

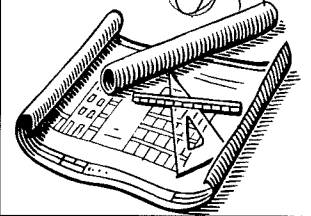
**YANKEE SPRINGS TOWNSHIP
PLANNING COMMISSION
Regular Meeting
Thursday, May 17, 2012
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

FINAL MINUTES

Page 1 of 7

APPROVED: *F. Fiala* 7-19-12



Meeting called to order at 7:00 PM by Chairman Frank Fiala.
Roll Call: Wells, Cunningham, Purcell, Schwennesen, Strickland, Fiala. Absent: Beukema. (R. Beukema joined the meeting at 7:38 p.m.)
Staff Present: Constable Jim Orr, Zoning Administrator Robert Lippert, and Sarah Traxler, of McKenna Assoc.
Visitors: Mike & Bonnie Hoekstra, Ron Coon, Mr. & Mrs. Brewer, Paul Heystek, Bill Baughman.

**CALL TO ORDER
PLEDGE of
ALLEGIANCE
ROLL CALL**

ADDITIONS OR CORRECTIONS TO AGENDA: None

**APPROVAL of
AGENDA**

MEETING REPORTS:

ZBA REPORT: Gordon Wells:

- A ZBA Meeting was held on May 8, 2012.
- Cobb Lake: Regarding 2 ½ lots. 12395 Oakwood Shores. A one foot variance was approved.
- Removal of a boat house will also occur.

BOARD OF TRUSTEES REPORT: Al Schwennesen

- Meeting was held May 10, 2012.
- The township hall was full with approximately 60 + people for this meeting on account of the issue of “fracking”.
- The Board of Trustees passed a temporary resolution on banning fracking.
- A contract was signed with TTES for the additional ambulance coverage for 16 weekends this summer from Memorial Day weekend through Labor Day weekend.
- Trees were removed at the corner of Payne Lake and 179. Obstruction of view presented a safety issue.
- Only 189 voters for the election on Tuesday, May 8th.

Frank Fiala commented (regarding fracking) that the township passed a resolution recommending that the county commissioners agree to a proposed ban and pass that on to their legislators. It is widely thought that townships have no ability (from what F. Fiala reads) to regulate in any way fracking and oil drilling (it’s a DNR function).

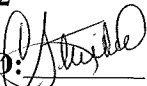
ZONING ADMINISTRATOR’S REPORT: Robert Lippert

- **SPR’s:** 9 for April: 3- new houses, 4- accessory buildings, 1 fence, and 1 deck addition.
- **Complaints:**

**MEETING REPORTS
ZBA Report- G. Wells**

**Board of Trustees
Report-
Al Schwennesen**

**ZA Report: R.
Lippert**

<p>1) Water runoff – The water runoff is going into a wetland area. However, adjacent to the wetland area is a structure which is involved with the runoff.</p> <p>2) Barking dogs - Seven dogs are involved. Two belonging to the resident’s daughter are no longer at the residence. Of the five remaining, two have been spayed and will be adopted out.</p> <p>3) Cluttered residential yard on Shady Lane – several trailers, personal watercrafts and trash – (75 % coverage) - Resident is complying. CLOSED.</p> <ul style="list-style-type: none"> • FEMA Update: 269 LOMA’s (Letter of Map Amendment) of 465. (58% error factor by Federal government) The board has taken action and issued a letter and check to an aerial mapping company for digital mapping of the area involved with FEMA’s designated flood plain area (Gun Lake region). 	<p>FINAL MINUTES May 17, 2012 Page 2 of 7 APPROVED:  7-19-12</p>
<p>PUBLIC COMMENT: None at this time</p>	<p>PUBLIC COMMENT</p>
<p><u>APPROVAL OF MINUTES</u> Motion by Cunningham with support from Wells to approve minutes of Planning Commission meeting of April 19, 2012 as presented. All ayes. MOTION CARRIED</p>	<p>APPROVAL of MINUTES - APRIL</p>
<p><u>Approval of February 16, 2012 Minutes:</u></p> <p>The following portion of minutes of February 16, 2012 needs attributions to the comments noted therein. Cathy Strickland read the following comments that occurred after remarks made by Frank Fiala in the February meeting. <u>No one took responsibility for the following:</u> <i>“One member commented that they didn’t think that the PC will get positive feedback these days. They mentioned that it is more a matter of balancing the needs of the current residents. Another PC member feels that there is a lack of trust of people with government and that lack of trust filters down to the township government. It was commented that the township has a bad reputation for being poor at customer service.”</i></p> <p>The following is the portion that <u>Cathy Strickland takes responsibility for:</u> <i>“(Cathy) said that some residents come into the township office for help and personnel did not act pleased to help these residents. She suggested that a good PR agent was needed to tell about the good things going on in the township. She also commented that a vision or a mission statement was needed to unify the direction of the township’s future”.</i></p> <p><u>No one took responsibility for the following comment:</u> <i>“Some business people in the township have said their problems are more with YS regulations which are creating difficulty for them to invest in the township. That’s where the growth is going to come and the tax base, remarked a PC member. This member also feels that the PC should make the message clear that Yankee Springs Township is business friendly.”</i></p>	<p>APPROVAL of MINUTES – FEBRUARY</p>

