

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting Thursday, August 15, 2013 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> FINAL MINUTES Page 1 of 7 As presented: Sept. 19, 2013 APPROVED: _____ </p>
<p> Meeting called to order at 6:58 PM by Chairman Frank Fiala. <u>PLEDGE OF ALLEGIANCE</u> <u>Roll Call</u>: Present: Cunningham, Purcell, Strickland, Beukema, Wells, Campbell, and Fiala. <u>Staff Present</u>: Zoning Administrator Larry Knowles, Sandy Marcukaitis, Mark Englerth. <u>Also Present</u>: John Lohrstorfer, YS Twp. Legal Counsel <u>Visitors</u>: 9 (not including staff present) </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> ADDITIONS OR CORRECTIONS TO AGENDA: Change: Move <u>Grashuis Discussion</u> ahead of <u>Whispering Pines Discussion</u>. Other: Larry Knowles, ZA, noted that Middleville Tool & Die would like to be on the Sept. 5th meeting agenda. </p>	<p> ADDITIONS TO AGENDA </p>
<p> REPORTS: ZBA: No report. A meeting was not held in August. Board of Trustees: Bruce Campbell, Board Trustee, reported that the DNR is proposing to buy land in YS Township. Campbell also mentioned the Mute Swan issue presented by Sara Schaefer of the DNR. C. Strickland noted that zoning will have to be changed after the DNR acquires YS land. </p>	<p> REPORTS: ZBA Board of Trustees </p>
<p> PUBLIC COMMENT: None. </p>	<p> PUBLIC COMMENT: None. </p>
<p> APPROVAL OF MEETING MINUTES: Motion by Cunningham with support from Beukema to approve minutes of July 18, 2013 meeting as presented. All ayes. MOTION CARRIED. Motion by Wells with support from Cunningham to accept minutes of August 1, 2013 meeting as presented. All ayes. MOTION CARRIED. </p>	<p> APPROVAL OF MEETING MINUTES Minutes of July 18, 2013 & August 1, 2013 PC Meetings approved. </p>

NEW BUSINESS:

Grashuis Discussion: Information was submitted as requested.

Motion by G. Purcell with support from R. Beukema to approve request of Grashuis for out building on England Drive as requested with 1,600 sq feet maximum size. ROLL CALL: Beukema: yes, Purcell: yes, Fiala: yes, Strickland: yes, Cunningham: yes, Wells: yes, Campbell: yes. Yes: 7, No: 0. MOTION CARRIED.

Whispering Pines Discussion-

The Site Plan from Nederveld Engineering was not turned into the ZA earlier as requested because some of the engineering firm's employees were on vacation.

In regards to sewer testing, the soonest that lateral inspections can be done would be next Friday, Aug. 23rd. Units 1 & 2 are rented out, and they do not have clean outs. Arrangements must be made with occupants to have the toilets pulled. Other units to be tested are 11 & 13.

J. Lohrstorfer suggested the applicant walking the PC through the changes to take place to the site plan available at this meeting. Bob Bartman of Whispering Pines explained the following changes:

- The road will go all the way through to the road (Russell) and will be 15' wide to meet minimum width required by the fire chief. It was pointed out that the fence doesn't go through the road.
- Fencing is to be added along southwest parking area and near large four-plex as well. Both of docks listed.

Bartman commented that these items are the basic differences between the two plans (change-wise).

- It was also mentioned that the dumpster will be fenced in as well with a stockade type fence. Parking will not have designated signs.

Boat trailer parking was discussed as well. It was mentioned that nothing is strictly in the by-laws about boat trailer parking. Comment was made that the rules are in draft form right now. Open car parking spaces will be used by boat trailers, but this has not been finalized through the Whispering Pines board yet. (Renters will put trailers in designated parking by cabins.) Bartman mentioned that only 19 cars (at one time) have been the most at WP this season.

Discussion took place on the sewer and how former documents contradicted each other. Bartman commented that a narrated video will be provided with the sewer tests. L. Knowles, ZA, picked four units to be tested: 1, 2, 11, & 13. If those go well everything should be good.

