


<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>PLANNING COMMISSION</b>  <b>Regular Meeting</b>  <b>Thursday, May 18, 2017</b>  <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b>  <b>MINUTES</b> </p>	<p> <b>MINUTES</b>  Page 1 of 10  <b>APPROVED:</b>  </p>
<p> <b>Meeting called to order at 7:00 PM by Chairman Greg Purcell</b>  <b>PLEDGE OF ALLEGIANCE</b>  <b>Roll Call: Present:</b> Heystek, Purcell, Fiala, Beukema, Strickland, T. Knowles, VandenBerg.  <b>Present:</b> Larry Knowles, Zoning Administrator  <b>Also Present:</b> Rebecca Harvey, Professional Planner  <b>Staff Present:</b> Todd Delamar, Sandy Marcukaitis, Mark Englerth, Dave VanHouten  <b>Visitors: 9</b> (not including staff present). </p>	<p> <b>CALL TO ORDER</b>  <b>PLEDGE</b>  <b>ROLL CALL</b> </p>
<p> <b>APPROVAL OF AGENDA:</b> <ul style="list-style-type: none"> <li>• <b>Add to Approval of Minutes:</b> Executive Session Minutes (Closed Session) of April 20, 2017.</li> <li>• <b>Add Under Old Business:</b> Schedule a special session to work on Master Plan.</li> <li>• <b>Add Under New Business:</b> Discuss Public Hearing on Landsplit Ordinance</li> </ul> <b>Motion by VandenBerg with support from Strickland to Delete #3 under New Business (Proposed Amendment to Planning Commission Bylaws) and bring it before the other boards of the township in a joint meeting. ROLL CALL: Beukema: No, Fiala: No, Purcell: No, T. Knowles: No, Strickland: Yes, VandenBerg: Yes, Heystek: No. Yes: 2, No: 5. MOTION FAILED.</b> <p> <b>Discussion</b> took place regarding an amendment to the Planning Commission Bylaws to go before the other boards of the township (ZBA and Bd. Of Trustees). G. Purcell commented that it was the Planning Commission's bylaws and are not subject to approval by any other group but the PC. </p> <p> VandenBerg also commented that he wanted the Closed Meeting Session Minutes of 4/20/17 made public subject to the approval of legal counsel. G. Purcell advised that when the minutes of the Closed Session are to be discussed or voted on, that is the time to address opening up the Closed session minutes to the public. At this time, just the agenda for this meeting is being voted on. </p> <p> <b>Bill Medendorp, resident, of 1905 Vista Point,</b> commented that he would like to say something at this point. "It's our properties here. Why do you have private meetings when we don't know what the heck is going on? I'm serious," commented Medendorp. </p> </p>	<p> <b>CHANGES TO AGENDA:</b> </p> <p> (Approval of Agenda as amended.) </p> <p> <b>MOTION TO DELETE ITEM #3 FROM AGENDA.</b> </p>

Purcell, Chair, noted that he was under the advisement of legal counsel to deal with Closed Session minutes with just the PC members voting on and viewing the closed session minutes.

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APPROVED: *JK*

*Motion by R. Beukema with support from T. Knowles to approve agenda as amended. All ayes. MOTION CARRIED.*

**REPORTS from REPRESENTATIVES:**

**Board of Trustees-** Shane Vandenberg noted the Board of Trustees passed an amendment to keep 5 members on ZBA with two alternates and not making it mandatory to have a board member.

**ZBA-** Cathy Strickland – No meeting yet. May 23rd is the next scheduled meeting.

**BOARD REPORTS  
from  
REPRESENTATIVES**

**PUBLIC COMMENT:**

**Bill Medendorp – 1905 Vista Point-** inquired “Why are there so many “secret things that we should all know?” (referring to Closed Sessions). He commented that the public expects the Planning Commission to represent them. “When you start planning things secretly, we have no chance of knowing what the future is for us. You might have an agenda that I can’t stop.....We come to these meetings because we put you people in office. We cannot get an answer unless it’s private or we all gotta leave when you guys vote among yourselves. This is still Yankee Springs and is still our land and is still under the constitution of the pursuit of happiness and the right to own. When you guys put your authority over us, and I am going to be honest with you, last week, that was uncalled for. And you got my word.”

**David Quada, Resident of 7549 Shagwood St SE, Caledonia, but has an acre in Yankee Springs Township (on Loew Dr.)** commented (It was noted that the zoning of this property was an Agenda item Under New Business #2)– when they bought that acre in 2008 it was stated “as could be commercial property.” Now, when they went to sell it, they tried to do everything they could to make sure it was commercial. D. Quada commented that he’d like to see the acre zoned commercial not residential.