FINAL MINUTES

May 17, 2012

Page 3 of 7

APPROVED:



**APPROVAL OF
MINUTES – FEB,
cont.**

The following paragraph is attributed to Shane Vandenberg:

“An audience member commented that if the PC was looking for praise, praise will come when it’s time. This person also remarked that some of the board commission members have been on the Board of Commission for a long time and that maybe the township needs term limits. This individual said they had to sue the township for zoning, because the contention was about a bunch of individuals wanting to have their own way. This person also commented that nothing is ever easy in Yankee Springs, and never has been.”

The next paragraph is attributed to Bob Lippert:

“R. Lippert talks to business people and “by and large comments have been favorable”. R. Lippert mentioned that a business located on the west side of Patterson commented that if Yankee Springs was their zoning, they wouldn’t have to put up with the situations that they currently deal with. This business person doesn’t owe Yankee Springs anything; the comment was made voluntarily. R. Lippert felt that the PC and Zoning should find some comfort in that.”

G. Milliken commented that the PC should look at the “C” districts, focusing on uses, and allocation on the zoning map. Milliken feels that Ch. 12 was not an impediment to growth.

Mike Cunningham took responsibility for the following comment:

“More discussion occurred regarding Yankee Springs being considered a bedroom community. A PC member commented that when you create a nice residential area, and people move in, this brings in money to local businesses. Creating a community where people want to live in pays dividends to businesses. The PC member also commented that maybe the PC needs to decide what we are trying to do.”

Discussion occurred regarding MTA guidelines and what should go in the minutes. Fiala mentioned that the PC is supposed to put in the minutes the business it conducts.

Al Schwennesen commented that he comes into the office a couple times a week and everyone is super-friendly to him. He commented that there are a few people out there that do have problems.

Motion by Purcell to move the February 16, 2012 minutes be approved as amended as C. Strickland has referenced the various comments for attribution. Seconded by Schwennesen. All ayes. **MOTION CARRIED.**

Motion by Purcell to move the February 16, 2012 minutes be approved as amended as C. Strickland has referenced the various comments for attribution

MCKENNA BILLING:

Discussion regarding 6.50 hours billed with no duplication of billed hours was made with the transfer of work to Sarah Traxler from Greg Milliken. Motion by Cunningham with support from Wells to recommend payment of April billing of \$675.00 from McKenna to the Township Board of Trustees. All ayes. **MOTION CARRIED.**

MCKENNA BILLING

Motion to approve.

FINAL MINUTES

May 17, 2012

Page 4 of 7

APPROVED: 
7-19-12

**PUBLIC HEARING
SEU 12-03-01 –
Brewer AccBldg**

PUBLIC HEARING SEU 12-03-01 (tabled 3-15-12 & 4-19-12):

SEU 12-03-01 pertains to a request for an outbuilding on a lot without a principal residence.

Motion by Purcell with support from Schwennesen to move the SEU 12-03-01 back off of the table. All ayes. **MOTION CARRIED.**

PC members asked questions of the Brewers regarding their proposed project. Discussion also occurred on parcels and lots, setback requirements based on parcels as well as lot coverage, lots are platted and parcels are not.

At this time a public comment was made by Ron Coon, of Arhana Crest Drive, stating that this was the third meeting about the issue. He remarked that all the people that came to the township hall were opposed to the building. Coon asked the PC if they had ever turned down a SEU before. Fiala confirmed that the PC has turned down an SEU(s) before. Coon believes the project should not have taken three meetings to get approval. Coon commented that he walked through the neighborhood and counted garages that didn't have houses (9) and there were 9 garages that did have houses.