FINAL MINUTES

August 15, 2013

Page 2 of 7

APPROVED: _____

Motion to approve request of Grashuis for out building on England Drive as requested with 1,600 sq feet maximum size. MOTION CARRIED.

Whispering Pines Discussion

Changes to the current site plan

CONTINUED DISCUSSION (Whispering Pines):

FINAL MINUTES

August 15, 2013

Page 3 of 7

APPROVED: _____

Discussion continued with L. Knowles, ZA asking what the timeline for the sketch would be. Bartman commented that issues are to be addressed the first year. Not having the by-laws approved yet was discussed. Whispering Pines lawyer, Bob Byington, felt it didn't make sense to run the by-laws through the WP Board at this point until changes or amendments have been finalized.

Conversation turned to fencing and parking. A split rail fence will be on the interior side of parking spots. The spots will be twenty feet from the fence line to the edge of the road per Bartman. It was noted that there are 44 parking spots for 21 units. Not all of the trees will be removed, but dead ones will be removed. The plan is to leave grassy spots but add split rail fence replacing rotted out oak logs with spikes sticking out of them because they pose safety issues.

PC Chairman Fiala mentioned the new road. Bartman commented that proper road requirements would be followed. L. Knowles asked how people would get to the lake. "They will walk," commented Bartman.

PC Member, Cunningham, asked what the site plan obligates the owners to do in the future. Knowles commented that it will limit the owners and obligate them to build according to the plan. Cunningham commented that it was the use that the PC is concerned about. He was more interested in what is going to happen than lines on a the plan.

Boat dockage was mentioned as well. It was noted that only six out of 21 of the units are rental units. Knowles asked about jet skis, sailboats, and paddleboats. Bartman commented that WP doesn't look at these as regular boats. Cunningham added that the PC has to figure on maximum capacity.

Steve Witte of Nederveld Engineering didn't feel there was quite that many improvements to be made to the current site plan. He noted that the driveway would be made from 12 feet to 15 feet wide. Witte commented that typically the road is 8 to 10" of gravel. Fiala mentioned that the ordinance says the road is to be paved- no gravel. Witte commented that he sees the road as a "fire lane". It may be used by some residents, but Witte commented that there will be no parking there. Discussion took place about WP's variance request for road access.

M. Cunningham questioned what the PC could do to make sure the proposed work is completed. J. Lohrstorfer advised to have a review process, with the Zoning Administrator visiting the site. J. Lohrstorfer mentioned the possibility of withdrawing a PUD permit if work is not accomplished. A bond requirement was mentioned as well.

CONTINUED DISCUSSION (Whispering Pines):

S. Witte from Nederveld mentioned another change that being the addition of split rail fencing to delineate and define the parking area. A dumpster needs to be added to the sketch as well. Currently it is shown as a concrete pad. Witte added that the docks are DEQ approved.

Sheds were mentioned, and it was confirmed that they are not on the drawing. Discussion occurred regarding approval process with the township and by the Whispering Pines Board. Bartman also mentioned that they didn't draw in decks on some units that are currently without because if they would build in the future, the owners may want to build differently than what is on the plan.

J. Lohrstorfer commented that sheds should be addressed in the approval process. Bartman commented that sheds were now in the WP by-laws. Lohrstorfer added that the by-laws have to be approved by the Planning Commission and the by-laws cannot contradict the YS Ordinance; that is why they must be reviewed. Lohrstorfer continued by mentioning that the PC will make a recommendation to the Board of Trustees, but things should be ready or done. Cunningham added that the Township Board can vote yes or no and there are five members. Lohrstorfer commented that there would have to be something fundamentally wrong for the township board to vote against a PC recommendation.

