

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION Regular Meeting</p> <p style="text-align: center;">Thursday, October 21, 2010 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p style="text-align: center;">FINAL MINUTES Oct. 21, 2010 Page 1 of 6 Approved: 11/18/2010</p>
<p>Meeting called to order at 7:00 PM by Chairman Frank Fiala.</p> <p>Roll Call: Present: Wells, Jansens, B. Cook, Fiala, Schwennesen, Ten Cate. Absent: Strickland with notice.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Staff Present: Chuck Misak, R. Lippert, ZA and J. Lippert, Clerk</p> <p>Visitors: 10 (not including staff present)</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>SWEARING IN OF NEW PLANNING COMMISSION MEMBER:</p> <p>Greg Purcell was sworn into his new position as a member of the Planning Commission by Township Clerk, Jan Lippert. Mr. Purcell is filling the vacated seat of Marley TenCate. Mrs. TenCate has resigned from her position due to changing family responsibilities. Her resignation is effective November 1, 2010.</p> <p>Marley TenCate was thanked by Clerk Jan Lippert for her service to the community by serving on the Planning Commission.</p>	
<p>ADDITIONS OR CORRECTIONS TO AGENDA:</p> <p>Due to the absence of Cathy Strickland, Planning Commission Secretary, and Katie Hayward, Recording Secretary, notes will be taken by both Frank Fiala (Chair) and Marley TenCate.</p> <p>As a courtesy to those waiting for Public Comment, Chairman Fiala asked that Public Comment be moved to the top of the agenda prior to Reports and Approval of Minutes.</p>	<p>ADDITIONS TO AGENDA</p>
<p>PUBLIC COMMENT:</p> <p>Beverly Grashuis, owner of the property next to the car wash on M-179, said she told the church that they could use the property to sell sweet corn and watermelons for a mission trip in July. B. Grashuis expressed disapproval of the ordinance that will not allow her to use her property the way she would like. B. Grashuis noted that she is</p>	<p>PUBLIC COMMENT</p> <p>Page 1 of 6 YST Planning Commission 10-21-10</p>

PUBLIC COMMENT cont'd:

aware of individuals that have sold wood on property in that area as well as those whom have had produce stands without obtaining a permit. She also noted the \$200.00 daily fee.

Frank Fiala, Chair, responded that this type of situation will be addressed later in the meeting and the process and procedure for the portable business ordinance can take 3 to 4 months of meeting time. Then the ordinance needs to be published and a public meeting held. Unfortunately it cannot happen overnight or within a month. Fiala also explained that the M-179 Corridor overlay has even higher standards because it serves as a gateway into the township and county. F. Fiala also explained that the Planning Commission is looking into an administrative "streamline" procedure for non-profit or charitable organizations to be able to get a special exception. As for other individuals that have sold items on M-179 without a permit, Fiala commented that there are times that people do things that are not in the ordinance, and they do get away with it.

Rob VandenBerg, of Martin Township wanted to know what a "portable business" is. He thought that it was a business for profit. Greg Milliken, YS Township Planner, read the definition from the Zoning Ordinance as: Any business operating from a portable structure including produce stands, building and construction trailers, mobile homes, motorized vehicles and similar structures.

Marley TenCate added that right after the church group was notified of the violation of the Zoning ordinance, R. Lippert came to the Planning Commission and it was immediately addressed and verbiage was put together so it wouldn't happen again. Also at tonight's meeting, R. Lippert pointed out that if an injury had taken place on this property, the owner would have been responsible. Safety was an issue with no adult supervision there (at the youth group fundraiser).

Bev Grashuis said that all summer long there has been an increased amount of "for profit" type of activity taking place. We really do have a problem with the people taking advantage of the fact that we do not have a police officer patrolling the area to enforce our ordinances. The only way we will be able to upgrade the level of that corridor is start doing exactly what Mr. Lippert did.

Frank Fiala said that it will be necessary to come in and have a permit that is quickly handled administratively for non-profit fundraising events. B. Grashuis was very agreeable with this. Bev Grashuis commented that she didn't know that approval was needed for the youth group to hold their fundraising event on her property. She said that nothing was done maliciously and apologized for not checking. Frank Fiala thanked B. Grashuis and said that he hoped to have this ordinance done before the next (summer) season.

