

GOLDEN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
May 31, 2011
7:00 P.M.
GOLDEN TOWNSHIP HALL

1. Meeting called to order at 7:00 p.m. by Bill Kolenda. The Pledge of Allegiance was recited by all.
2. Roll call: Present; Kolenda, Wilson, Fong, Fuehring, Whitney, Hosner, Ferwerda & Jake Whelpley, Zoning Administrator. Absent: Mitteer, Terryn.
3. Approval of Agenda:
 - Ferwerda motioned to approve the agenda as presented, Wilson support, all yes, motion carried.
4. Approval of Minutes from March 29, 2011
 - Motion by Whitney, support by Fuehring to approve the minutes of the March 29th Planning Commission meeting as submitted. All yes, motion carried.
5. Correspondence: None
6. Zoning Administrator Report:
 - Town Board passed a moratorium on Medical Marijuana to give Jake time to research what can be done. This will probably end up in the Zoning Ordinance.
 - Meeting Thursday June 2nd at 10:00 with Val Du Lakes regarding the Outdoor Gathering Ordinance to review the first two concerts. This is open to the public and the Sheriff and a Board Member will be there.
7. New Business:
 - A. Special Use Public Hearing B & L Sand Toys
 1. Open Public Hearing
 2. Zoning Administrator Presentation
 - The request is for a Special Use permit to add a repair facility to the existing retail business aka B&L Sand Toys at 1762 N. 24th Ave. It is zoned RC and a Special Use is allowed in that Zone.
 3. Petitioner Presentation
 - Seeking a Special Use Permit to offer a State Certified Repair Facility using state certified auto technicians. Our primary focus of repair will be on dune buggies, sand rails, and volkswagons. This will be in addition and in conjunction to our already existing sales department of said parts.
 4. Correspondence Pro
 - None
 5. Correspondence Con
 - Leon and Janet Berens, 8770 Edgewood, Mears, MI 49436

-John K. Cavanagh, on behalf of Barbara and John Cavanagh, 4475 Forest Dr., Brownsburg, Indiana. Also own property in the Hazakamp subdivision near Lake Marie.

-Fred Brown and Dorothy Pasikowski, 8776 W. Edgewood Dr., Mears, MI 49436.

6. Public Comment Pro

-None

7. Public Comment Con

-Ray Berens is concerned there may be pollution from the supplies they are using. Also concerned about parking issues. Ray agrees with the three letters that were submitted opposing the Special Use Permit.

-Other resident questions business hours. Kolenda states they have not received information regarding the business hours. Resident also questions whether this property is commercial or residential. Whelpley states the property is zoned commercial according to his maps. John Cavanaugh stated he remembers a board meeting in 1994 where the property in question was voted to not be included in the commercial zoning section that was created at that end of the lake. Hosner questions whether there are records available to research this issue.

8. Petitioner Comments; Rebuttal

-Plan to do business by the letter of the law. They live next to the business also, and would like to keep the neighborhood nice. Business hours will be 10am until 6pm Monday through Friday. Saturday hours are 9am-8pm and Sunday 9am-2pm. They apologize for the security lights that are bothering the neighbors. They are in the process of adjusting them. They also added that these are infrared lights and could potentially aid the neighbors in helping to secure their property. Plan to put in a bathroom so they don't need the porta-potty. Their contractor is waiting for the water table to go down.

-All waste will be disposed of according to state guidelines. Materials will be recycled whenever possible. Environmental issues should not be a concern.

-Some storage will be outside and will be fenced.

-Petitioner submitted a site plan that includes the outdoor storage facility.

-Presently waste products are stored inside and they are running out of space.

-Plan to offer basic repairs of sand rails and buggies as their primary service.

-Also able to do service at their other store.

-Don't plan to store vehicles for long periods of time. Most vehicles that are being repaired will be stored inside.

9. Zoning Administrator Summary

-There is some question to as whether the property is zoned commercial or residential. This may be worth checking in to.

10. Close Public Hearing

11. Deliberation; Finding of Fact using Ordinance Standards form

- Fuehring concerned about the noise. Petitioner states they will be doing mostly R & R work. Not much welding or chassis fabrication.
- Fong questioning state guidelines regarding storage of flammable materials. This is controlled by OSHA and they have already complied with their guidelines.
- Whitney mentioned that property owners may have been given the choice to be Resort Residential or Commercial at the time the change was made.

12. Decision;

- Motion by Fong, second by Hosner to table action on this request to allow time to research the zoning on this property (Commercial or Resort Residential) and to ensure that all property owners within 300' are aware of the Special Use Permit Request. Roll Call vote: Hosner-yes, Fuehring-yes, Whitney-yes, Ferwerda-yes, Fong-yes, Wilson-yes, Kolenda-yes, Mitteer-Absent, Terryn-absent. Motion carried.

B. PUD Major amendment Public Hearing Wilson PUD

- Wilson excused himself from the Planning Commission Board Table.

