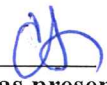


<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Special Business Work Session Thursday, August 7, 2014 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 </p> <p style="text-align: center;">MINUTES</p>	<p style="text-align: right;"> FINAL MINUTES Page 1 of 5 APPROVED:  Aug. 21, 2014 as presented </p>
<p>PLEDGE OF ALLEGIANCE</p> <p>Meeting called to order at 7:00 PM by Chairman Frank Fiala.</p> <p><u>Roll Call</u>: Present: Cunningham, Strickland, Beukema, Purcell, Heystek and Fiala.</p> <p><u>Absent</u>: Campbell with notice</p> <p><u>Staff Present</u>: Zoning Administrator Larry Knowles, Sandy Marcukaitis, Mark Englerth.</p> <p><u>Visitors</u>: 5 (not including staff present).</p>	<p>PLEDGE CALL TO ORDER ROLL CALL</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA: None</p> <p>Add: Sheriff's Department at 7:30 p.m.</p> <p>Add: Phil King of Oak Grove at Public Comment time.</p> <p>Add: F. Fiala would like to work on Art. XII - Granny Flat, if time permits.</p>	<p>ADDITIONS/CHANGES TO AGENDA: Please note additions.</p>
<p>PUBLIC COMMENT:</p> <p>Fiala commented that the Planning Commission is not the enforcement arm of the township.</p> <p>Phil King, of Oak Grove, commented that he fully understands that the PC is not the enforcement arm of the township. The main reason why Phil King said why he was here tonight is that he knows how miscommunication can happen between boards and one-on-one communication. P. King noted that a parking lot came into Whispering Pines replacing green area. King commented that the parking lot is pitched toward the Oak Grove property line. Water comes on to Oak Grove property because of the parking lot. P. King commented, in his opinion and interpretation, that the parking lot violates the township's PUD and resort ordinances, Article 9, Planned Unit Development, Sect. 9.1, Purpose and Intent, B 2. Also, King mentioned Sect. 9.3, Application Procedure, "C" Preliminary Development Plan (G) and (F) (Impact Assessment). King feels that they (Oak Grove neighbors) were misled on how this parking lot came to be. Also regarding "F- Impact" and harmonious neighboring uses, King doesn't feel as if the situation is too "harmonious" at the moment.</p> <p>Another item King commented on was dock use by renters, which he commented was to be disallowed. King commented that renters have been using the docks all summer. He has submitted complaints and the PC members have copies. There have been ten</p>	<p>PUBLIC COMMENT: None.</p> <p>Phil King of Oak Grove</p>

boats and a couple of jet skis that have used docks (used by renters). King also commented that there are two watercraft in one slip. "Docks were to be used by owners only", added King. King commented that he feels like after speaking to the township officials, he (P. King) is being looked at as the problem instead of Whistpering Pines being held accountable for their flagrant disregard to the PUD agreement stating that owners are the only ones to be using the boat slips . King commented that it's congested and noisy with only four units being used and will increase with the density increasing, and WP's density is increasing.

Regarding firepits, King commented that it was hard to get along when WP disregards the intent of the PUDs at Oak Grove's expense.

P. King commented that a lack of 24 hour on-site management will continue to be an issue. King commented that WP will be a constant source of contention with 16 owners and no single owner occupation. In P. King's opinion, this will not work.

Despite the feedback that Oak Grove has received in regards to the parking lot, P. King commented that they (Oak Grove) see it as an eyesore and a decrease of property values. P. King commented that he thinks a big part of the problem is a lacking of the enforcement mechanism on the township's end. King commented that WP picks out certain little parts and changes the wording of the PUD. King added that the intent was to get down to three fire pits, and there are 20 fire pits.

Having gone through two months again, King commented that he was told by someone from WP regarding a boat slip – if owners use it, so can their renters. King remarked this was not the intent for this and that WP owners are using technicalities to get around this. P. King thanked the Planning Commission for its efforts, work and time spent on this situation.

