

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION <u>In Person</u>– Regular Meeting 7:00 p.m. April 18, 2024 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> DRAFT MINUTES Page 1 of 7 PC APPROVED: _____ Regular PC Mtg. April 18, 2024 <i>Routing 4/22/24</i> <i>Beukema</i> <i>Email</i> <i>Web</i> <i>Binder</i> </p>
<p> Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush. PLEDGE OF ALLEGIANCE Roll Call: Present: (All Present) Beukema, Bush, Craven, Fiala, Frigmanski, Knowles, Kooistra. Zoning Administrator: Joe Shea, Present Professional Planner: Not Present Staff Present: Dennis Buist-Constable, Sandy Marcukaitis, Rob Heethuis, Brad Williams, Mike Cunningham. Visitors: 22 (not including staff present). </p>	
<p> APPROVAL OF AGENDA: Change: Reorder agenda items in <u>New Business</u> to: 1. SEU for Sandy Beach, 2. N. Briggs Zoning Request, 3. CSPR for Patterson Request and 4. Rezoning Request for Bowens Mill Rd. <i>Motion by Beukema with support from Frigmanski to approve the agenda as amended. All Ayes. MOTION CARRIED.</i> </p>	<p> APPROVAL OF AGENDA </p>
<p> REPORTS from REPRESENTATIVES: Board of Trustees- Larry Knowles, reported the Board: <ul style="list-style-type: none"> • Discussed the Kitchen project – the cabinet maker’s facility burned down. • Approved rezoning request for property at Cobb Lake Rd. and Payne Lake Rd. • Approved proposal from Mugen Construction to repair north wall of township office. • Approved funds for a Township Newsletter to go out before June 28th. • Established dates for '24-25 Budget on June 12 at 3 p.m. (Workshop) and June 28 at 6 p.m. (Budget Adoption). • Approved CPR training for YS Twp. Employees. • Spring Clean Up Day is April 27- meet at the Fire Station at 9 a.m. • Blood Drive May 9th from 2 to 6:30 p.m. at Fire Station. ZBA, John Frigmanski, reported there was no meeting this month. </p>	<p> BOARD REPORTS from REPRESENTATIVES </p>
<p> ZONING ADMINISTRATOR REPORT: Joe Shea, ZA commented regarding: The Zoning Department has issued 8 or 9 permits so far this month. Activity is picking up quite a bit. J. Shea thinks there will probably be a ZBA meeting in May. </p>	<p> ZONING ADMINISTRATOR REPORT </p>

<p><u>PUBLIC COMMENT:</u> None</p> <hr/> <p><u>APPROVAL OF MINUTES:</u> Regular Meeting of March 21, 2024 and Special PC meeting on March 27, 2024.</p> <p><i>Motion by Fiala with support from Beukema to approve minutes of Regular Meeting of March 21, 2024 as presented. All Ayes. MOTION CARRIED.</i></p> <p><i>Motion by Beukema with support from Knowles to approve minutes of Special PC – meeting on March 27, 2024 as presented. All Ayes. MOTION CARRIED.</i></p>	<p>DRAFT MINUTES Page 2 of 7 PC</p> <p>APPROVED: Regular PC Mtg. April 18, 2024</p> <p><u>APPROVAL OF MINUTES</u></p>
<p><u>INQUIRY ON CONFLICT OF INTEREST:</u></p> <p><u>ROLL CALL:</u> Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening. All PC members noted: NO conflicts. No: 7, Yes: 0, Absent: 0</p>	<p><u>INQUIRY ON CONFLICT OF INTEREST</u></p>
<p><u>NEW BUSINESS:</u></p> <p>SEU 24-02-02 Parcel ID 16-205-306-00, Sandy Beach Street, Wayland, MI A request by Dennis Stiffler, which is zoned Residential Single Family, for a SEU Permit to allow construction of guest quarters in an outbuilding, pursuant to the YST ZO. Article IV Special Exception Uses.</p> <p>Dennis Stiffler presented the request.</p> <p>PC members discussed the matter.</p> <p>J. Shea, ZA, reviewed his findings. The permit occurred before J. Shea became Zoning Administrator. There is no record of a SEU permit to allow the construction of an outbuilding in the residential zoning district without a principal residence.</p> <p>No Public Comment was made.</p> <p><i>Motion by Beukema with support from Knowles to approve SEU 24-02-02 guest quarters request of D. Stiffler for Parcel ID 16-205-306-00, Sandy Beach Street, Wayland. Roll Call Vote: Kooistra: Yes, Knowles: Yes, Frigmanski: No, Craven: Yes, Bush: Yes, Beukema: Yes, Fiala: Yes. Yes: 6, No: 1. MOTION CARRIED.</i></p> <hr/> <p>ZOC 24-02-01 Parcel ID 16-008-020-55 55 N. Briggs Rd., Middleville A request by Ron Clairmont to re-zone this vacant parcel from R-AG to RR pursuant to YST ZO, Article</p>	<p><u>NEW BUSINESS</u></p> <p>SEU 24-02-02 Parcel ID 16-205-306-00, Sandy Beach St., Wayland</p> <p>MOTION to APPROVE SEU- 24-02-02 Stiffler/Sandy Bch St.</p> <p>PARC. #16-008-020-55 ZOC 24-02-01</p>

