

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting 7:00 p.m. <u>Thursday, August 15, 2019</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 5 APPROVED: <i>7/26/19</i> </p>
<p> Meeting called to order at 7:02 PM by Planning Commission Chair, Cathy Strickland. <u>PLEDGE OF ALLEGIANCE</u> Roll Call: Present: Fiala, Beukema, Strickland, Jansens, Kennedy. Staff Present: Sandy Marcukaitis, Chuck Biggs- Constable. Absent with Notice: S. Bush, S. VandenBerg, Rebecca Harvey- Professional Planner, Eric Thompson-PCI. Visitors: 6 (not including staff present). </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p>APPROVAL OF AGENDA: No changes.</p>	<p>CHANGES TO AGENDA NONE.</p>
<p> REPORTS from REPRESENTATIVES: Board of Trustees- Shane VandenBerg, Trustee, absent with notice. ZBA- Patrick Jansens commented that he was not at the last ZBA meeting. </p>	<p> BOARD REPORTS from REPRESENTATIVES </p>
<p>PUBLIC COMMENT: None</p>	<p>PUBLIC COMMENT</p>
<p> APPROVAL OF MINUTES: <i>Motion by Jansens with support from Beukema to approve minutes of July 18, 2019 as written. All Ayes. MOTION CARRIED.</i> </p>	<p>APPROVAL OF MINUTES</p>
<p> New BUSINESS 1. <u>ZOC 19-08-04 Parcel ID 020-005-10</u> A request for a rezone of property by Lee Kooistra and Jon Holden at the corner of Lynn Drive and M-179 Hwy. Mr. Jon Holden presented the request. It was discovered the piece of property wasn't large enough for commercial purposes. They are asking it to be rezoned residential so that it could potentially be sold as some point. Also spelling of name is Jon, not John. Open Public Hearing at 7:09 p.m. for public comment. <u>NO COMMENT from anyone in the audience.</u> Close Public Hearing 7:10 p.m. At this time, Chair C. Strickland read the <u>Planning & Zoning Review of Eric Thompson, PCI, Zoning Administrator.</u> </p>	<p>OPEN & CLOSE of PUBLIC HEARING</p>

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C. Strickland noted that she couldn't see how the property could be used as residential single family due to half of the lot being on a road r-o-w. With setbacks, the usable part is only 19 feet wide. C. Strickland recalled mentioning this when the split was made on the other two lots. C. Strickland noted it didn't have the required 12,000 sq. feet (lot was approx. 9,000 sq. feet).

Fiala commented that his recollection was a little different. Fiala felt there had been confusion and the county map was referred to at the previous hearing, otherwise the split with a non-conforming lot would never have been approved by the Zoning Administrator, Assessor, and the township board.

Lee Kooistra commented that it was discovered after the fact, when unknown to Holden or Kooistra, someone tried to find out about the lot from PCI for possible commercial purposes. The conflict appears between the survey and the county's record according to Kooistra. Kooistra noted that if it would be possible as a piece of residential property for a variance to be given for the 10 foot setback, he'd "sign that tomorrow". Kooistra noted that he purposely built on the extreme northern part of the property as far as he could legally and left the trees as a barrier between his lot and M-179. Kooistra noted that if someone needed to build up to the tree line, he'd have no issue with that. In regards to setbacks, Kooistra noted that a telephone pole on the corner lot "that is in way excess of the 35 foot. It's on my lot. It is not in the right of way of M-179. So somebody else made a mistake, multiple years ago.... It's not supposed to be on that lot. It has to be moved. Somebody's got to move it. Utility company- whoever made the mistake. But based on the additional 10 foot by 141 foot, it gives another 1,400 square foot of lot to add to the 8,400+ by..." Kooistra commented that he didn't think there were any issues from east to west on the lot.

Brief discussion occurred between Fiala and Strickland regarding information used at previous hearing/meeting (1/19/17).

Jon Holden commented regarding the previous owner, Bill Batson, "and part of the buy sell agreement was that it would be split-able and how that would break out, and I don't think we would have probably pursued the property knowing that we would have a non-viable piece of property to utilize afterward. And I guess at that point, you'd say if you have a piece of property that's commercially not viable, why not have taken the whole property into two lots and make them both residential? But that was turned down, that request. Because that would have made more sense for Lee and I just to split the whole thing instead of having this chunk left that we own that is completely worthless. Because I would think if you knew that at the time, you'd say hey look it, we've got a piece of property even though it is in the corridor of ... that will never be able to be utilized, it would make more common sense to have a two split instead of a three way."

Strickland commented, "It's precisely what I said," (referring to the meeting of 1/19/17).

Discussion took place on the viability of the lot.

