

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b><u>PLANNING COMMISSION</u></b>  <b><u>In Person</u>– Regular Meeting</b>  <b>7:00 p.m.</b>  <b><u>July 21, 2022</u></b>    <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b>    <b>MINUTES</b> </p>	<p> <b>MINUTES</b>  <b>Page 1 of 6 PC</b>  <b>APPROVED: _____</b>  Regular PC Mtg. 7-21-22 </p>
<p> <b>Meeting called to order at 7:00 PM by Planning Commission Secretary, Frank Fiala.</b>  <i>(Shana Bush, Chairperson, was absent with Notice).</i>  <b><u>PLEDGE OF ALLEGIANCE</u></b>  <b><u>Roll Call: Present:</u></b> Fiala, Beukema, Frigmanski, Kooistra, Knowles, Purcell.    <b><u>Absent with Notice:</u></b> Shana Bush.    <b><u>PCI:</u></b> Mark Thompson- Present.    <b><u>Professional Planner:</u></b> Rebecca Harvey, Present.    <b><u>Staff Present:</u></b> Dennis Buist- Constable, Mike Cunningham, Dave VanHouten,  Sandy Marcukaitis    <b><u>Visitors:</u></b> 7 (not including staff present). </p>	<p> <b>CALL TO ORDER</b>  <b>PLEDGE</b>  <b>ROLL CALL</b> </p>
<p><b><u>APPROVAL OF AGENDA:</u></b> No objections at this time.</p>	<p><b>APPROVAL OF AGENDA</b></p>
<p> <b><u>REPORTS from REPRESENTATIVES:</u></b>    <b><u>ZBA- John Frigmanski</u></b> – commented that at the meeting of July 12<sup>th</sup>, the first request was postponed due to non-appearance of the applicant, and last three variance requests were approved.    <b><u>Board of Trustees- Larry Knowles,</u></b> noted that at the last Board meeting of July 14, 2022, Greg Purcell was appointed to the Planning Commission. Dan Roberts was appointed to the Water Advisory Board. A server cabinet was approved for purchase, increased seasonal worker and assessor pay was also approved, the first meeting/public hearing for the Elmwood Beach Special Assessment District (for paving) was held, and a Ground Breaking ceremony for the township renovation project took place on Monday, July 18<sup>th</sup>. </p>	<p> <b>BOARD REPORTS</b>  <b>from</b>  <b>REPRESENTATIVES</b> </p>
<p> <b><u>PUBLIC COMMENT:</u></b>    <b>Deborah Grant</b> asked a question regarding enforcement of setbacks. She referred to a situation on Shady Lane involving a generator and a/c unit. After brief comments by Mark Thompson of PCI, Frank Fiala noted that this was something to be taken up with the Township Supervisor, Rob Heethuis. </p>	<p><b>PUBLIC COMMENT</b></p>
<p> <b><u>APPROVAL OF MINUTES :</u></b> Regular Meeting of June 16, 2022    <b><u>Motion by Beukema with support by Frigmanski to approve minutes of June 16, 2022 as presented. All Ayes. MOTION CARRIED.</u></b> </p>	<p> <b>APPROVAL OF</b>  <b>MINUTES- June 16,</b>  <b>2022 PC Mtg.</b> </p>

**INQUIRY ON CONFLICT OF INTEREST:**

**ROLL CALL:** *Fiala asked the PC members present if there were any conflicts of any PC member with the agenda of requests this evening. PC members noted: NO: 6, YES: 0, ABSENT: 1 (Bush). No conflicts.*

**NEW BUSINESS:**

*Motion by Fiala with support from Knowles to bring the language amendment 3.11 C-2. to the top of the agenda. All Ayes. MOTION CARRIED.*

**Motion directly above was amended as follows:**

*Motion by Fiala with support from Frigmanski to move all of the text amendments (Sec. 3.10 – C-1, Sec. 3.13 – LI-1, Sec. 3.14 – I-1, Sec. 3.11 – C-2 and Sec. 3.12 C-3) prepared by Rebecca Harvey –for tonight’s meeting- to the top of the agenda. All Ayes. MOTION CARRIED. (Please see R. Harvey’s drafted text amendments at end of minutes).*