Fiala, Chairman, read the criteria from the ordinance:

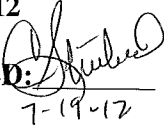
- 1) Architectural character of the outbuildings larger than 200 sq. feet to be sure they are compatible with a principal building on the site.
- 2) Consistency with the established character of the existing neighborhood and the structures and uses already in existence. Previous use of the property shall be a consideration.
- 3) The proposed outbuilding shall not have a negative impact on the surrounding neighborhood or adjacent properties.

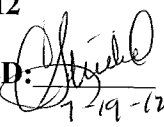
Note to minutes: PC member, Richard Beukema, joined the meeting at 7:38 p.m.

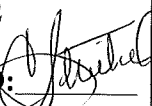
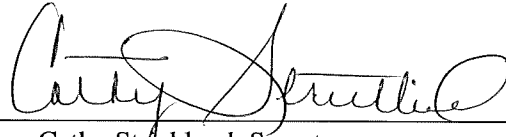
Chairman, Frank Fiala polled all members of the Planning Commission. Approval was recommended by all members due to the SEU 12-03-01 meeting requirements.

Discussion occurred regarding the possible re-drafting of the ordinance (with a consultant and an attorney) to make sure the Planning Commission treats everything consistently and fair throughout the township. Regarding the sending of letters to neighbors of the SEU requests, Fiala commented that public notice is given so that everyone has a chance to comment. Fiala also commented that the PC is bound by what it puts in its ordinances and follows the ordinances consistently.

Sarah Traxler asked if the gray vinyl siding would cover the brown siding on the proposed outbuilding. Brewers confirmed that it would, making it uniform all the way around. Discussion also occurred regarding PCI and building codes, prior conditions (over three years ago) if anyone didn't have a primary lot they wouldn't be allowed to build on it, and structures being built over utility lines.

<p>Motion by Cunningham with support from Purcell to move that the PC approve SEU 12-03-01 request based on the modification of the amending of an 8 foot setback on the north side to a 10 foot setback and that all drawings and dimensions including materials of diagrams be incorporated from the past two meetings and the current meeting. ROLL CALL: Purcell: Yes, Wells: Yes, Cunningham: Yes, Fiala: Yes, Strickland: Yes, Beukema: Yes, Schwennesen: Yes. All Ayes. No Nays. MOTION CARRIED.</p>	<p>FINAL MINUTES May 17, 2012 Page 5 of 7 APPROVED:  7-19-12</p> <p>Motion to approve SEU 12-03-01 with modifications - APPROVED</p>
<p><u>NEW BUSINESS:</u> Fireworks Ordinance for Portable Businesses: Memo from Greg Milliken, formerly of McKenna Associates. Discussion occurred regarding Greg Milliken’s work on a fireworks amendment and the fire chief’s recommendation of making a general statement reflecting the State ordinance.</p> <p>Strickland commented that her understanding of the state law was that you can’t necessarily put a ban on it, so if you want to establish a district where it was permitted or put conditions on it, you could do so. Traxler confirmed.</p> <p>F. Fiala feels the essence of the proposed change to the fireworks ordinance documented in the memo is the following:</p> <p>“4. c. The sale of fireworks shall be conducted in compliance with all applicable Federal, State, and local regulations regarding the possession, sale, and distribution of fireworks. The applicant shall demonstrate that they have obtained all necessary permits and approvals from other agencies prior to final authorization.”</p> <p>Discussion occurred with Sarah Traxler regarding the sale of fireworks. The false assumption that fireworks sales will always be a portable business was brought up. Fiala commented that the proposed change doesn’t restrict itself to only portable businesses and it doesn’t restrict the sale of fireworks. The original ordinance wording was reviewed. The sale of fireworks from existing (permanent) businesses and tent sales were discussed. Commercial retailers were considered as well. Also considering fireworks as regular store merchandise over which the PC has no control was mentioned.</p> <p>Al Schwennesen recommended sending a copy of this proposed change (from McKenna) to Fire Chief Middleton and to request his presence at the public hearing where it will be discussed.</p> <p>Motion by C. Strickland with support from Beukema to take to public hearing the recommended amendment to portable business as presented in Section 4.c. All ayes. MOTION CARRIED.</p>	<p>NEW BUSINESS Fireworks Ordinance for Portable Biz</p> <p>Motion to take alteration to Portable Business Ordinance Concerning Fireworks to Public Hearing</p>

