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**SPRING LAKE TOWNSHIP  
PLANNING COMMISSION MINUTES  
JUNE 17, 2020 – REGULAR MEETING**

PRESENT: Harry Dyck, Jack Ketchum, Greg Latsch, Crystal Morgan, Jerry Rabideau,  
David Rumpel, Russ Tiles  
ABSENT: None  
PARTICIPANTS: Lukas Hill, Township Community Development Director  
Ron Bultje, Township Attorney

*Pursuant to Executive Order No. 2020 – 75, the Township of Spring Lake Planning Commission conducted its business via conference call to mitigate the spread of COVID-19. Members of the public were encouraged to dial in to this meeting. Members of the public were not required to register or otherwise provide information to attend.*

**A. Call to Order**

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

**B. Approval of Agenda**

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

**C. Approval of Minutes**

Latsch made a motion, support by Ketchum, to adopt the Planning Commission May 20, 2020 regular meeting minutes as presented. A roll call vote was taken and the motion passed unanimously.

**D. Public Comments**

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

**E. Paul Pugsley – Special Land Use for an Eating and Drinking Establishment at 14485 Cleveland St.**

Paul Pugsley presented his request for an eating and drinking establishment. He would like to turn an unused ice cream shop into a barbecue restaurant with inside and outside seating. There are two buildings on the parcel, and only the front building is part of this project. The property currently has 20 parking spaces, and the parking lot can be configured to meet the standards. Hours of service will focus

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on lunch, and there will be a smaller menu. A walk-up service window will be included so people don't have to enter the building.

The public hearing was opened at 7:13pm. There were no comments. Motion by Rumpel, support by Ketchum, to close the public hearing at 7:14pm. A roll call vote was taken and the motion passed unanimously.

Latsch asked whether there would be outdoor grilling or smoking. Pugsley stated that initially he will use an off-site kitchen that is already approved by the Health Department. Eventually he would like to barbecue on site.

Ketchum stated he was concerned about safety of customers at the walk-up window. There is the possibility of conflicts between cars and walkers. Pugsley stated he was not planning for drive-up service. He stated he could add concrete bollards and paint, or he could move the walk-up window to the porch area. Ketchum and Pugsley agreed that the porch area would be preferred.

Ketchum asked about a sign. Pugsley stated he would replace the existing sign with a new sign on the existing pole. Hill stated that the existing sign is a legal non-conforming sign. The face of the sign can be changed but the sign cannot be taken down or it will lose existing status. Pugsley stated he will work with Hill on the sign.

Ketchum asked about painting the parking lot. Pugsley stated it would be painted as soon as the design is finalized.

Ketchum asked if Pugsley was aware he needed to plant a street tree in front of the building. Pugsley stated he was not aware, but would plant the required tree.

Rumpel asked about lighting. Pugsley stated that there is an existing pole light. He intends to update the light with LED bulbs and a better fixture. This is not a nighttime business so it does not need a lot of lighting.

Latsch asked how the proposed one-way traffic pattern will be maintained. Pugsley stated that he will have entrance and exit signs for the driveways. Arrows will be painted to show the direction of travel. The arrows will be added at the same time the parking lot is striped.

Commissioners reviewed the applicable sections of the Zoning Ordinance.

Motion by Ketchum, support by Latsch, to approve the site plan and special land use application for an Eating and Drinking Establishment as presented at 14485 Cleveland St based on the findings in the Community Development Director memo dated June 10, 2020 as it meets the standards of Zoning Ordinance Sections 326, 902, 917 and 1005 with the following conditions:

- a. One deciduous street tree is planted in the green island area with a minimum caliper of 2.5 inches.
- b. New parking lot signage and paint markings be installed to illustrate the one-way traffic pattern through the lot.
- c. Outdoor dining as noted on the site plan is permitted.
- d. The applicant will comply with any other local, state, and federal laws.

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- e. The applicant will comply with all verbal representations as reflected in these minutes.
- f. The walk-up window will be moved to the porch area.

A roll call vote was taken. The motion was approved unanimously.

**F. Laker Lockers – Preliminary review of the proposed expansion of a Self-Storage Facility at 16625 144<sup>th</sup> Ave.**

Adam Beck presented a preliminary look at the plans that will be formally presented at the July meeting. His intent was to get Commissioner feedback before finalizing the design of the expansion.

Hill stated items to be reviewed included the location and visibility of the outdoor storage area, general architecture of the buildings as seen from 144<sup>th</sup> Ave and adjacent properties, stormwater design, and aisle width. Also, there are regulated wetlands on the property that must be considered.