Frank Fiala referred to a meeting held with Mark Englerth, Larry Knowles, Frank Fiala and Greg Purcell. The result of the meeting was the Zoning Administrator sending a letter – only three fire pits, and no rentals in the boat slips overnight. A 30 day period was given to respond and both attorneys received carbon copies. Verbal meetings were held as well talking about the sign with name of contacts for complaints, and a site manager. It was noted that the sign was not up, but has been erected at this time. Also, Fiala commented that any changes to the site plan drawing will need to get prior approval. Regarding the parking lot, anything below 18" tall is not a structure; our ordinance does not typically handle those. That piece has been granted to WP, being a reasonable modification. Fiala summarized the letter content to Whistpering Pines.

Fiala commented that the yearly updated (annual review) was received from the attorney of WP. Fiala commented that the other item needed from WP was to get findings of facts and special conditions for their approval into their by-laws. Fiala commented that a copy was needed of that. Purcell commented that an updated and amended copy of the by-laws should be on file for reference. A request for this has been made by L. Knowles, ZA.

Beukema commented on his findings of the parking space information that he had found in the ordinance.

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APPROVED: 

PUBLIC COMMENT: continued

Purcell commented that over all, development has improved pretty significantly over time. Purcell suggested delegates of WP & Oak Grove getting together and seeing how they can address issues and perhaps come to some amicable resolution. Purcell commented that direct person-to-person communication would be more useful than channeling communication through PC meetings. Purcell commented that they (WP & Oak Grove) will be next to each other for a long time. Purcell also commented that having a mechanism to communicate to raise issues, address problems and find win-win solutions for both groups would be more beneficial and get more done between the two groups.

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APPROVED: 

APPROVAL OF MEETING MINUTES: (of July 17, 2014)

Beukema mentioned wording on page 3 under Agenda item 3: Whispering Pines, 2nd paragraph. Beukema commented on the word “verify” in the sentence “The photos **verify** their concern over flooding issues”. Beukema felt that the photos may allege or support their concern, but in Beukema’s opinion the photos do not “verify” (scientifically) their concern. Beukema commented that during that particular rain event, there was flooding everywhere. Beukema suggested the wording to be: “Photos showed their concern...”

Also mentioned by Beukema, was the last sentence of the first paragraph of page 4. It was recommended that the sentence starting with the words, “Summation of this agenda item ...” be struck from the minutes.

Cunningham mentioned that on page 2, third paragraph, the sentence should end with “a busy road” after “M-179”.

Motion by R. Beukema with support from M. Cunningham to approve minutes of July 17, 2014 as modified. All ayes. MOTION CARRIED.

APPROVAL OF MEETING MINUTES

Motion to accept July 17, 2014 PC minutes as modified.

NEW BUSINESS:

A concert will be held at YS Golf Course on September 6, 2014. Sandy Marcukaitis noted that the band will end at 11:00 pm. Money made by the band will go to the choir department of Wayland Schools. S. Marcukaitis will go door to door to neighboring properties/residences, such as the Yankee Springs Mobile Home park, with a notice of the music ending at 11:00 pm. S. Marcukaitis will fill out a charitable event form/fee and turn it in to L. Knowles, ZA.

Motion by C. Strickland with support from M. Cunningham to recommend that proposed activities presented to the PC from YS Golf Course Management regarding the upcoming concert are found to be reasonable by the PC. All ayes. MOTION CARRIED.

Cathy Strickland has designed a form that will assist with contacts and other details for major events such as this. L. Knowles will draft the final version of this form.

NEW BUSINESS

Upcoming Concert – Sept. 6

NEW BUSINESS: continued

Paul Heystek was introduced as the new member of the PC, and welcomed by Frank Fiala, PC Chairman.

Julie Jones from the Sheriff's Department was present at tonight's meeting. M. Englerth commented on issues with spearing boats (at night) and bright lights going very close to people's docks. The ordinance that the township may have- to deal with this issue- was questioned. Englerth introduced Julie Jones and commented that working together would help.