Fiala commented that the site plan is required for the PUD. Lohrstorfer commented that right now if sheds aren't shown on the site plan, the PC can approve without sheds. Lohrstorfer said it would be good to address sheds as a condition for approval. Lohrstorfer added that this would be a good time to cover if anything needed to be added or clarified on the site plan. The dumpster would be an example of something to be added to the site plan. Steve Witte mentioned the items that he had on his list:

- Surface of parking spaces
- The alley/emergency access – may seek a variance for non-pavement
- Designation of dumpster – to be screened per township requirements
- Eliminated the proposed fence that goes through the 15' drive area.
- Add note stating that sheds may be added in the future at the approval of the Zoning Administrator.

G. Purcell mentioned parking spots in the by-laws next to units. They are not currently shown on the site plan. Witte commented that they could be added to the plans.

Kevin Kavanaugh of Whispering Pines, Unit #16, inquired as to what process was in place for complaints. Kavanaugh mentioned that parking of nearly 200 cars occurs on Saturdays near the Bib. Fiala commented that it is not a site condominium and it has been in its existing condition (with no major changes) for several years with grandfathered rights.

FINAL MINUTES

August 15, 2013

Page 4 of 7

APPROVED: _____

**Items to be changed on
engineer's list for new plans.**

CONTINUED DISCUSSION (Whispering Pines):

Kavanaugh commented that a neighbor had made a complaint that they (Kavanaugh's) were parking on his property, which Kavanaugh commented was not the case. Lohrstorfer commented that if there was a complaint that someone is parking on your property, it is no different than any other situation where you call a sheriff and say that there is trespassing on your property. The township doesn't enforce private trespassing rights, but they would enforce whatever the particular parking scheme is.

Kavanaugh also asked about the loud sewer lift station for example and if there was a complaint, would the owners have to hire an engineer to solve the issue.

Kavanaugh also asked what if his neighbors are telling him that he or Whispering Pines is dumping sewage into the lake. Kavanaugh commented that the owners at WP have worked to respect their neighbor's property. Kavanaugh mentioned that he was thinking forward about the process. Purcell commented that noise is a difficult challenge to enforce. Sewer going out into the lake is a health safety issue.

Bob Byington asked to back up to a previous question on occupancy in which he, Byington had detailed information pertaining to occupancy.

More discussion occurred regarding notation on plans for future sheds such as all units are authorized to be 6 x 6 sheds. Witte added that "exact location could be subject to the ZA" and other comments regarding sheds were discussed as well such as matching architectural qualities.

Utilities were discussed, being underground as new utilities are added. Witte remarked that he will add a note as to future utilities to be underground.

Scheduled dates:

- PC Meeting – August 22nd with Township Board
- ZBA (for variances) – September 10, 7 p.m.
- Public Hearing – Sept. 19

Cunningham felt that the variance request descriptions should be more detailed, especially for posterity. L. Knowles, ZA mentioned "one dock per unit" should be more descriptive. Beaching and docking of watercraft was discussed. Knowles suggested the wording "two docks, 21 slips".

Witte commented that he could have the new site plans available in a day.

Discussion occurred on preliminary approval and public hearing timing sequence.

Motion by C. Strickland with support from R. Beukema to take preliminary approval project (Whispering Pines) to a public hearing on September 19, 2013. All eyes. MOTION CARRIED.

Fiala went on to comment that the ZBA is a stand alone group. The PC doesn't

FINAL MINUTES

August 15, 2013

Page 5 of 7

APPROVED: _____

Motion to take preliminary approval project (Whispering Pines) to a public hearing on September 19, 2013. MOTION CARRIED.

brief them. The ZBA is independent, doing its own thing. Any objections to that goes to the circuit court which is the next step above. The township board cannot overrule the ZBA.

M. Cunningham asked for clarification as to final approval. The PC gives a final recommendation to the Township Board for final approval.

Kevin Kavanaugh of WP, Unit #16 commented that he was told by the former Zoning Administrator that the road (which WP is seeking a variance for) might be eligible for county maintenance rather than a private road. Fiala commented that there are zero odds of making the road a county road. "It just isn't going to fit, period," commented Fiala, Barry County Road Commissioner. (There were many reasons for this, but not enough time to get into specifics regarding "county" road status.)