**PUBLIC COMMENT  
APPROVAL OF  
MEETING MINUTES**

**APPROVAL OF  
MTG MINUTES.**

**APPROVAL OF MEETING MINUTES:**

**Minutes of April 20, 2017 – Regular PC Meeting**

Motion by Beukema with support by Heystek to approve minutes of April 20, 2017 as presented. All Ayes. MOTION CARRIED.

**Closed Executive Session Minutes of April 20, 2017: Distributed to PC members**

While Closed session minutes were being read by Planning Commission members, G. Purcell, Chair, spoke in reference to previous comments earlier regarding opening up closed session minutes to the public. Purcell noted there are certain items that deal with legal issues. This does not deal with any one’s property; it is a legal matter. It is a procedural matter. Purcell reviewed the procedure for reviewing, collecting and voting on closed meeting minutes as advised by legal counsel. Purcell offered to forward any questions regarding releasing the closed session minutes to the public, as asked earlier.

**Minutes of Regular PC Meeting, 4/20/17 approved.**

However, at this time, Purcell would follow advice of the township attorney in handling the Closed Executive Session minutes of April 20, 2017. Purcell also noted Michigan state law allows you to have a closed executive session for three items: pending litigation, a personnel manner, or acquisition of property.

**Motion by Beukema with support by Heystek to approve the Closed Executive Session Minutes of April 20, 2017. ROLL CALL: Beukema: Yes, Fiala: Yes, Purcell: Yes, T. Knowles: Yes, Strickland: Yes, VandenBerg: No, Heystek: Yes. Yes: 6, No: 1. MOTION CARRIED.**

Discussion before roll call vote: S. VandenBerg inquired what should be done if one of the PC members doesn't think the accuracy (of the minutes) is up to par. Purcell commented that if he wanted to dispute an item in the minutes, Purcell would ask him to put it in writing and it will be added to the minutes so that there would be full comment. If the PC agreed to amend the minutes, it could be changed. Purcell didn't wanted to go over the correction/amending process orally at this time.

**NEW BUSINESS:**

**ZOC# 17-05-02 PARCEL ID08-16-018-011-00.** A request by the Yankee Springs Township Planning Commission to rezone the property located at 491 S. Patterson to a proposed zone of C-3 per Article XIX, of the Yankee Springs Zoning Ordinance.

L. Knowles explained the situation with zoning at corner 491 S. Patterson. Discrepancies have occurred with mapping and the actual zoning for the parcel noted above. A previous change to re-zoning did not take place. In April 2016, it was determined a change to the map was needed. The mapping change was made to correct this, but the change made was reverse of what was requested. The incorrect map change was not realized immediately. Now, at the advice of the township attorney, a public hearing must be held to make the correction. The PC then has to make a recommendation to the Board of Trustees, once the Board decides, then the Board needs to publish it. L. Knowles, Zoning Administrator, will not be allowed to rezone until this procedure takes place. It was noted tonight's meeting was published as a public hearing.

**Public Hearing Opened- at 7:27 p.m.**

**Bob Genter, of 2212 Parker Dr.,** whom also owns property on Loew Dr., inquired why the property was zoned commercial previously.

**L. Knowles** commented that it was zoned C-3 prior to 2004.

**Bob Genter, of Parker Dr.** commented on there being no other C-3 zoning near the property. He mentioned that it would be the "epitome of spot zoning".

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APPROVED: 

**Motion to approve the Closed Executive Session Minutes of April 20, 2017.**

**Public Hearing Opened- at 7:27 p.m.**

**Sally Loew of 491 S. Patterson** has been there since 1970. It has been zoned C-3 since 1973 for Patterson Car Company – noting that several businesses had been there throughout the years. Loew noted that when her parents sold lots off, it went to Residential. She has the paperwork for that (being zoned to residential). She understands it was a clerical error on the township's part.

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APPROVED



**Larry Knowles:** commented that the map never changed. The PC did agreed to change to RR, the Board agreed, but it never got published.