Jones mentioned that she has spoke with a lot of people involved in the law. Attorney Cliff Bloom from Lake and Stream advised that ordinance for specifics problems in smaller areas are better to establish and easier to enforce. He recommended that after identifying a problem, addressing it on a local level would be giving law enforcement a tool that is often a non-criminal way of controlling the problem versus using the criminal law system through the state of Michigan. A lot of people don't know that they (police) are forced to write a misdemeanor ticket that goes on their record, if people refuse to do what police ask them to do. If the PC is interested in having a discussion in the future about the specific problems in the township and what ordinances would be most suitable for that, J. Jones would be willing to work with the township's attorneys on this. J. Jones commented that the attorneys are really the ones who will actually be the ones to get things in place. J. Jones advised against having or writing vague ordinances. Jones mentioned three main complaints in summer in the marine division: driving cars & boats badly, such as driving too fast in slow, no wake zones (in channels), island trespassing issues, fishermen and spear fishermen problems such as ripped boat covers. Law enforcement has little to work with regarding this other than the noise ordinance.

Fiala mentioned that he thought Yankee Springs had a general law township ordinance that is different from YS zoning ordinances. Discussion took place on the ability or not having the ability to write a general misdemeanor ticket. Fiala suggested that the GLPA (Gun Lake Protective Association) people contact Cliff Bloom on this topic with his experience with this subject area (such as wading or being out using private property).

Fiala and the PC will try to get to the bottom of nuisance ordinance and maybe it can be tweaked and made more flexible. Cathy Strickland commented that this is a Board issue. Fiala commented that the Board of Trustees would like to have the PC's input on this. C. Strickland commented that she didn't have a problem with input, but wouldn't like to be responsible for this. Purcell commented on developing a committee on working on this and that it might be a good forum. Jones commented that if the township has found that there is a problem, the sheriff's department would like to support and work with the township. Heystek commented about two boats on Robbin's Bay making so much noise that you can't carry on a conversation- even in your house. Englerth commented that this is not just a Gun Lake issue. Englerth wants to get the discussion started. He wants the discussion in the community, and not being "Englerth's" discussion. The GLPA meeting will be held at the Gun Lake Chapel at 9:30 a.m. this Saturday, August 9, 2014 on Patterson Rd. Fiala recommends taking a good look at this, (at the noise pollution ordinance).

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APPROVED: 

Motion to recommend activities proposed to the PC by YS Golf Course regarding the upcoming concert are found to be reasonable. Motion Carried.

Julie Jones, of Barry County Sheriff's Department.

M. Cunningham asked Julie Jones if she is the person to contact regarding marine laws. It was confirmed that J. Jones was the contact person.

S. Marcukaitis will make a copy of the current ordinance for J. Jones of the Barry County Sheriff's Department. Jones spoke of the vagueness and broadness of ordinances as not being helpful.

OLD BUSINESS:

Sign Ordinance: Fiala commented that the PC would be working off the revision prepared by C. Strickland and the definitions review prepared by M. Cunningham for the last PC meeting.

It was noted that Suggested Revisions to the sign ordinance were prepared by C. Strickland (after the June 19, 2014 meeting) and reviewed by the PC members:

At the end of well over an hour and a half of working on Article XVII, Fiala commented that he hopes that at the next PC meeting, after cleaning up and the changes made by C. Strickland have been reviewed, Article XVII will be approved by the PC and brought to the Board of Trustees for their approval. C. Strickland asked that the definitions revisions be sent to her by M. Cunningham to her township email address.

Fiala commented on Article XII and suggested to work on the Granny Flat issue per request of Mark Englerth, Twp. Supervisor. Fiala mentioned comments of professional planners regarding what can and cannot be required in regards to renters. Fiala would like PC members to consider options in working with this issue adding suggestions of planners that may help – such as “only relatives”, “occupancy time limits,” etc. G. Purcell would be interested in seeing what other communities have done to deal with outbuilding usage for “renting”. Further discussion occurred.

L. Knowles, ZA commented a 40 x 50 Welcome Center is being planned by Camp Manitou-Lin. It was determined that camp management should come in with plans.

ADJOURNMENT:

Chairman Fiala brought the meeting to a close at 10:18 p.m.

Approved by: Cathy Strickland
Cathy Strickland, Secretary Date

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APPROVED: MS

OLD BUSINESS:

Sign Ordinance

ADJOURNMENT

Deb Mousseau
Recording Secretary
August 7, 2014