<p>Proposed Amendment to Section 14.3 of Zoning Ordinance Land Division Regulations:</p> <p>A memo was received from Sarah Traxler, of McKenna Associates regarding land splits and secured driveway location approval from the public entity with jurisdiction over the road with site ingress and egress.</p> <p>Discussion occurred regarding the process of this request, the safety issues involved, the role of Barry County Road Commission in the process, provision of access, and landlocked property cannot be created. S. Traxler also commented that the assessor is not allowed (by law) to approve the land split unless a driveway location is secured.</p> <p>Motion made by Wells with support from Strickland to take to public hearing the requirement to get a driveway permit prior to land splitting. All ayes. MOTION CARRIED.</p> <p>Fiala recommended taking both items to public hearing at the next Planning Commission meeting in June.</p>	<p>FINAL MINUTES May 17, 2012 Page 6 of 7 APPROVED:  5-19-12</p> <p>LAND SPLITS AND DRIVEWAYS</p> <p>Motion to take to public hearing the requirement to get a driveway permit prior to land splitting.</p>
<p>Citizen's Planner Program:</p> <p>The YS Township Board of Trustees has approved up to \$1,000 for six participants to attend the Citizen Planner Program to be held June 7th and 8th in Lansing. The following people plan to attend: Greg Purcell, Cathy Strickland, Mike Cunningham, Richard Beukema, and Frank Fiala. CEU's will be given to be recertified as master planners. It also is certification to be a sustainable planner.</p>	<p>CITIZEN PLANNER PROGRAM</p>
<p>OLD BUSINESS:</p> <p><u>Special Exception Use Instructional Packets:</u></p> <p>Discussion occurred on having a packet of information requirements on SEU requests for those residents requesting a Special Exception Use. The packet would show examples of the information required by the PC. Disadvantages and advantages of the lengthy process were mentioned.</p> <p><u>Sign Ordinance:</u></p> <p>Fiala would like to review the sign ordinance, disregarding court cases from ten years ago and re-do those fairly minor modifications, take it to public hearing and move forward.</p> <p>"Content neutral" was discussed. G. Purcell thought it would be nice to have a statement in the preamble of the sign ordinance that said something like "nothing in this ordinance shall be construed as to control the content of the signage" or something similar to that so the community recognizes that the PC is not trying to control the content of signage, but rather the size, spacing, setbacks and the like. Further discussion occurred about the procedure that should be used on working on it (sign ordinance). R. Lippert suggested that the following issues pertaining to signs be addressed: new technology in signs (LEDs), the frequency of image changing and the intensity of light, the size and related issues, and the brightness of these signs. Also realtor signs (current flaw is in ordinance concerning size), and special events (such as grand openings, sales) signs need to be addressed. R.</p>	<p>OLD BUSINESS SEU Packets</p> <p>Sign Ordinance Rev.</p>

<p>Lippert commented that the YS Twp doesn't have anything for temporary signs outside of "campaign signs". Duration for special events is something that should also be considered. R. Lippert also suggested reconsidering a previous suggestion to eliminate pennants from prohibited signage.</p> <p>Fiala pointed out that the next meeting in June will be the half way point of the year, and he would like to resume work on sign ordinances and accessory building sizes. After the public hearings on fireworks and driveways, a work session would take place on the accessory building ordinance and sign ordinance.</p>	<p>FINAL MINUTES May 17, 2012 Page 7 of 7 APPROVED: </p> <p>Signs, Cont.</p>
<p>PUBLIC COMMENT</p> <ul style="list-style-type: none"> • Paul Heystek, resident and ZBA member, commented about fireworks and inquired about state regulations regarding fireworks. Discussion occurred about location of sale of fireworks, storage of fireworks, Class "C" fireworks, types of fireworks sold in Indiana, mortar type fireworks, and the State statute. • Bill Baughman, of Patterson Road, mentioned the previous dialog that took place regarding the SEU request earlier in the evening. He felt that the terminology of "lot" and "parcel" had been used incorrectly. Discussion took place regarding the use and the misuse of these terms. • Fiala mentioned that he spoke to Jim McManus about the Personal Storage Permits issued by county zoning. Fiala felt that might be something that the PC should check into. • Al Schwennesen commented about accessory building size requirements for smaller lots. Fiala mentioned the 30% lot coverage requirement already in effect. 	<p>PUBLIC COMMENT</p>
<p>ADJOURNMENT</p> <p>Motion to adjourn at 8:54 p.m. Approved by all.</p> <p>Submitted by:  Cathy Strickland, Secretary</p> <p style="text-align: right;">7-19-2012 Date</p>	<p>ADJOURNMENT</p> <p>Deb Mousseau, Sub. Recording Secretary 5/26/2012</p>