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**SPRING LAKE TOWNSHIP
PLANNING COMMISSION MINUTES
APRIL 19, 2017 – REGULAR MEETING**

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

A. Call to Order

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

B. Approval of Agenda

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

C. Approval of Minutes

Latsch made a motion, support by Masson, to adopt the March 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. All Shores Church – Site Plan and Special Land Use Review

David Boomgaard, pastor, presented the request to relocate the church’s eastern “exit only” driveway on M104 further east to improve the internal traffic flow on the site. They are trying to reduce pedestrian/car interactions and also move the driveway away from Lloyd’s Bayou Drive.

Masson asked why there is a one-way entrance and then the road changes to two-way on the east side of the church. He stated he is concerned about confusion by drivers who would not be expecting the one-way portion and would be unable to exit the eastern parking lot. Boomgaard stated that the two-way area is for drop-off related to the children’s ministry and for access to handicapped parking. Hill stated that the driveway layout was reviewed by the Progressive AE traffic engineers and was approved.

Masson asked how far the one-way portion of the driveway was going. Boomgaard stated that it would be one-way from M104, across the front of the church to the start of the parking bays.

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Masson asked about access to M104. Boomgaard stated that the existing drive on the eastern side of the church would be removed and there would be no access in the area.

Rabideau asked if MDOT has approved the new M104 driveway location on the eastern portion of the church's property. Boomgaard stated that the church has received approval and has provided the approval letter to the Township.

Masson asked if it was possible to crosshatch the first parking space, the farthest space to the north on the east side of the church, as a no-parking area for use as a turn-around near the one-way portion of the driveway. Boomgaard stated that it would be possible to use that parking space, which was designated as a normal parking space and not a handicapped space.

Latsch asked how far to the east the new driveway was one-way. Boomgaard stated that it was two-way to the parking lot, and then one-way down the drive across the front of the church to the exit at M104.

The public hearing was opened at 7:19pm. There were no comments. Motion by Masson, support by Rumpel, to close the public hearing at 7:20pm. The motion was approved.

The commissioners reviewed the criteria in Section 1005.

Motion by Rabideau, support by Masson, to approve the All Shores Wesleyan Church site plan and special land use for a new driveway and parking lot lighting as it is compliant with Section 1005, Site Plan Review Criteria, and Sections 326, 902, and 937 of the Zoning Ordinance with the following conditions:

1. All site lighting shall be dark-sky compliant per Section 709 of the Spring Lake Township Zoning Ordinance and the International Dark-Sky Association guidelines. All lighting shall be cut to half power after evening services or turned completely off. Light poles shall not exceed 20 feet in height.
2. A permit from MDOT shall be in hand prior to any driveway construction on site.
3. The new exit driveway shall remain an "exit only" driveway and signed as such to restrict traffic from entering from M104.
4. A storm water maintenance agreement shall be executed between the Township and All Shores Wesleyan Church.
5. A dedicated turn-around space shall be provided on the east side of the building. The northernmost parking spot near the one-way portion of the driveway shall be striped for no parking to allow for turn-arounds.
6. The site remains otherwise compliant with all federal, state and local laws; and
7. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.

With a roll call vote, the motion passed unanimously.

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F. **Bayou Ventures LLC – Consideration of Conditional Rezoning for 17750 N. Fruitport Rd.**

Tim Boelema presented his request for a conditional rezoning for 17750 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. 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, music, or soup and sandwich shop. Boelema would like to have more options available.

Masson asked if every item listed in the MU zone would be allowed. Hill stated that in his application the owner has limited the uses that would be allowed. Bultje stated that a conditional rezoning would supersede the grandfathered special land use permissions. However, he believes that those uses previously granted as special land uses are included in the proposed uses for the conditional rezoning.

Masson stated that limited retail is too broad a category and was concerned about uses that would not be compatible with the neighborhood.

The public hearing was opened at 7:34pm.

Gretchen Sheldon, 15569 Channel View, stated that she is concerned about what uses might go in the space. She noted that there have been two tries to get the area rezoned to commercial and both tries failed.

A letter was received from J.C. Kitzinger, 15628 Connelly Ave, stating that he believes the R2 zoning is correct for the parcel, and that he is opposed to the rezoning.

Motion by Masson, support by Latsch, to close the public hearing at 7:39pm. The motion was approved.

Latsch stated that he is concerned about alcohol being served at the establishment.

Rabideau stated that he has spoken to several neighbors and hasn't heard that the rezoning would be a problem.

Morgan stated that she lives in the vicinity and has spoken to neighbors, whose consensus is that they would like a gathering place in the neighborhood. However, she is concerned about the retail examples provided in the application. A massage parlor could be a problem, and rental of water sports equipment could result in outside storage. She is also concerned about the possible signs, and how bright they would be for the neighbors.

