

Laketon Township Planning Commission
February 9, 2022 Regular Meeting Minutes – APPROVED 03/09/2022

CALL TO ORDER: Chairperson Paul Hoppa called the meeting to order at 6:00 pm

PLEDGE OF ALLEGIANCE:

ROLL CALL:

- Present: Eric Anderson, DJ Hilson, Paul Hoppa, Suzanne Hayes
- Absent: Bob Marine & June Earhart w/notice and Dave Mieras
- Also present: Applicant Jeremy Reister & family, Zoning Administrator Heidi Tice, Recording Secretary Veronica West, one other local citizen.

APPROVAL OF AGENDA: Eric Anderson moved to approve the agenda as presented. Suzanne Hayes supported the motion and the motion carried by voice vote.

APPROVAL OF MINUTES: Suzanne Hayes moved to approve the minutes of 12/08/2021 as presented. Eric Anderson supported the motion, but wanted to note that the minutes were accurate, but did not feel they reflected the very strong sentiment he was trying to put forth on the zone change issue presented at that meeting. He stated that while he agreed with the motion and vote on the zone change for Rich Young at property addressed 989 Witham Dr, it was only in conjunction with finding and implementing a solution for the issues with the zoning of the entire Witham Dr Corridor. He asked to have that noted here in these minutes. The motion carried by voice vote.

PUBLIC COMMENTS on AGENDA ITEMS ONLY: **NONE**

CORRESPONDENCE

- Planning & Zoning News & Zoning – distributed for informational purposes. The only discussion was that this may be the last issue of this informative news magazine as the creator is retiring and so far no one else has stepped up to take over writing and publication of it.

UNFINISHED BUSINESS:

- **Section 3.29 Major Street Setbacks:** ZA Heidi Tice began the discussion, noting that former ZA Theresa Maner had some potential ideas on this as the 100 foot setback from the Major Steets, currently listed as “Giles Rd, River Rd, Fenner Rd, Scenic Dr, Whitehall Rd, Bear Lake Rd and Buys Rd, as it does pose some issues with non-conformity. Eric Anderson commented this setback came into effect with the 2006 rewrite of the zoning ordinance to preserve the rural character of the Township, but has created many non-conforming properties and has possibly taken away some property rights for adding things like front porches etc, He added that it probably needs to be adjusted or even removed completely as it doesn’t seem to be serving many of the residents in any meaningful way. Other discussion covered how this language could be adjusted, suggestions included reducing it to 75 feet, “grandfathering” existing properties at their existing setback, only applying this 100’ front setback these roads that are west of Buys Rd as the eastern portions of the township currently contain the most dense development and allows the smallest minimum lot sizes. Suzanne Hayes touched on whether or not reduced setbacks would still allow for future bike paths/sidewalks or road widening. Also discussed property descriptions, regarding the difference between metes & bounds legal descriptions and subdivision legal descriptions and how it affects the road right of way. Paul Hoppa suggested having Heidi discuss potential language changes with the Township Attorney and bring back some options to discuss at the next meeting.
- **Master Plan Public Hearing Date:** ZA Heidi Tice let the PC know the Twp Board had approved the draft language – noted a couple of typographical errors that can still be corrected. Suzanne Hayes also noted one on pg 65, the spelling of mote, should be moat. She also commented on being pleased to have waited for the 2020 Census information to be available and included in this document. Discussion covered the requirement to hold a public hearing after having distributed this draft plan to the surrounding/adjacent communities for 30 days for their comments. Discussion of dates/timing/publication requirements felt it was possible to get the information out published in time for the public hearing to be held on April 13th, 2022 at 5:45 pm.

Laketon Township Planning Commission
February 9, 2022 Regular Meeting Minutes – APPROVED 03/09/2022

NEW BUSINESS:

- **Site Plan Review: 1343 Whitehall Rd for Peggy Barber** – Applicant Peggy Barber was not present. DJ Hilson commented he felt it necessary to have Ms. Barber present and Paul Hoppa agreed. Eric Anderson expressed concern that the site plan presented does not appear complete. Discussed questions of the old use, the new uses that were installed without coming to site plan review as required by the zoning ordinance, discussed potential “grandfathering” of this property with regard to uses, parking requirements, etc and noted an attorney’s opinion may be needed on these questions. Safety issues from the building and fire departments were noted. Paul Hoppa stated he felt the PC needs more time to review and understand this plan and have the applicant present before making a decision. Suzanne Hayes moved to table this item til the next meeting in March when the applicant can be present. Eric Anderson supported the motion. The motion carried by voice vote.
- **Site Plan Review: 3470 Memorial Dr for Jeremy Reister** – ZA Heidi Tice summarized this project, noting the only past site plan on file was from the 1980’s for the old mini golf business, since then it has been a retail business under a few different names/ownerships. She noted the use will continue to be a retail establishment, but the exterior is changing, the stone will be removed and there will be 2 feet of height added plus a pitched roof as well, but no additional square feet or changes to the footprint of the building, she also added that the site plan has a hand drawn easement on it as Mr. Reister is currently working on some legal description discrepancies with the easement, but it does not impact what he intends to do in any way. She did also touch on some correspondence Mr. Reister had with former ZA Theresa Maner regarding permitted uses and potential uses, including boat rentals of kayaks, paddleboats and stand up paddleboards. She added that if this activity takes place entirely inside the building, it is considered retail, but if it takes place outside, and boats are stored there outside, it would need a special land use approval.