<p>Ron Clairmont presented his request.</p> <p>PC members discussed the request.</p> <p>Public Comment opened at 7:22 p.m.</p> <p>Owen Sabin of Bowens Mill, wanted to confirm the request to rezone Rural Residential. (O. Sabin could not hear the PC comments.)</p> <p>Pat Jamison, of S. Bowens Mill, commented that he was not a fan of rezoning for more houses. P. Jamison noted that this could be done in other areas, as well, and “we could see way too many houses crammed into little room.”</p> <p>Public Comment closed at 7:24 p.m.</p>	<p>DRAFT MINUTES Page 3 of 7 PC APPROVED: _____ Regular PC Mtg. April 18, 2024</p>
<p><i>Motion by Knowles to deny request of Parcel owner ID#16-008-020-55 at 55 N. Briggs Rd., based on the master plan not reflecting this rezoning request and to recommend to the Board of Trustees not to rezone this property. Support from J. Frigmanski. <u>Roll Call Vote:</u> Craven: Yes, Bush: Yes, Frigmanski: Yes, Beukema: Yes, Knowles: Yes, Fiala: Yes, Kooistra: Yes. Yes: 7, No: 0. MOTION CARRIED.</i></p> <hr/>	<p>MOTION to DENY ZOC 24-02-01</p>
<p>CSPR 24-03-04 Parcel ID 16-018-012-10 at 1083 S. Patterson, Wayland. The applicant (ARC Land Development, LLC) is requesting a Commercial Zoning permit to build a pole building for storage and storage of trucks used in asphalt business.</p> <p>Aaron Greenbauer presented the request of ARC Land Development (Don & Bridget Greenbauer- Owners).</p> <p>No public Comment at 7:31 p.m.</p>	<p>CSPR 24-03-04 Parcel ID 16-018-012-10 at 1083 S. Patterson, Wayland.</p>
<p><i>Motion by R. Craven with support from Kooistra to approve request (CSPR 24-03-04) for Parcel ID 16-018-012-10 at 1083 S. Patterson, Wayland. ROLL CALL VOTE: Kooistra: Yes, Knowles: Yes, Frigmanski: Yes, Fiala: Yes, Craven: Yes, Bush: Yes, Beukema: Yes. Yes: 7, No: 0. MOTION CARRIED.</i></p> <hr/>	<p>MOTION to APPROVE CSPR 24-03-04</p>
<p>ZOC 24-02-04, Parcel ID 16-008-006-40 Bowens Mill Rd., Middleville. A request by James VanTil, to re-zone this vacant parcel from R-AG to RR pursuant to YST ZO, Article XIX amendments to Zoning Ordinance and Official Zoning Map.</p> <p>James VanTil presented his request.</p> <p>PC members discussed and asked questions of Mr. VanTil.</p>	

Public Comment opened at 7:39 p.m.

Jim Missad, of 11711 Bowens Mill Rd., Middleville, owns the property just to the south of the property and owns the easement that Mr. VanTil is using. J. Missad heard that eight (8) houses were going into this property. He doesn't know how eight driveways (to each house) is possible. J. Missad agrees with the comment of Pat Jamison regarding the request for 55 N. Briggs Rd. J. Missad commented that the community should be "grown responsibly not packed in like our lake properties."

Matt Missad, lives on property to the north. Concerned about mixed use of the property being changed to Rural Residential. Wants to keep the beauty of Bowens Mill area, and this could destroy that (rezone). Matt Missad feels the rezoning "just cuts it up way too much." Still trying to bring back (Yankee Springs). Matt Missad noted some of the documentation wasn't that clear. More questions than answers at this point and that's why he wouldn't recommend it.