*Motion was made by Purcell with support from Frigmanski to put Section 3.12 C-3. Text amendment on the floor. All ayes. MOTION CARRIED.*

**Public Comment opened by F. Fiala at 7:30 p.m.**

**Mike Cunningham, Clerk,** commented that the Liquor Commission wanted the Board to do a resolution to approve it (Liquor License for Cocina). Cunningham looked into it and ran across documentation that said if you have it allowed for in your zoning you can approve it. Cunningham commented that he spoke with PCI and was told that it does allow for it. It is only allowed in C-3 with a special exception use permit. It is not allowed in C-2. “We can’t approve it at the Board level if it’s against our zoning,” added Cunningham. Cunningham mentioned options that could possibly be taken by the PC, and noted that he was not in favor of spot zoning. Cunningham also noted that there is less review at the Board level. “The Board does not have to do a public hearing, this Board and or any future Board, all they have to do is approve a resolution. There’s no public hearing required where there is with the Planning Commission, so there’s less review...and at some point... the township and for a long time in the past seemed to think in that particular area of zoning it wasn’t appropriate. I don’t know why, maybe it’s time to get rid of it. Just a few of my thoughts. If we ever get another liquor license, the board would be totally in charge of it – no public hearing, just do it. Just keep that in mind.”

With NO further comment, **Close of public comment at 7:34 p.m.**

*On motion to approve 3.12 C-3 text amendment (above). Roll Call Vote: Knowles: yes, Frigmanski: yes, Beukema: yes, Kooistra: yes, Fiala: yes, Purcell: yes. Yes: 6, No: 0, Absent: 1. MOTION CARRIED.*

**G. Purcell** commented “It would be a good idea if the township would either adopt a policy or in their considered judgement hold a public hearing with proper notice for any liquor license so that the public is aware of what is being presented... to allow for some public input into your decision-making process.”

**MINUTES**

**Page 2 of 6 PC**

**APPROVED:** \_\_\_\_\_

Regular PC Mtg. 7-21-22

**INQUIRY ON CONFLICT OF INTEREST**

**NEW BUSINESS**

**MOTION** to bring Text amendment of Sections 3.11 C-2 to top of agenda.

**MOTION** to bring all text amendments for tonight’s meeting to the top of the agenda.

**MOTION** to approve Text amendment for Sec. 3.12 C-3 (regarding alcohol).

**ROLL CALL VOTE Regarding 3.12 C-3.**

Rebecca Harvey commented on the possibility of postponing action (by GL Cocina) with the PC until the August PC meeting to find out what the township board does with the Planning Commission's recommendation. It was noted that the next Township Board meeting was August 11<sup>th</sup>. Further discussion took place.

**Regarding Sec. 3.11:**

*Motion by Knowles with support from Beukema to add to C-2 Auto repair shops (without outdoor sales, service or storage) to special exception uses.*

**NO** public comment at this time from those in the audience.

**ROLL CALL VOTE:** Purcell: Yes, Knowles: Yes, Frigmanski: Yes, Beukema: Yes, Fiala: Yes, Kooistra: Yes, Bush: Absent. Yes: 6, No: 0, Absent: 1. **MOTION CARRIED.**

*Motion to approve change by Beukema with support from Fiala to amend Sec. 3.10 language as well as 3.13 and 3.14 as presented. ROLL CALL VOTE:* Fiala: Yes, Beukema: Yes, Frigmanski: Yes, Knowles: Yes, Kooistra: Yes, Purcell: Yes, Bush: Absent. Yes: 6, No: 0, Absent: 1. **MOTION CARRIED.**

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**PC 22-07-010 Parcel ID # 08-16-029-005-00. 11114 Gun Lake Rd. Middleville, MI 49333.** A request by property Owner Gun Lake Cocina LLC for a Rezoning of Property pursuant to Section 19 "Amendments to Zoning Ordinance and Official Map".