Beck stated the expansion was designed using the standards of the proposed Zoning Ordinance update for self-storage facilities. He is proposing 30-foot aisles, which match the existing section. Near Building H, which is a larger, 50-foot deep building, he proposed a 60-foot aisle. The proposed outdoor storage area has been moved to the back and will be screened on the south side with evergreens, probably arborvitae. He will expand existing buildings toward 144<sup>th</sup> Ave. He chose an east-west orientation for the buildings to maintain visibility down the aisles to enhance security. He will put an attractive fence at the front and use chain link around the rest of the property, to match the existing fence.

Rumpel asked about the 30-foot aisles, and what the industry standard is. Beck stated that the 30-foot aisles have never been an issue in the existing storage. He talked to the self-storage industry group and the largest national builder of storage units, and visited the new storage facility on Pontaluna. He found that everyone is using 30-foot aisles. Hill stated that the Fire Chief and Fire Marshal have approved the 30-foot aisles.

Rumpel asked about landscaping on 144<sup>th</sup> Ave. Beck stated that he would like to plant something shorter than arborvitae.

Morgan stated that even though the property to the west of the outdoor storage area is currently wooded, she would prefer some screening in that area. She would also like to see a rendering of the façade. Beck stated that he is requesting discussion of the façade. He stated he could add screening to the west during expansion or he could enter into an agreement to install screening if the property to the west is ever developed.

Latsch asked about the proposed paving material for the outdoor storage area. Beck stated he intended to use some sort of gravel, which allows for more drainage. There are currently drains at the back of the existing buildings so the area can be graded so the water goes to the drains.

Jim Milanowski, project engineer, asked if there were any objections to the proposed layout. He stated that stormwater handling for everything except the six northernmost buildings was included in the original design. An additional detention basin will be added for the six buildings. Milanowski

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asked if the architectural standards and landscape standards for the ends of the buildings were in conflict. Hill stated that the current architectural standards only apply to the commercial district, and this property has light industrial zoning. However, the building should look pleasing.

Beck stated that it appears there is board discretion related to architecture and landscaping. He shared some possible building designs and received Commissioner input.

Dyck stated that the proposed ordinance will require that the outdoor storage area not be visible. The current outdoor storage is visible. Beck stated that he will move everything currently stored outside to the new outdoor storage area.

Rabideau asked if there will be a coded gate for entry. Beck stated that the current gate has that capability but it isn't currently in use. There are security cameras at the facility, and additional cameras will be installed.

Commissioners stated they believe Beck is on the right track with this design.

**G. Legacy Point PUD – Proposed amendment to the PUD to allow construction of a dwelling unit on Unit 11 utilizing a private septic system**

Ben Stoep presented the PUD amendment request. The request is to allow a house to be built on Unit 11, with Lot 19 of the Kungsholm Subdivision as the underlying lot. The original 1999 resolution of approval states that Kungsholm Subdivision Lot 19 shall not be built on until public sewer is installed. This restriction was based on a 1979 deed restriction from the Ottawa County Health Department that restricted building on Kungsholm Subdivision lots 17, 18 and 19 without a public sewer service. The 1979 restrictive covenants are no longer applicable or enforceable. All existing units in the PUD have septic systems, and a septic system was approved for Unit 11. No sewer is available and there are no plans to make it available, so a house with a septic system should be allowed.

Morgan asked Stoep to expand on his comment that the restriction no longer applies. Stoep stated that the 1999 restriction in the resolution still applies and was based on the belief that the sewer would be extended to the area. Because the Health Department issued a septic permit for Lots 17 and 18 the applicant is stating the restrictive covenant no longer applies.

Bultje referred to an email from Matthew Allen from the Health Department stating that they would not have issued a septic permit for Lot 19 due to the restrictive covenant in the PUD master deed.

Hill stated that Lots 15 and 16, and Lots 17 and 18 have septic systems, but they are two parcels with one house each. The parcels are larger than 1 acre.

Stoep stated that the Health Department stated they would issue a septic permit if the Township lifts the sewer restriction.

Bultje stated that his interpretation is that the restriction is still in effect, but that the Health Department is not enforcing it.

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The public hearing was opened at 8:29pm.

Randy Crow, 18779 N Fruitport Rd, stated that he previously owned Kungsholm Subdivision lots 15, 16, 17 and 18. To allow a septic system on Lots 17 and 18 required a majority of subdivision property owners to agree. The lot is 2.3 acres and used a conventional septic system. He stated that he believes the Health Department did not vacate the restriction.