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Jon Holden commented “I’m asking you for the ability to at least make this thing viably taxable again. It would seem to be more sensible for the township to do the residential and let someone petition to put up an accessory building on it and to at least make it a viable, taxable-based piece of property. ...I’m not excited about my future on this piece of property. I was never aware of you saying “we told you that.” I don’t think Bill Batson would have ever sold it to us knowing that. Especially when we have the emails from the township saying exactly what size it had to be to keep it viable.”

Beukema requested the minutes of the previous hearing/meeting (1/19/17).

C. Strickland read minutes of 1/19/17 regarding the ZOC#17-01-01 request by L. Kooistra and J. Holden to rezone the northern part of the property located on the northeast corner of M-179 & Lynn Dr. from the current zone of C-2 to a proposed zone of RSF per Article XIX, of the Yankee Springs Zoning Ordinance.

**Page 2 of the minutes of 1/19/17 (attached) to these minutes.*

Fiala recalled the map used at the 1/19/17 meeting being different than the one provided for this meeting.

Fiala suggested having Eric T., Zoning Administrator (from PCI), the Professional Planner (R. Harvey) and C. Kaufman (YS Attorney) taking a look at this situation.

MOTION by Fiala with support from Beukema to table rezoning request (ZOC #19-08-04) until next meeting (September 19, 2019) and have Chair contact attorney, planner and zoning administrator to come to meeting and advise. All Ayes. MOTION CARRIED.

MOTION to TABLE until Sept. 19 meeting

**Later in meeting, the September PC meeting was changed (by Motion) from the 19th to Sept. 26th. (Hometown Hero presentation to Don Williamson on 9/19/19).*

J. Holden asked if the lot in question could be just absorbed then into Lee Kooistra’s lot. The board consensus was that it was a possibility.

2. SEU 19-08-05 Parcel ID 019-007-20 by Jerrold Schwartz for a SEU for the construction of a detached accessory building. The building site is a 1.66 acre vacant lot.

Lot is adjacent from lot of principal residence. Mr. J. Schwartz presented his request.

Use was for an accessory building. Currently zoned rural residential – J. Schwartz said maximum is 2,400 square feet for rural residential. Rear of south half of lot is the site he’d like to build on (2,400 sq. foot accessory building). Use: Storage - mostly for boat storage. Building walls to be 12 ft. (height), Peak (add 4 or 5 feet= 16-17 ft.), a 40 x 60 pole building with metal siding and metal roof. A couple of windows are to be installed high by eaves to let light in. Walls- 12 ft. One door- 10’ x

16' and a service door in front. Cement floor. To be built directly across from residence so it would be an attractive building. Rear of the lot build, because residence could be built at front of lot in future. Plans to have electric, but no water or sewer.

Open public hearing/comment at 8:07 p.m.

No comments from anyone in the audience.

Close public hearing/comment at 8:08 p.m.

BOARD DISCUSSION

C. Strickland reviewed findings/Special Exception Use Standards in Planning and Zoning Report (from Eric Thompson of PCI).

**It was noted that trees will be taken away in the driveway – entire lot is wooded. Purposely leaving trees in rear of lot for a buffer between Pleasant Valley.*

Motion by Fiala with support from Jansens to recommend to the township board the approval of the SEU request #19-08-05 from J. Schwartz. All Ayes. MOTION CARRIED.

OLD BUSINESS

C. Strickland suggested that the following two items be discussed at the September meeting since the Professional Planner was absent.

- **1. Discussion of Non-conforming Uses and Structure**
- **2. Discussion of Gravel Processing, Mining & Commercial Excavation Standards**

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- **Welcome to New PC Member: Karen Page Kennedy**
 - **Karen Kennedy** commented that she has tickets for the Sept. 19th meeting date for the Hometown Hero Presentation to Don Williamson. **Fiala** noted he has missed presentations in the past that he regretted. **F. Fiala** asked if the meeting could be rescheduled for that night, and request J. Lippert, Clerk, to notice- if date of PC Meeting is changed.

***Discussion to change Sept. 19th PC meeting to Sept. 26th.**

Motion by Kennedy support by Fiala to change Sept. 19 regular PC meeting date to Sept. 26 and communicate same to the clerk for proper notice. All Ayes. MOTION CARRIED.

C. Strickland noted that Kooistra/Holden should be notified of the date changed as they had already left the meeting at this point.

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OPEN & CLOSE of PUBLIC HEARING

MOTION to Recommend SEU approval to Twp. Bd.

OLD BUSINESS

- Attendance at 'MTA Hot Topic in P & Z' - Aug. 14, 4:30-8:30 p.m.