Discussion occurred regarding Impact Assessment and Parallel Plans. In regards to the Impact Assessment, R. Byington commented that they have contacted the Road Commission, Health Department, Sheriff Department and Drain Commission. WP is waiting on a letter from the Fire Chief. C. Strickland commented that a Parallel Plan was not needed, but an Impact Assessment was required.

Fiala mentioned that the sewer and the water do not meet the conditions that the Health Department has, but it is pre-existing and a conversion so none of their laws (Health Department's) and regulations fit.

Discussion occurred regarding condo by-laws. Purcell asked how the PC should address these items going forward. Lohrstorfer advised to #1 see what WP already has and #2 see what WP is planning (look at by-laws and proposals). Fiala asked Lohrstorfer if a PUD and Condo classification could all be in one hearing. Lohrstorfer confirmed that it could and that a lot of parallelism was evident. A review of the master deed and by-laws were suggested. Bartman of WP, summarized that WP will review it and present it to the board and then to the association before going to the PC.

Knowles, ZA discussed with C. Strickland the notification of the ZBA meeting needing to be done on Monday to assure correct time requirement for publishing in the newspaper(s). Lohrstorfer suggested Strickland and Knowles getting together with R. Byington for correct variance wordage and details to get the notice out. Lohrstorfer suggested adding a sixth variance request for paving requirements and possibly width requirements.

Knowles, ZA also asked about submission of WP documents about the permanent maintenance of the common areas. Knowles wanted to know if that was in the by-laws. In regards to sewer laterals, Knowles asked if it is the unit owner's responsibility or the condominium's responsibility. It was mentioned that basically the owner is responsible up to the wall of their unit.

Escrow account discussion occurred briefly. It was noted that the PC or YS Board of Trustees may have to address this, if necessary. A performance bond was mentioned.

FINAL MINUTES

August 15, 2013

Page 6 of 7

APPROVED: _____

CONTINUED DISCUSSION (Whispering Pines):

PC Chair Fiala summarized the following:

- The final document (site plan) needed to be returned to YS Twp.
- R. Byington to get items/verbiage for variances.
- Notification needs to go out on Monday (8/19/13) or sooner for publication in Aug. 24th newspaper(s) for the ZBA meeting of Sept. 10th.
- The Sept. 19th meeting is still the same for the public hearing and will need to be published one week later than Aug. 24th. (8/26/13 would be the deadline then to notify newspaper(s).)

Fiala also explained the August 22nd meeting will be more like an internal work session, but the public is welcome and Whispering Pine's involvement in the meeting was invited.

Bartman of WP had a few questions regarding dumpsters and locations such as setbacks from property lines or homes. Fiala gave some general guidelines:

- 25 ft. from sidelines
- 10 ft. from back property lines
- Screening- WP plans for a 6 ft. stockade type fence.

Fiala thanked the representatives from Whispering Pines for all of their work with this matter. G. Purcell also thanked them for bringing their engineer with them to this evening's meeting. S. Witte of Nederveld confirmed how many copies of the final site plan were needed.

It was mentioned that the Sept. 5th meeting for the Planning Commission would not take place due to the Chair and at least one other member being out-of-town. The August 22nd meeting will replace the Sept. 5th meeting.

Due to the lateness of the hour, these items was not discussed:

- Sign Ordinance for Gateway Mixed Use on M-179 & Patterson Rd.
- Directional Sign Amendment

OTHER BUSINESS:

Middleville Tool & Die's request for the building of a large outbuilding was discussed. It was determined that this request could be put on the August 22nd meeting agenda. It was noted that building dimensions needed to be verified, and possibly their future plans for the area.

Brief discussion occurred with P. Heystek regarding future ZBA's responsibilities.

ADJOURNMENT: Motion by Fiala to adjourn meeting at 9:56 p.m. Approved by all. MOTION CARRIED.

Approved by: _____
Cathy Strickland, Secretary Date

FINAL MINUTES

August 15, 2013

Page 7 of 7

APPROVED: _____

OTHER BUSINESS

ADJOURNMENT

Deb Mousseau
Substitute Recording Secretary
August 20, 2013