**\*The subject site is approximately .36-acre parcel. The property is currently zoned General Commercial (C2) and the applicant is requesting rezoning to Outdoor Commercial (C3).**

*Motion by Purcell with support by Frigmanski to table this matter until/to the August 18th Regular PC meeting. All ayes. MOTION CARRIED.*

**Rezone 22-07-012 Parcel ID#08-16-185-004-00. 1707 S. Patterson Rd. Wayland, MI 49348.** A request by property owner Brian and Todd Jensen for a Rezoning of Property pursuant to Section 19 "Amendments to Zoning Ordinance and Official Map".

**\*The subject site is approximately .51-acre parcel. The property is currently zoned Outdoor Commercial (C3) and the applicant is requesting rezoning to Residential Single Family (RSF).**

Kay Stolsonburg noted that Mr. David Jensen had a boat shop there (1707 S. Patterson) and has since deceased, and all the area around is zoned residential. It can't be sold as residential because it is commercial – a family of 6 would like to get in this as a home asap.

K. Stolsonburg commented that it was spot zoned in 2002.

**MINUTES**  
**Page 3 of 6 PC**  
**APPROVED:** \_\_\_\_\_  
Regular PC Mtg. 7-21-22

**Motion regarding**  
**Sec. 3.11 – C-2 SEUs**

**Motion approving**  
**Text Amendments for**  
**3.10, 3.13 and 3.14.**

**MOTION TO TABLE**

**M. Cunningham** commented that he received a letter regarding this, and this is a good chance to undo the spot zoning, and he fully supports it.

**Mr. Brian Jensen (Son)** was wondering how the spot zoning occurred. They were not aware of it until he and his family decided to sell.

*Motion by Knowles with support from Frigmanski to rezone 1707 S. Patterson Rd from C-3 to RSF. Roll Call Vote: Kooistra: Yes, Purcell: Yes, Knowles: Yes, Frigmanski: Yes, Beukema: Yes, Fiala: Yes, Bush: Absent. Yes: 6, No: 0, Absent: 1. MOTION CARRIED.*

**PC 22-07-011 Parcel ID#08-16-029-005-00. 11114 Gun Lake Rd. Middleville, MI 49333.**

**\*The subject site is approximately .36 acre parcel. The property is currently zoned General Commercial (C2) (requesting Outdoor Commercial C3) and the applicant is requesting a Special Exception Use/Site Plan Review to allow for the sale of alcohol with or without food.**

*Motion by Purcell with support from Knowles to table until the August 18<sup>th</sup> PC meeting. All Ayes. MOTION CARRIED.*

**These items were covered earlier in the meeting as they were moved to the top of the agenda.**

**An amendment of Section 3.11 C. - C-2 Commercial Zoning District Special Exception Uses of the Yankee Springs Township Zoning Ordinance so as to add 'auto repair shops with no outdoor activity' as a special exception use.**

**An amendment of Section 3.12 C. – C-3 Commercial Zoning District Special Exception Uses of the Yankee Springs Township Zoning Ordinance so as to remove references to 'the sale of alcoholic beverages'.**

**An amendment of Article III – Zoning Districts of the Yankee Springs Township Zoning Ordinance so as to:**

**a. Add 'accessory buildings and uses', with conditions, as a permitted use within the C-1, C-2 and C-3 Commercial Zoning Districts.**

**b. Add 'accessory buildings and uses' as a Permitted Use within the LI-1 and I-1 Industrial Zoning Districts.**

**EDUCATION – Upcoming and Completed Opportunities**

**F. Fiala** spoke of upcoming Citizen's planner courses offered at no charge by MAP. Credits will go toward the six hour requirement. Fiala will get this information (webinar/course links) to Sandy & Shana.

**MINUTES**  
**Page 4 of 6 PC**  
**APPROVED: \_\_\_\_\_**  
Regular PC Mtg. 7-21-22

**MOTION TO REZONE**

**MOTION TO TABLE**

**OLD BUSINESS ITEMS:**

**Form update by PCI: ZBA & PC Form**

Discussion occurred. Jake Welch of ZBA requested to have the PC update the forms. The PC gave it (back) to the ZBA. Mark Thompson went to the ZBA asking for assistance, however J. Welch was absent.