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Other Such Business:

According to the Zoning Enabling Act – The Planning Commission Officer terms are for two (2) year terms- noted F. Fiala. C. Strickland verified this information from the 2012 edition of the “Red MTA Book” titled: “Authorities & Responsibilities of Michigan Township Officials, Boards, and Commissions.”

Discussion regarding eligibility of F. Fiala as Secretary occurred. Minutes were reviewed of a special meeting addressing participation of Fiala. Those particular minutes noted F. Fiala would step down as Chair. C. Strickland mentioned that she was unable to speak with C. Kaufman, YS Attorney, prior to this meeting.

F. Fiala commented on the alleged situation. Fiala also commented on his belief of rotation of the Chairman position. Fiala stepped down from Chair at that time, G. Purcell was then Chair, then P. Heystek, and currently C. Strickland is the PC Chair.

Strickland commented that Fiala has a lot on his plate, and suggested that Karen Kennedy be the Secretary. Fiala commented on the importance of the minutes, and would take the responsibility for two years, and then hand it off.

A vote was taken for nominated PC members: Fiala and Kennedy.

Roll Call Vote for Fiala as Secretary: Beukema: Yes, Jansens: No, Kennedy: Yes, Strickland: No. Fiala: Yes. Total: Yes – 3, No – 2. MOTION CARRIED.

Regarding a new ZBA Rep. – C. Strickland commented on Pat Jansens being the Rep to the ZBA for 2019, and C. Strickland was the Rep to the ZBA for 2018.

PUBLIC COMMENT:

Pat Jansens: commented regarding on site vegetation for site plan approvals. P. Jansens asked why is the question asked? F. Fiala commented that conditions could be put on an approval regarding requests such as “green belt” within reason.

Bill Medendorp, of Vista Point, made a brief comment regarding trees on personal property.

PUBLIC COMMENT

ADJOURNMENT:

Motion by Strickland with support from Beukema to adjourn at 8:41 p.m. All ayes. MOTION CARRIED.

Approved by: Frank Fiala 9/19/19
 Frank Fiala, Planning Commission Secretary Date

ADJOURNMENT

Deb Mousseau
 Recording Secretary
 August 15, 2019

NEW BUSINESS:

ZOC# 17-01-01 PARCEL ID 08-16-020-005-10. A request by Lee Kooistra & Jon Holden to rezone the northern part of the property located on the northeast corner of M-179 & Lynn Dr. from the current zone of C-2 to a proposed zone of RSF per Article XIX, of the Yankee Springs Zoning Ordinance.

Open hearing at 7:09 p.m.:

Letter dated 1/10/17 was received by township from Ken & Gwen Hoving in support of the request of L. Kooistra and J. Holden. Letter was read into record by F. Fiala.

Discussion occurred regarding the Master Plan with PC members.

R. Harvey commented briefly on her discussion regarding her conversation with C. Kaufman, YS Twp. Attorney.

An aerial view of the property was shown on the projector/screen. The zoning map was shown as well.

Lee Kooistra commented he doesn't want to take advantage of his neighbors by leaving all of his stuff in various neighbors' storage barns. Jon Holden couldn't be at the meeting tonight due to his job. Kooistra commented that he doesn't have a business plan (for commercial zoning), he just wants to have a pole barn. The northern 150' of the lot would be residential and the southern 120' would be commercial.

Close of Public hearing at 7:45 p.m.

F. Fiala noted that he sees 3 items desired of those presenting the request:

1. Rezoned
2. Split off
3. Then once split occurs, they want to then get a special exception use for an outbuilding that doesn't have a residence on it.

R. Harvey emphasized certain areas for the PC to look at. Section 19.3 –amendment of zoning map and ordinance criteria was mentioned, along with identifying possible impact of the zoning change.

Motion by Fiala with support from Beukema to rezone the northern 150' of lot from C-2 to RSF based upon findings of the hearing. Roll Call: Strickland: No, Beukema: Yes, Fiala: Yes, Purcell: Yes, T. Knowles: Yes. Heystek: absent. Yes: 4, *No: 1, Absent: 1.

*C. Strickland commented that she was not in favor of multiple zones on one parcel and secondly the procedure is unclear on how we would do this.

Later in meeting: * At 8:59 p.m. Gwen Hoving came into the meeting, to see if the request (above) of Kooistra and Holden has been approved. G. Hoving was in favor of the request and also wrote a letter of support for the request noted above.

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1.19.17 PC

APPROVED: MC

Open hearing at 7:09

p.m.

Close of Public hearing

at 7:45 p.m.

**MOTION on Rezoning
request of
Kooistra/Holden.**

***G. Hoving entered meeting
8:59 p.m.***