Bultje asked Boelema if he has read the contract zoning agreement and if he agrees with it. Boelema stated that he has reviewed the agreement and agrees with it. Page 7 of his application states the uses that he is requesting.

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Morgan stated that an additional concern is amplified music late at night disturbing neighbors. Boelema stated that the conditions offered indicate that the hours of service would be limited, and the operation would be closed at 10pm.

Hill stated that perhaps the commissioners would like to ask Boelema to add a condition stating that any use would be reviewed by the Planning Commission for general compatibility with the neighborhood. Bultje stated that if a use is approved, and any additional use is proposed, the additional use would need to be reviewed if this condition is offered.

After discussion, Boelema stated that he would revise his application to include a contract condition that would require a Planning Commission review for any use. After further discussion, Boelema stated, and the commissioners agreed, that uses that have been previously permitted by special land use approvals would not require a further review by the Planning Commission, but that any newly-proposed uses would need to be reviewed by the Planning Commission for compatibility with the neighborhood.

Latsch asked if there would be a fee required for the Planning Commission review. Bultje stated that this situation is not currently covered by the fee schedule, and as no notices would be required and the request would be handled at a regular meeting, no fee would ordinarily be required.

Latsch asked what the appeal path would be if the Planning Commission denied the proposed use. Bultje stated that because this is not a special land use, the appeal could go to the ZBA, and any further appeal would be to the circuit court.

Morgan again stated her concern about the signage. Boelema stated that he would include a condition that would allow the Planning Commission to review the signage when they were reviewing the proposed use.

Motion by Latsch, support by Masson, to recommend approval to the Township Board of the Bayou Ventures, LLC, Conditional Rezoning request per the contract zoning agreement with a draft date of March 27, 2017, contingent on the owner's application being revised to include a condition that any uses beyond the previously-approved special land uses of a coffee shop, art gallery, flower shop, music, or soup and sandwich shop will be reviewed by the Planning Commission, subject to the standard that the use and the signage for the use be generally compatible with the neighborhood.

With a roll call vote, the motion passed unanimously.

G. Spring Ridge PUD – Consideration of Final PUD Approval

Rick Pulaski from Nederveld presented the request for final approval. Since preliminary approval by the Planning Commission, all required permits have been received. The plan is still to maintain mature trees on the periphery of the property, and to only clear enough trees for the roads and the front yards.

Pulaski stated that they have reviewed the report from Lukas Hill and have incorporated his concerns in their revised submittal. However, for Item 9 they would like to state that the park in Phase 2 will be installed by September 30 of the year following the completion of the Phase 2 infrastructure.

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If the infrastructure is completed after the growing season, this will allow the park to be installed during the next growing season. Also, for Item 10, there is a gap in the legal descriptions of two of the parcels included in the development, due to the way the different surveyors described the parcels. It is proposed to fix this issue at closing, when the description will be changed to incorporate all the parcels into one parcel.

Masson asked about the dates on the drawings. Pulaski stated that the drawings are dated 4/7/2017 and were updated for submittal on 4/12/2017.

Rabideau asked why the road width is being reduced from 66 feet to 55 feet. Pulaski stated that the original proposal included some public roads, but the proposal has been revised to include only private roads. By making the private roads narrower, this ensures that the roads will remain private because the Road Commission will not accept them as public roads. Also, the narrower roads moved the houses forward, reducing the wetland impact and increasing the number of trees saved.

Latsch asked Hill his opinion of the proposed revisions of Items 9 and 10. Hill stated that they seem reasonable. There will be a performance bond for the park, and he believes that the legal description will be fixed before the utilities are installed.

Bultje reviewed the Resolution and Report and indicated the changes that would be made to the Report to incorporate the final documents submitted. The conditions in Section 3 will also be revised to include the changes related to Items 9 and 10, and an additional change related to the requirement for Energy Star certified appliances when available for residential use.

Motion by Latsch, support by Masson, to adopt the Resolution and the Report with the additions stated, both documents to have a draft date of April 19, 2017. With a roll call vote, the motion passed unanimously.

H. Commissioner Comments

1. Township Board: The Board recognizes the importance of the M104 and 148th Ave intersection and is moving forward in investigating the development plan for the area.
2. ZBA: No report.
3. Community Development Director: Building permits are being issued for the Arcadia subdivision.

I. Adjournment

Masson moved to adjourn the meeting at 9:24pm. Rumpel seconded the motion, which passed unanimously.

Respectfully submitted,

David Rumpel
Planning Commission