1. Open Public Hearing

2. Zoning Administrator Presentation

- Request for a major modification of a portion of Golden Pond Estates in to a primitive campground. This is a mixed use permit.

3. Petitioner Presentation

- Plans to begin with a primitive campground and move to an RV Park at some point. Primitive means the campers must be self-contained. There will be no electricity.

4. Correspondence Pro

- None

5. Correspondence Con

- 2 phone calls to Whelpley. Nothing in writing.

6. Public Comment Pro

- None

7. Public Comment Con

- Gayla Carskadon representing Donna May who is a resident at Golden Pond Estates. Concerned about home devaluation and noise from campers who will be right next door. Bought in to this neighborhood with the understanding that it would be an over age 50 quiet residential neighborhood.
- Co-Property owner concerned about a primitive campground being next door. Concerned about partying. Questions whether the property is being advertised effectively to encourage sales to senior citizens.

-Linda DeRuiter, co-property owner, concerned about the noise, trash and pets. Would not have purchased the property if she knew a campground was going in next door. Concerned about children swimming in the murky pond water. Concerned about safety in her neighborhood.

-Mr. Dion, resident, disagrees with the plan. Doesn't believe this is the right spot for a campground. Keep the campgrounds in the tourist areas. Other campgrounds are not allowed to submit temporary plans. Also concerned about traffic on their road and trash.

-Steve Feldt, Golden Pond Estates resident disagrees with the temporary, primitive plan. He would be in favor of an upscale RV park. Concerned about traffic on the neighborhood roads and trash that will be accumulated. Would like to be assured that there is a 24 hour onsite manager to control visitors to the park.

-Richard Wells – Lives across the street from the park. Believes it will look bad. Believes security will be an issue.

8. Petitioner Comments; Rebuttal

-Discussed contract changes with Donna May, resident.

-Park would have rules and regulations.

9. Zoning Administrator Summary

-None at this time

10. Close Public Hearing

11. Deliberation; Finding of Fact using Ordinance Standards form

-Ferwerda questioned plans for roads for the campground. Wilson reviewed the site plan with the board.

-Kolenda questioned whether there would be a buffer between the park and the residential neighborhood. Wilsons states there is not plan for this at this time. Campers and residents would be able to go back and forth at will.

-Kolenda questioned hours of security. Wilson stated he could have 24 hour security if necessary.

-Kolenda questioned park rules and regulations. Wilson stated he could submit them.

-Kolenda questioned trash disposal and the location of the dumpster.

-Kolenda questioned where the check-in would be for the park. Wilson stated it will be at the Polk Road Storage building. There would be a road from here to the park. Kolenda questioned the fact that this may be a low-lying area.

-Reviewed concerns from the residents: Security, trash, buffer fence, camp rules, hours of operation.

-Kolenda stated that Wilson will need a site plan, plans for garbage disposal, camp rules, plans for a buffer between the park and the residential area.

-Ed McNeely, Township Attorney, would like to ensure that we are treating all campground requests equally. In the past, this board has required campgrounds to build a complete infrastructure before opening for business. This board has made it clear in the past that campground site plans should be well laid out with specific plans, and be completed, before opening for business. McNeely would

just like to reinforce the fact that we should treat all campground site plan requests equally.

-Whitney stated that he has had conversations with residents who are concerned about the fact that campgrounds that are not in the Silver Lake area historically bring problems to the township. They would like to see camping stay in the Silver Lake area.

-Fong states that he believes this is an inconsistent use with the residents who are currently living there. He believes it is important to look out for the interests of Wilson, as well as the residents living there.

-Fuehring agrees that we should give equal treatment to all campground site plans that are submitted. ValDu had a similar plan last summer and was not approved. Stated he is not in favor of the plan in the present form.

-Ferwerda stated he was in favor of Avery's original plan to be an upscale RV Park. Ferwerda would not be in favor of the present rustic plan that has been submitted.

12. Decision;

-Motion by Fong, support by Ferwerda to deny the PUD Major Amendment request from Avery Wilson, in its present form. Roll Call vote: Hosner-yes, Fuehring-yes, Whitney-yes, Ferwerda-yes, Fong-yes, Kolenda-yes, Wilson-abstain, Mitteer-absent, Terryn-absent. Motion carried.

8. Old Business: None

9. Ordinance Amendments & Other Reports

a. Zoning Ordinance Amendments

-Whelpley would like to review the following Ordinance Amendments by this fall.

1. A primary use definition – Any use in a zoning district that is listed as a permitted or special use for that district.
2. One acre minimum lot size in the undeveloped Resort Residential Zone.
3. Add parks to the Resort Commercial Zone.
4. Two story garages on lots less than ½ acre.
5. Conditional Rezoning
6. Open Space Development
7. Farm Land Preservation Zone/Low Density Residential.

10. Public Comments:

1. None

11. Fuehring motioned to adjourn, Hosner second.

Mtg. Adjourned: 8:20 pm

Respectfully Submitted,

Tina Wiegand
Recording Secretary