REPORTS:

ZBA REPORT: Gordon Wells. No meeting held.

REPORTS – ZBA: G. Wells

Page 2 of 6
YST
10-21-10

REPORTS cont'd:

Board of Trustees Report: Al Schwennesen

- Appointment of Greg Purcell to- and resignation of Marley TenCate from- the Planning Commission already covered at the beginning of this meeting.
- Gun Lake Residential Zoning Ordinance was passed.
- Discussion occurred at the Bd. Of Trustees Regular Meeting regarding the necessity of Greg Milliken, Public Planner, being at the monthly Planning Commission meetings.
- A new Complaint format has been designed by R. Lippert for his report to the Bd. Of Trustees. Included in this new formatted report were the following complaints:
 1. Archwood Drive- residential use of garage/out building. Upon inspection, it was found that there were no beds, cots or sofas found. A boat had been repaired and moved. This case is considered closed.
 2. Bowens Mill Road- considered an active complaint. Residents will take down tent when items inside are distributed to those in need.
 3. Lynn Dr. – dogs & barking. Letter was sent citing the kennel ordinance. This complaint is considered still active.
 4. Payne Lake Rd. – noise from generator in early morning hours and trash. The testing takes place at off peak hours once a month. The trash situation is being addressed by Charter Communications employees working at that location. Case is considered closed.
 5. Fire Committee- meetings have been held, but Fire Chief hasn't been available to attend.

ZONING ADMINISTRATOR'S REPORT: Robert Lippert, ZA

- **SPR's: 9 for September**
- **LOMA's : 3 additional for the month bringing total to 231.**
- **Planning Commission and ZBA activities were reported on.**
- **Gun Lake Zoning District Ordinance was passed.**
- **FEMA: Supervisor McCrumb and R. Lippert were invited to a meeting regarding DNRE participation and procedures.**

REPORTS cont'd

**Board of Trustee's Report by
A. Schwennesen**

**ZONING
ADMINISTRATOR'S
REPORT – R. Lippert**

APPROVAL OF MINUTES:

Motion made by M. TenCate with support from Schwennesen to accept and approve Planning Commission minutes of 9/16/2010 as presented. All ayes. MOTION CARRIED.

Planning Commission minutes of 9/16/10 approved.

Motion by Schwennesen with support from Wells to accept and approve the September 2010 billing of McKenna and Associates for the amount of \$990.00. All ayes. MOTION CARRIED.

McKenna Sept. 2010 billing approved.

Greg Milliken of McKenna announced that he will not be able to attend the November meeting and he really didn't see a need for a substitute to take his place unless something significant came up. G. Milliken said that he would be available for the next month up until that day (meeting). G. Milliken commented that this would give the Commission some time to discuss things and ferret things out amongst themselves and see where they fall in the ordinance.

OLD BUSINESS/NEW BUSINESS:

OLD/NEW BUSINESS

- 1. **Portable Businesses-** per F. Fiala, two items need to be considered on this topic: First, an administrative procedure for charitable exceptions and secondly, a consolidation location for a farmer's market type situation.

The farmer's market consolidation location was discussed first. F. Fiala said that Cathy Strickland was going to do some research on this. As for potential locations, F. Fiala said that he has received some opposition (re: traffic, congestion) on the Township Park as a possible location. Other locations mentioned were: Fire Station, which has the issues of parking and accessibility for emergency vehicles; GLCC (Church) parking lot – specifically the area between the two driveways. F. Fiala added that maybe the resident that owned the property near the car wash and restaurant should be contacted. G. Milliken added that any good feasibility study will have to have many alternatives. As far as a committee to investigate the consolidated location item, F. Fiala said that Cathy Strickland had been doing some work on this and that he'd rather wait until she returned to continue with this particular matter. Discussion occurred regarding other farmer's markets and their success, including Middleville's Farmer's Market and Texas Township's. Things to be considered on the feasibility committee would be: How will it (Farmer's Mkt.) be operated? Who will be the operator? Also, will there be a set location, time(s)? Will it just sell produce? Maybe crafts would be included? Parking, traffic layout, communications, etc. are other items to be considered. Patrick Jansens said that he would assist Cathy on such a committee.