Becky Missad said she lives "on the other side of the road across from VanTil." B. Missad commented on what he said for intent for the property has not been so. B. Missad commented about the pond being mined for gravel and destroying the road in front of Alpha Drive in doing so. Further comment made by B. Missad regarding the pond occurred calling the pond a death hole with water filled "because who knows how deep it is? And there are kids in the area. Any kid who ever fell in there, I don't think they'd get out. And nobody seems to be overseeing what he's done with the gravel or checking on that pond. It's not safe. And he's talking about he wanted to put longhorns on there at one time. He came to us many times begging us to sell him more property. So that he can do whatever. When he's up here things just don't really add up. He has not been true to his character.... It needs to be really laid out and he needs to be accountable for it. There's a lot of bait and switch."

Pat Jamison, south of Bowens Mill, commented "If you're able to split this land, what's stopping him from doing that? ... Just to make a boat load of money. That's scary for me.... you set a bad precedent by rezoning a lot of these parcels."

Dave Laansma, of Payne Lake Rd., commented that the idea of sticking so many homes on this strip of land, doesn't make any sense and doesn't fit into the long-term plan of Yankee Springs for properties zoned this way. D. Laansma commented on gravel mining taking place at this location. "Bank run at first with semi loads and when that operation wasn't hindered in any way, they set up a full processing plant ... I can't imagine in our township that any of us could get away with that without requiring a special use permit ... so I've got a lot of questions how that happened. It looks to me that this operation will be allowed to run until it runs out and there will never be a consequence for not coming in and applying properly to run this operation in the first place. That's the evidence of the character of what I've seen. Chopping this up and putting a lot of houses in there on this request and starting with a longhorn ranch to a group of seven or eight houses doesn't fit our plan for the local area.

Robin Laansma, of Payne Lake Rd., opposes the rezoning request. It doesn't fit into the plan. This area of Yankee Springs is RA. "We like it that way and we'd like to keep it way," commented R. Laansma.

Owen Sabin, of Bowens Mill, commented "We shouldn't penalize someone who wants to create an investment... Maybe zone it for residential and he has to be accountable for what he puts on there and have him come back with another plan... It is five, and ... may only be three (houses)... You got to give the guy a chance."

Close Public Comment at 7:51 p.m.

More discussion of PC occurred. Clarification was made by S. Bush, PC Chair: "The new Master Plan is up and coming and it is not something that has been established or voted in yet or rolled out to the community. We are still working under the same Master Plan that was approved in 2019."

Motion by Knowles with support from Beukema to recommend to Board of Trustees denial of this request to rezone as our master plan does not support this. ROLL CALL VOTE: Beukema: Yes, Bush: Yes, Craven: Yes, Fiala: Yes, Frigmanski: Yes, Kooistra: Yes, Knowles: Yes. Yes: 7, No: 0. MOTION CARRIED.

OLD BUSINESS ITEMS:

***PUBLIC HEARING – Bay Meadows Rezoning & PUD Amendment previously tabled**

Char VanderRoost of 12454 Bayview Drive presented amended SEU request.

1. Eliminate 2 planned condo buildings 1 – 7 and create two (2) 1.4-acre parcels to be sold for single family dwellings.
2. Eliminate the north/south cul-de-sac originally planned for those units and allow access to the two parcels from Edwin Drive. Permitted as part of the MDOT permit for Edwin. No additional permitting is required by Barry County or the state of Michigan.

Joe Shea reviewed a portion of his report.

Public Comment:

Ed Koens, of 1797 Edwin Drive, commented, "How come this gets so far along before the property owners on Edwin Drive get notified? ...It's a driveway. You people keep saying it's a drive... This is in the works for a year before we even know about it."

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**MOTION to DENY
REZONE REQUEST**

OLD BUSINESS

**PUBLIC HEARING of
Bay Meadows rezoning
& PUD Amendment**

Bill Romph, 1717 Edwin Drive, commented that his main concern shadows Ed's (Koens) as well. He didn't know it was going to be divided until just a few days ago. B. Romph commented that Edwin Drive is a drive. "It's essential one main road. We've maintained it for the entire time I've been there (14 years) since before myself... we only found out a couple days ago." B. Romph noted a 1999 court decision signed by Judge Fisher. He commented "...Bruce Dr. was abandoned, and Edwin Dr. was put in and Bayview Dr. was put in along with the condo association and the homes on Bayview Drive itself... It's already a small road that we've been maintaining." B. Romph feels they should have the right to seek legal counsel and would like this request tabled to give the Edwin Drive group the opportunity to seek additional information and consult legal counsel. "No one came to us and advised us as to what was going on," concluded B. Romph.