Paul Hoppa clarified that the PC only needs to approve the site plan for the roof and building exterior changes. Eric Anderson commented he likes the proposed use and boat rentals for that area, being across the street from the state park boat launch, but boat storage would be an issue where a special land use approval would be needed. Jeremy Reister (3696 Bard Rd, Twin Lake, MI) stated he has been doing boat rentals in other locations for some time now and he books rentals well in advance so he would store the boats off site and only bring them to this location if he had rentals booked for the day. He added he only does full day rentals, so the boats would arrive, be taken to launch, be taken out at the end of the day and then leave for the storage facility. He also added that he doesn’t have enough parking for customers to take them up with boats/trailers and they can’t be placed behind the building as it is wet, soft and his septic system is back there. There was discussion and questions clarifying there would be no overnight storage and no long term storage of any kind, which Mr. Reister confirmed. Mr. Reister also added the state park offers permits for vendors for parking boats/trailers– so he has that option if he needs it. Eric Anderson reiterated that the retail sales/rentals isn’t an issue, but boat storage would need a special land use approval. Paul Hoppa entertained a motion on this project and noted it is for approval of the roof/exterior changes of the building, correcting the easement description/location to access property behind this. Suzanne Hayes began to read aloud a sample motion prepared by ZA Heidi Tice, but was not comfortable with it and rescinded her motion. Eric Anderson noted the pitched roof and height is in compliance with the building code, which Heidi Tice corroborated, and the easement description corrections are just a matter of record keeping.

DJ Hilson moved to approve the site plan, as presented, with the conditions that the easement legal description issues get resolved and noted properly on the site plan as part of the official record and if watercraft storage ever needs to be located on site, then a special land use application would need to be made to the Planning Commission. Suzanne Hayes supported the motion. The motion carried by voice vote.
- **Mixed Use Corridor: Witham Dr** – ZA Heidi Tice reviewed the zone change at 989 Witham Dr, the history of the area, noting it was mass rezoned to commercial in the 1970’s, and while there are a few commercial uses, most of the residential uses still exist. She noted she has talked to the Twp Attorney on this subject, the potential to use the mixed use PUD language in the ordinance, but she has never seen it used that way, as a PUD is usually a development under single ownership until parcels are sold to individuals or potentially creating mixed use zoning district on the Witham Dr corridor to find a solution for the various properties in this area, many of which are too small to be used commercially under the existing zoning ordinance rules. Other discussion noted the PUD language requires municipal sewer and water and has minimum lot sizes that some of these existing properties cannot meet either. Eric Anderson commented that using a PUD seems more complicated than it needs to be and doesn’t understand why we don’t create a district called C2/R3 that allows any of the uses/lot sizes of our existing C2 and R3 districts already allow, this would essentially be a mixed use district. ZA Tice commented that it has to be the whole corridor or it would be considered spot zoning. She also pointed out language in

Laketon Township Planning Commission
February 9, 2022 Regular Meeting Minutes – APPROVED 03/09/2022

the Zoning Ordinance (Section 20.06) that would allow for deed restriction options that could possibly have solved the problem Rich Young had at 989 Witham Dr without the need to rezone. Planning Commission discussion came to a consensus to have ZA Heidi Tice find some mixed use district sample language to start with and to also obtain pros/cons from the Twp Attorney on a mixed use district versus deed restrictions/zoning agreements versus a PUD district with multiple owners and bring that information back to the PC next month. No action taken.

- **Capital Improvement Plan: schedule annual joint meeting with Twp Board** – Light discussion, best time to hold these worksessions is just before the regular monthly meeting to reduce scheduling issues for everyone. Determined 5:00pm on Wednesday March 9, 2022 for the joint worksession to work on compiling a draft plan to send to the full board for approval.

PUBLIC COMMENTS: **NONE**

BOARD REPORTS:

- **Board of Trustees:** Eric Anderson noted the board had discussions on the Witham Rd rezoning as well, but did approve it.
- **ZBA:** Suzanne Hayes – no meetings have been held/nothing to report.

ADJOURNMENT:

- DJ Hilson moved to adjourn the meeting. Eric Anderson supported the motion. The motion carried and the meeting adjourned at 7:13 pm.

Respectfully Submitted:

Veronica West
Recording Secretary