Consolidated location for Farmer's Market discussion

The discussion then turned to Charitable Exceptions. This would allow an administrative procedure to waive the fee for special use permit for non-profit organizations or groups. An application must be on file. Jan Lippert suggested that the non-profit state ID# be on the application. Discussion occurred regarding 501C-3. Jan also recommended that any group also present a certificate of liability insurance.

Discussion regarding Charitable Exceptions

After discussion of other Farmer's Markets in other townships, F. Fiala mentioned that

with all that is involved in operating a Farmer's Market, "This may be enough of a challenge that we will not be able to get through all of this procedure and be ready for Memorial Day. If we're trying to do it right, we certainly don't want to rush through and do something half-baked, and run into some of these challenges that we talked about here" added Fiala. M. TenCate added, "And along that line, I think some of those vendors who've been around M-179 without a permit and just keep setting up tables on Sunday at 12:30 (pm), if we can get to the point where we let them know this is not acceptable, and it is not in our zoning ordinances, then they perhaps will become vendors at a legal format. But that does still continue, even after the letters have been sent." With this, F. Fiala closed the topic regarding the Farmer's Market consolidation location.

Chairman Fiala asked for other commentary on the administrative procedure for special exception/ charitable/ non-profit use. Discussion regarding this began with a comment from R. Lippert that the recommendations on the qualifications and requirements for the permit will be prepared for the November meeting. Fran Faverman also commented about specifications for a church not being properly qualified (insurance and tax wise) to handle a "for-profit" Farmer's Market. Discussion occurred regarding the Township being able to "rent" a church location for "for-profit" activity. Also the possibility of a church filing for use of property for profitable activities was brought up. Discussion went to applying and using a tax exempt ID# or (501c) on the application for a non-profit fundraising activity. G. Milliken asked, "What if it (the church) is rented to the township as the township Farmer's Market entity and the township is renting out the plots?" "Because ultimately the township is going to be the one administering this, not the church. The church would want one check or maybe no check. The church may say if you want to give us a tithing, we'll take a tithing or they might accept a check from the township (Not twelve individual checks (from individual vendors)). The township would be a non-profitable entity; perhaps that would get around that" added G. Milliken. J. Lippert also added information that the insurance company requires in the use of the Township Park and Hall. Discussion continued in the same vane regarding non-profit entities being responsible/liable for profitable events. F. Fiala felt it was excellent discussion. "I think we have identified some of the facts and issues that we have." Fiala asked Bob Lippert for the next meeting, "Can you give us a rough, conceptual cut and let us talk it through and maybe turn the planner on it after we've taken a pass at it?"

GRAVEL MINING REVIEW AND DISCUSSION: G. Milliken, Planner

G. Milliken reviewed as far as page 7 last month. He continued the review at this meeting beginning at Section 6 on page 7. After a lengthy review, F. Fiala asked G. Milliken, "Are we far enough along with the changes that we've talked about, that you could maybe take another cut at this and ship it to Bob (Lippert)? Then my recommendation would be for him to distribute a copy to all of us and we read through it, especially myself, (being) pretty naïve in this area. This is one area that we depend very heavily on outside expertise, and we have a couple of guys that have lived through pieces of that- that can be a lot of help to us." "The quantifiable things like that dollar amount and the setback, once we get the concept pretty well down, we can argue a bit

Gravel Mining Review/Discussion

of that and we go all the way through public hearing and etc....” Milliken said that he felt it was appropriate to do that at this time. Milliken asked, “In this version, I kind of did the track changes to show you differences between your current ordinance and the proposed. Do you want me to keep doing that or...?” F. Fiala replied that he’d almost prefer the “clean” one. Milliken said that he’d send both types. Fiala said to G. Milliken that he appreciated the really nice piece of work and all of his help.

F. Fiala said he’d like to pass over the Wind Turbine Ordinance due to the late hour.

OTHER PUBLIC COMMENT: None.

ADJOURNMENT:

Meeting was adjourned at 9:07 p.m.

Respectfully submitted:
D. Mousseau
Substitute Recording Secretary
10-25-10

Approved Date: 10/27/10
By: [Signature]

OTHER PUBLIC COMMENT

ADJOURNMENT

Page 6 of 6
YST
10-21-10