**Rebecca Harvey** confirmed with L. Knowles that the PC's action didn't take the C-3 away.

**S. Loew** confirmed that she wants the C-3 back and have it corrected.

**David Quada** – of **Caledonia**, owner of one acre of the area involved in the public hearing coming up (#2) in tonight's meeting understands it was commercial in 2008 when he bought the property, and she (S. Lowe) said in 2009 it was still commercial. D. Quada figures the acre he bought is still commercial so he figured he could sell it if he wants to, and should be able to sell it as commercial. "If you want to zone one part as commercial, I think it should all be commercial. I don't think it should be fair to say take commercial away from you and give it to one person. I think all property on Cobb Lake (Road) should be commercial," stated D. Quada.

**Todd Delamar** – also of **491 S. Patterson** – distributed map of the property being reviewed. The one acre was sold in '08. The one acre was sold and split off as Rural Residential from the existing five acre lot. The remaining southern 4 acres were to stay C-3 as township paperwork states in township records and on file according to T. Delamar. In the transfer to county for the coloring of the map, from the township to the county, the future maps is where the clerical error is. The one acre still sitting there as C-3 was a clerical error per paperwork of township according to Delamar. Delamar continued, "If we go back to the paperwork from 2004 to 2008 sale of property to 2009 there's actually clerical record from 2009 that states the same thing. So if this property was sold in 2008, and assumed to be bought as commercial, why in 2009 was it not?"

**G. Purcell** commented that we are here to correct some errors from the past. Purcell confirmed with T. Delamar what the property is zoned now as opposed to what the map shows. Delamar confirmed "C-3".

**T. Delamar** commented that he would like it to be maintained as C-3 as the township paperwork states. "Two properties were flipped. C-3 went to a one acre property that was sold that's RR". The four acres in your paperwork that are to remain as C-3 were changed to RR. Cathy (Strickland) knows this."

**C. Strickland** commented that the corner piece was always to remain as C-3 and the one acre piece is RR.

**Sherry Carpenter, 425 Loew Drive**, asked about the zoning of the one acre parcel.

**L. Knowles** commented that he believed the zoning on the one acre parcel to be RR and added that the office has a zoning book updated in 2007 or 2008. Mr. Quada was welcome to look at it.

**Sherry Carpenter, 425 Loew Drive** commented “If it’s commercial on the corner, the acre next to it, what difference does it make if it’s commercial or not? If they believed they purchased it as commercial and the whole parcel was commercial at one time, I think it should be switched to commercial also.” S. Carpenter has lived there for 20 years (Loew Drive) and commented that W. Loew has had businesses there.

**Sally Loew** - commented that in 2008 they sold the acre to Mr. Quada – zoned RR. Lowe referred to Quada wanting the property C-3. “I don’t see where he can get C-3 to begin with,” commented Lowe. “Because (if it is) C-3, you can put a gas station there. Do you want a gas station on that corner?”

**Frank Fiala** –commented on some “house cleaning” that occurred with a prior Zoning Administrator. Fiala also noted whatever comes out on the tax bill is totally separate from zoning. Fiala’s recommendation is go to that document, pull it out with a tax ID on both parcels, making a recommendation to the township board saying “we think it should end up this way,” then they publish it and go through that process.

**Rebecca Harvey** agrees with Frank. “The PC should not consider the issues that have come out as to how it relates to the map,” commented Harvey. Harvey commented that maybe the most important thing is to move forward and noted that the township land use map doesn’t call for commercial anywhere in the area (Patterson/Cobb Lake). R. Harvey made suggestions to the PC noting the PC might want to table action to June meeting to allow the existing zoning on that piece to be confirmed and to allow the attorney to address the issue with additional information.

**R. Beukema** noted request of W. & M. Lowe in the minutes of 2004 to rezone the north three acres of their property from C-3 to RR.

**L. Knowles:** The findings of 2008 is in front of us here and the corner piece is C-3, and the piece right next to it is RR. After discussion regarding the finding of 2008 as the new starting point, Knowles commented that this (#1 & #2 of New Business) was on the agenda because Zoning wanted to change the map.

**CLOSE of PUBLIC HEARING at 7:56 p.m.**

*(Motion to close public hearing by T. Knowles with support from R. Beukema. All Ayes. MOTION CARRIED.)*

*Motion by Fiala with support by Heystek to recognize underlying zoning of property at 491 S. Patterson (PARCEL ID# 08-16-018-011-00) was and still remains zoned C-3 and ask the County GIS system to color it appropriately on the zoning map. ROLL CALL: Beukema: Yes, Fiala: Yes, Purcell: Yes, T. Knowles: Yes, Strickland: Yes, VandenBerg: Yes, Heystek: Yes. Yes: 7, No: 0. MOTION CARRIED.*

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APPROVED: 

**CLOSE of PUBLIC HEARING at 7:56 p.m.**

Motion to recognize underlying zoning of property at 491 S. Patterson was and still remains zoned C-3 and ask the County GIS system to color it appropriately on the zoning map.