Mark Englerth, 1769 Edwin Dr., commented that he has lived there 35 years. M. Englerth mentioned the VanderSlik Development. He has eight pounds of paperwork from the lawsuit and is still going through it. "I strongly urge this board to do their homework. We would like to ask it to be tabled. Edwin isn't officially a road, it is a road by use, it's not a platted road." Englerth commented on previous road issues in the area. Englerth concluded, "If you think that's bad (Parker Dr.), let's but some more cars on Edwin."

Rick Heroux of 1785 Edwin Dr., noted that he wanted to echo the other comments and added, "Please give us a minute to check this out."

Char VanderRoost ask that there would be a postponement to the next meeting vs tabling something for an unknown future.. C. VanderRoost noted that they just found out on Monday that Mark (Englerth) came over and told her about the court case involving VanderSlik. She just found out about the court case filed in 1996. Final judgment took place in 1999. VanderRoost spent a lot of time starting to go through the paperwork. VanderRoost commented "We want to be good law-abiding citizens... if that means backing off what we were going to do, we will do so." C. VanderRoost will leave the final amended judgment for ZA and PC to look at. VanderRoost reviewed certain items (of the final amended judgment) that she had highlighted, "Section 4 A- That portion of the depicted and described property which lies to the north of the north line of Out lot A, which is the sewer authority corner where Bayview and Edwin come together, shall be included in and part of Bayview public and B -that portion of the depicted and described property which lies to the south of that north line of Out lot A shall be included in and part of Edwin Drive Private". C. Vander Roost continued to comment, "This was signed by attorneys from both sides of the table. This was signed by James Riley, Assistant Attorney General, Natural Resources Division and James H. Fisher, the Circuit Judge and was filed, like I mentioned, on January 7, 1999. This was the final judgment." C. VanderRoost offered to leave this information with the PC. "So the request today to table the decision, based upon what we have in the final judgment, has no legal basis. It's evidenced by this final judgment that it is on paper, there should not be a question as to whether we can do this legally or not." At this point the three (3) minute comment period was up.

Close Public Comment at 8:10 p.m.

Motion by Fiala with support from Beukema to table this item to next regular PC meeting of May 16th to review new information. ROLL CALL VOTE: Beukema: Yes, Bush: Yes, Craven: Yes, Fiala: Yes, Frigmanski: Yes, Knowles: No, Kooistra: Yes. Yes: 6, NO: 1, Absent: 0. MOTION CARRIED.

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MOTION to TABLE

<p>EDUCATION – UPCOMING AND COMPLETED OPPORTUNITIES</p> <p><i>An educational opportunity for the ZBA on May 15th in Gaylord is coming up. A request was made by S. Bush to receive info (report back) from those who participate in educational opportunities.</i></p>	<p>DRAFT MINUTES Page 7 of 7 PC APPROVED: _____ Regular PC Mtg. April 18, 2024</p>
<p>*Discussion of Master Plan Special Meeting - the next Master Plan meeting will be Tuesday, May 28th at 7 p.m.</p>	
<p><u>OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION</u></p>	<p><u>OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION</u></p>
<p><u>PUBLIC COMMENT:</u></p> <p>Mark Englerth: “Thank you. We will continue to work towards a goal that everybody gains going forward.”</p> <p>Dave Laansma: Thank you to everybody for the work you put in. On behalf of being a precinct delegate, D. Laansma, asking if it was ok, noted two petitions were in the back of the room for signing. One petition regards amending the Clean and Renewable Energy Waste Reduction Act by repealing the statewide requirements for the construction and development of certain wind and solar energy facilities. If enacted, this will allow local government units to determine their own standards for such facilities and get local control again. The other petition is called “Ax MI Tax” to prohibit state, county or municipal property taxes, and require 2/3rd of voters to approve local taxes and require a 2/3rd vote of legislature to increase any state tax to raise revenue by more than .1% over 5 years. It would prohibit the increase of percentage of state sales tax revenue distributed to local governments from 15 to 20% and from 0 to 10 percent for counties. It would require municipalities and counties each receive 10% of tax revenue from income of marijuana, alcohol, and tobacco. Require that tax revenue distributed to municipalities and counties be used to fund only essential government and infrastructure services and require implementing legislation. D. Laansma asked for permission to set the petitions out. (Permission was granted to leave the petitions.)</p>	<p><u>PUBLIC COMMENT</u></p>
<p><u>ADJOURNMENT:</u></p> <p><u>Motion by Bush with support Beukema to adjourn at 8:19 pm. All AYES. Motion Carried.</u></p> <p>Approved by: _____ Frank Fiala, Planning Commission Secretary Date</p>	<p><u>ADJOURNMENT</u></p>