**John Frigmanski** was asked by Fiala to communicate the ZBA’s form needs to M. Thompson.

**Dave VanHouten** commented that the ZBA made a list of items for changes, Sandy Marcukaitis commented she has a packet of forms, but no list. J. Frigmanski will contact Ron and try to obtain the list.

**Brief Discussion of Private Road Standards and Zoning Districts:** *R. Harvey will do a “track change” version.*

**Review/Update 2022 PC Work Plan:**

Fiala recommended having Shana cover the **Work plan review.**

**OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

**L. Knowles** asked for a table for setbacks for all Commercial zoned properties including Chief Noonday Corridor added or moved into Article 12. R. Harvey will take a cut at it and bring back to the PC. Also mentioned was looking at the 75 ft. setback.

**PCI called L.Knowles** and they would like PC to reconsider our setback ordinance to say 5 feet to the foundation- not “to the closest part”.

**Knowles** also inquired as to who prepares documents for the board, R. Harvey takes the PC’s recommendation and she forwards it to Catherine Kaufman and then Catherine prepares the ordinance for adoption and that’s what gets sent to the township board.

**PUBLIC COMMENT:**

**Mike Cunningham** commented on the eave and foundation issue - you need to increase (setback) if you go to foundation which I would say “no” or at least put something in to take care of eaves which could overhang the neighbor’s properties.

**Debbie Grant** inquired about a situation in which a builder has put in a foundation that is over the setback. G. Purcell offered possible remedies/outcomes for not following the requirements.

**MINUTES**

**Page 5 of 6 PC**

**APPROVED:** \_\_\_\_\_

Regular PC Mtg. 7-21-22

**OLD BUSINESS ITEMS**

**OTHER SUCH BUSINESS**

**PUBLIC COMMENT**

**Dennis Buist** commented on gutters and eaves and noted they might be good when they get inspected but maybe they will not be maintained.

**ADJOURNMENT:**

**Motion by Fiala with support from Beukema to adjourn at 8:15 p.m. All Ayes.**

***MOTION CARRIED.***

Approved by: Frank Fiala 8/18/22  
Frank Fiala, Planning Commission Secretary Date

**MINUTES**

**Page 6 of 6 PC**

**APPROVED:** \_\_\_\_\_

Regular PC Mtg. 7-21-22

**ADJOURNMENT**

Deb Mousseau  
Recording Secretary  
7.21.22

# Yankee Springs Township

## Planning Commission

### Text Amendments – Commercial Storage Buildings

#### Sec. 3.10 – C-1 Commercial Office Zoning District

*B. Permitted uses:*

- Add:** 10. Accessory uses and buildings, subject to the following conditions and limitation:
- a. An accessory building shall be located on the same site as the principal building.
  - b. An accessory building shall be located in the rear yard.
  - c. An accessory building shall not exceed the area of the first floor of the largest principal building on the site.
  - d. An accessory building shall comply with the principal building setback, building height and lot coverage requirements of the zoning district.

#### Sec. 3.13 – LI-1 Light Industrial Zoning District

*B. Permitted uses:*

- Add:** 3. Accessory uses and buildings.

#### Sec. 3.14 – I-1 Industrial Zoning District

*B. Permitted uses:*

- Add:** 8. Accessory uses and buildings.

### Text Amendment – Auto Repair Shop in C-2

#### Sec 3.11 – C-2 Commercial Zoning District

*C. Special exception uses:*

- Add:** 6. Auto repair shops (without outdoor sales, service or storage).

# Yankee Springs Township

## Planning Commission

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### Text Amendment – Sale of Alcoholic Beverages

#### Sec 3.12 – C-3 Commercial Zoning District

##### Amend:

- C. *Special exception uses:* (See the conditions and requirements in Article IV.) ~~Any establishment where alcoholic beverages will be sold, with or without food service. Such business shall not be located within 500 feet of a church or other building used for religious purposes, a hospital, school, or nursing home. Such use shall not adversely affect the use or enjoyment of adjoining or nearby residential property.~~