**G. Purcell** commented there are options. Tonight was a public hearing for rezoning.

**Rebecca Harvey** reviewed the information that has been provided, and offered advice and options for the Planning Commission to consider in its decision.

**S. Vandenberg** inquired regarding the property of the Loew's and D. Quada on the map. Vandenberg also identified an electrical shop and Lakeside Plumbing, mentioning spot zoning. Vandenberg clarified what the property owner's (D. Quada) desire was (to go from RR to C-3).

It was noted that the land was rezoned April 30, 2008 and sold in July 2008. This information was confirmed by Todd Delamar.

**G. Purcell** commented to the Quadas in regards to the \$200 petition fee, the PC is clarifying this – so the fee is “on us” (taken up by the actions of the PC).

**R. Beukema** commented the action was initiated by the PC to rezone these properties. He sees no good reason to deny C-3.

**F. Fiala** noted actions taken in 2008 by the Planning Commission/Township Zoning noting there were a number of instances where the zoning was questionable – and the point at that time (2008) was to do all the properties in YS Twp. “It was a line in the sand that was drawn in 2008.” F. Fiala commented on that line as being the point from where they (PC/Zoning) were going to move forward.

#2 (**F. Fiala**) mentioned that a lot of terminology about spot zoning was heard in tonight's meeting. Fiala commented “Sometimes you just do things (rezone)...many times you do things because they seem logical at that time.”

#3 (**F. Fiala**) also noted hearing “Gas station” mentioned at tonight's meeting as well. Fiala reflected on concerns of residents when a gas station was proposed on M-179 that never materialized. Fiala spoke of gas stations being a SEU. “You must have C-3 as a prerequisite... It doesn't go to the township board, it stops right here (PC).” Fiala commented “My gut feel is that it would be reasonable to switch RR to C-3.”

**P. Heystek** commented that it's been a challenge making the decision. Heystek noted that historically it has been C-3 and to him it made sense to make it all C-3.

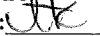
**L. Knowles** asked R. Harvey “Is it true if we change a zoning to something that wasn't future planned, we have to let the other townships know?”

**R. Harvey** commented it is true that typically when the PC considers a request, one of the primary factors is the Future Land Use map and you try to do things consistent with that. If the request is inconsistent with it, it could be either support or denial or you can amend it to be consistent with the rezone. And it is the amendment process that requires the notification (to other townships). R. Harvey also gave further guidance to the PC in its decision making process.

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APPROVED: 

Planning Commission  
Deliberation took  
place

VandenBerg noted that he was in agreement with Frank (Fiala) and Rich (Beukema). I think it should be C-3 for a couple of reasons. 1) "It looks like a warehouse to me" (referring to a building near Mr. Quada's property). #2 "If this gentlemen's (Mr. Quada) property was residential, I think it would hinder the sale (of his property). He would have a hard time selling it. I think it should be C-3."

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APPROVED: *AK*

C. Strickland commented that she realized that the property was to be RR, but felt it needs to be rezoned to C-3.

T. Knowles agreed with Strickland.

- *Motion by Fiala with support from VandenBerg to recommend to the township board zoning #ZOC 17-05-03(Parcel ID 08-16-018-011-30) from RR to C-3. ROLL CALL: Beukema: Yes, Fiala: Yes, Purcell: Yes, T. Knowles: Yes, Strickland: Yes, VandenBerg: Yes, Heystek: Yes. Yes: 7, No: 0. MOTION CARRIED.*

Motion to recommend to the township board zoning #ZOC 17-05-03 from RR to C-3.

Purcell clarified that the PC is an advisory body in terms of rezoning. The PC will make the recommendation to re-zone to the Township board 7 p.m. on June 8, at its regular meeting.

Todd Delamar commented on his setbacks changing (with the rezoning from RR to C-3). R. Harvey confirmed the setback change.

**#3 Proposed Amendment to PC Bylaws**

**ARTICLE I- Authority and Responsibilities**

**1.5 REMOVAL**

Purcell read the proposed amendment noting township attorney made recommendation to add last sentence. Purcell also noted the PC has authority to adopt its own amendment.