Nic Morano, council for Carol Brocci who owns Legacy Point Unit 4, stated that there are two sets of restrictive covenants – the one for Lot 19 of Kungsholm Subdivision and the master deed for the Legacy Point Condos. He stated that he does not believe that the Health Department can waive these private restrictions. There were no approvals from the owners to a change of the master deed. He stated that the Township Zoning Ordinance requires a full review for this PUD amendment. He submitted a letter stating concerns about water on Lot 19, the failure rate for the proposed septic system, and the fact that the storm water basin which was included in the original approved site plan was never installed.

Kim Hammond, 18843 Legacy Point Dr, and representing the Legacy Point Association, stated they agreed with the technical issues discussed. She and the other owners do not feel this lot should be built on without sewer. They do not believe the master deed should be changed without consulting the other property owners.

Bill Sininger, representing Randy and Abby Crow, and Steven and Carly Crow, stated that he sent a letter dated June 15. His submission also included a link to a video showing runoff from Lot 19 onto his client's property which is due to the failure of the developer to install the required stormwater management system. At a minimum, he requested that Commissioners table the request for more information.

Ben Stoep responded to concerns raised. He stated they are looking for an amendment to the PUD specifically to allow a septic system to be built. This parcel sits higher than surrounding properties and is positioned to drain properly. The 1979 restriction hasn't been rescinded, but since Lots 17 and 18 have septic systems it is not enforceable. The master deed does include the restriction from the Township resolution, but the developer has the right to change the master deed.

Motion by Rabideau, support by Ketchum, to close the public hearing at 8:50pm. A roll call vote was taken. The motion was approved unanimously.

Morgan stated that the Township does not enforce private restrictive covenants. However, if the PUD is not in compliance with the original approval, the amendment should not be approved. For the design of the septic system, if it meets code she would defer to the County. The issue to be considered is whether to amend the PUD, regardless of the underlying restrictions.

Rabideau stated he would like more information on whether the storm water is being handled properly.

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Bultje stated that Commissioners need to consider fair treatment and also how the lots with septic were different and why was septic allowed. Another consideration is whether the PUD was constructed correctly.

Motion by Morgan, support by Latsch, to table the request for additional information from the applicant and any interested parties on the lots that were subject to the same septic rule which was relaxed, and whether the PUD was constructed as approved. A roll call vote was taken. The motion was approved unanimously.

## **H. Zoning Ordinance Amendments**

### **1. Self-Storage Facility**

Hill reviewed the draft ordinance. After reviewing the Laker Locker application, two changes were proposed to allow for additional Planning Commission review:

Section J: Add “Additional or modified landscaping may be required as deemed necessary.”

Add a new Section L: “The elevations of buildings that are visible from the street frontage or any AG, RR, or Residential property are subject to review and shall generally contain attractive building materials and design features deemed to improve overall aesthetics.”

Latsch stated that these additions are very appropriate, and he believes Commissioners should have a say in how the buildings look. Ketchum and Morgan stated their agreement with Latsch.

The public hearing was opened at 9:12pm.

Adam Beck, owner of Laker Lockers, stated that he wholeheartedly supports the additional language, as it gives the board discretion to regulate facilities.

Motion by Ketchum, support by Rumpel, to close the public hearing at 9:13pm. A roll call vote was taken. The motion was approved unanimously.

Motion by Latsch, support by Rumpel, to recommend approval of the amended ordinance to the Township Board. A roll call vote was taken. The motion was approved unanimously.

### **2. Discussion of Temporary Uses and Food Trucks**

Hill stated there was interest in updating the Temporary Use portion of the Zoning Ordinance. Most of the temporary uses have been a fireworks tent on vacant land on 148<sup>th</sup> Ave. This year because the lot is no longer vacant a temporary use for the fireworks tent has been approved at Orchard Market. The Township Board would like some language added to the ordinance regarding temporary uses for outside sales not associated with the main business.

Another issue to discuss is regulating food trucks. Hill requested direction from Commissioners. After discussion, Commissioners indicated an interest in regulating food trucks to

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allow their use in the Township. Hill will investigate options and bring a draft ordinance to Commissioners for discussion.

**I. Commissioner Comments**

1. Township Board: Rabideau stated he discussed relaxing the 1-acre limit for requiring septic systems on residential parcels and the Board was not interested in changing the ordinance.
2. ZBA: There were three items handled at the last meeting. An accessory building in the front yard of a flag lot was approved. A waterfront setback determination was made; the proposed adjustment was more advantageous to the neighbors. A variance to split a large lot into its two original platted lots was approved.
3. Community Development Director: No report.

**J. Adjournment**

Rabideau moved to adjourn the meeting at 9:46pm. Ketchum seconded the motion, which passed unanimously.

Respectfully submitted,

Jack Ketchum, Secretary  
Planning Commission