use would need to be approved separately. Hill stated that the conditional rezoning allows for more control than a straight rezone because of the restrictions in the contract. Also, there are other non-conforming uses in the area.

Morgan stated that the previous Planning Commissions had addresses many of her concerns, especially those related to parking and screening from the residential areas. She stated that the impact of the proposed commercial uses on the neighborhood would be minimal.

Masson asked if any additional hearings would be required after the rezoning. Hill stated that the conditional rezoning would be for specific uses which could be approved administratively, and that only the items included in the contract would be allowed.

Commissioners stated that they believed the use of conditional rezoning in the current situation would make sense and suggested that Boelema begin the official process.

G. Zoning Ordinance Amendments

1. Text Amendments related to Short Term Rentals

Hill stated that the ordinance presented was revised based on comments at the February meeting. The public hearing was opened at 7:50pm. There were no comments. Motion by Latsch, support by Morgan, to close the public hearing at 7:51pm. The motion was approved.

Motion by Latsch, support by Rabideau, to send the Zoning Text Amendment Ordinance Related to Short-Term Rentals to the Township Board with a recommendation that the Township Board approve the ordinance. With a roll call vote, the motion was approved unanimously.

2. Zoning Map Amendment – 174th Ave and Hickory St.

The Master Plan was recently amended to remove the commercial node at the corner of 174th Ave. and Hickory St. This zoning map amendment would rezone the west side of 174th Ave to R4, which is consistent with the zoning in the area. The east side of 174th is industrial, and R4 gives

DRAFT

a buffer between the industrial and the single family zoning further west. The R4 zoning also mirrors what Norton Shores has done along 174th Ave.

Rabideau asked if that corner could have apartments like those north of Pontaluna Rd. Hill stated that he believed the area would stay single-family homes for now, as that is the current use. He believes that the large parcel at the southwest corner of Taft and 174th Ave. is the most likely to be developed for apartments.

The public hearing was opened at 7:58pm. There were no comments. Motion by Masson, support by Tiles, to close the public hearing at 7:59pm. The motion was approved.

Motion by Masson, support by Latsch, to recommend approval of the Zoning Map Amendment to the Township Board because this is not spot zoning, the land can't be reasonably used as zoned, and the rezoning is consistent with the Master Plan. With a roll call vote, the motion was approved unanimously.

3. Consideration of Amendments to the Mixed Use District

Hill stated that the Township Board has expressed interest in a sub-area plan for the M104 and 148th Ave. intersection. Therefore, he recommends that consideration of amendments be postponed while the larger project is being investigated. Commissioners agreed that they were interested in seeing the sub-area plan before taking any action.

H. Commissioner Comments

1. Township Board: The Board recognizes the importance of the M104 and 148th Ave intersection and is interested in thoroughly investigating the development plan for the area.
2. ZBA: There was a waterfront setback determination for a house on Willows due to the irregular shoreline. The ZBA found that the averaging method did not work, and used the line of sight from the existing houses to determine the setback.
3. Community Development Director: No report.

I. Adjournment

Masson moved to adjourn the meeting at 8:08pm. Latsch seconded the motion, which passed unanimously.

Respectfully submitted,

Dennis Masson
Planning Commission