- *Motion by VandenBerg with support from Beukema to table item at this time to refer proposed amendment to a joint board as a guiding matter for their comment with recommendations back to the PC on an advisory basis. ROLL CALL: Beukema: Yes, Fiala: No, Purcell: Yes, T. Knowles: No, Strickland: Yes, VandenBerg: Yes, Heystek: No. Yes: 4, No: 3. MOTION CARRIED.*

Motion to table item at this time to refer proposed amendment to a joint board.

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**#4 Sign Design to Notice Public Hearing on Properties Discussion -**

Sign would be posted at the property for which the Public Hearing will take place. Sample signs were generated and distributed by L. Knowles.

**Bob Genther, of Parker Dr.** –commented that the posting would be a great idea as he stopped in the township office three times regarding notice of tonight’s public hearing.

**Sandy Marcukaitis** asked who would be putting signs up or taking them down. It was noted that Michael Maring or Larry Knowles would be doing this.

\*RED was the color of choice and consensus was to add the website to the sign.

*Motion by Beukema with support from T. Knowles to purchase public hearing signs – (RED, with website on the sign). ALL ayes. MOTION CARRIED.*

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APPROVED: AK

Motion to approve signs for Public Hearings.

**#5: Landsplits -**

It was noted the most recent ordinance amendment in the zoning ordinance regarding **LANDSPLITS** didn’t get published so a public hearing by the PC was necessary and scheduled for June 15<sup>th</sup>.

*Motion by Heystek with support from VandenBerg to make amendment to zoning ordinance in regard to landsplits at a public hearing on June 15<sup>th</sup>. ROLL CALL: Beukema: Yes, Fiala: Yes, Purcell: Yes, T. Knowles: Yes, Strickland: Yes, VandenBerg: Yes, Heystek: Yes. Yes: 7, No: 0. MOTION CARRIED.*

*Motion to make amendment to zoning ordinance in regard to landsplits at a public hearing on June 15<sup>th</sup>.*

**OLD BUSINESS**

**Request of Jesse Shaffer (SEU 17-03-04 - PARCEL ID 08-16-007-40) for a Special Use Exception Permit regarding Sec. 12.7. Outbuilding Guest Quarters to allow guest quarters in an outbuilding. Property is located at 2004 Archwood, Wayland.**

J. Shaffer is not present tonight. This item was tabled last month. It was noted Shaffer hasn’t responded to any communication since the meeting.

*MOTION by VandenBerg with support from T. Knowles to table the request of J. Shaffer until next meeting (June 15, 2017). All ayes. Motion Carried.*

**OLD BUSINESS**

*Motion to table the request of J. Shaffer until next meeting (June 15, 2017).*

**MASTER PLAN**

**MASTER PLAN-**

**Goal to set a meeting to work on just the Master Plan** - G. Purcell commented on not getting enough time to focus on the Master plan. Purcell would like to block off at least 3 hours to work on it.

- **An extra meeting was set for Tuesday, June 27th at 6:00 p.m. to work on the Master Plan.**

Discussion on soft boundary maps occurred. R. Harvey commented that she would be willing to work with Rose at Barry County (mapping).

**PUBLIC COMMENT:**

**Dave VanHouten of 870 Rock Dr.** commented that the PC did a good job at the start of the meeting adding "...Things started out a little testy." VanHouten added, "If I was sitting in here (on PC), I would not go to a C-3." Referring to Dave Quada, VanHouten commented that he (Quada) went to a battle tonight (requesting C-3 for his property). VanHouten commented that Quada didn't bring his weapon adding that Quada didn't have a buy sell agreement, listing, or anything to support his case. "It shows he really thought it was C-3" stated VanHouten. "He didn't come prepared .... I would have said "go get it (documentation)," added VanHouten.

**Bob Genter of Parker Drive** inquired about Dollar General site plan review that came before the PC understanding Dollar General would like a variance on the parking. "Don't you have to build first before you ask for a variance?" asked Genter. Genter also asked about a pole building being constructed on Parker Dr. , "Is that a cement pole barn being built? What is that?"

**Purcell** referred to the owner of the building noting the owner is going to be working on and building race cars – high end and one or two at a time. It was confirmed that it is commercial property where he is building.

**MEMBER COMMENT:**

**VandenBerg** commented that he needs both old & proposed Master Plan books.

**ADJOURNMENT:**

Purcell brought the meeting to at close at 9:15 p.m.

Approved by: Tressa Knowles Date 6/15/17  
Tressa Knowles, Planning Commission Secretary

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APPROVED: [Signature]

**ADJOURNMENT**

Deb Mousseau  
Recording Secretary  
May 22, 2017