

MONTCALM TOWNSHIP PLANNING COMMISSION PUBLIC MEETING MINUTES

October 17, 2023

Call to Order and Roll Call:

Meeting called to order at 7:00 p.m. with Pledge of Allegiance. R. Palmer indicating he was advised that J. Dolphin was traveling and will not be present for meeting. There is a quorum.

Members Present: Richard Palmer, Karon Baird, Bob Hemmes and Brian Cousineau. Recording Secretary-Barb Prah; Absent: Jeff Dolphin

APPROVAL OF AGENDA:

Motion to Approve Agenda by K. Baird, **Second** by B. Cousineau. No discussion. Aye-All; Nay-None; Abstain-None. **Motion carried.**

Motion to Amend Agenda to move Approval of 9/19/23 to after New Business before Public Comment by K. Baird, **Second** by B. Hemmes. No discussion. Aye-All; Nay-None; Abstain-None. **Motion carried.**

Copy of 9/17/23 Meeting Minutes handed out to PC members by Recording Secretary for review.

COMMENTS FROM ZONING ADMINISTRATOR:

No new business to discuss at this time.

COMMENTS FROM PLANNING COMMISSION MEMBERS:

B. Hemmes indicated he is very happy to be at meeting.

R. Palmer reported that at the October Twp. Board Meeting, the proposed solar provisions that were approved at last meeting were delivered to Twp Board with the recommendation from the PC that they be approved. They will be considered at November meeting. Also delivered to Montcalm County Planning Commission and has a receipt that they were received. They were to be addressed at 10/16/23 meeting. We have not heard from them yet. The resolution that was approved by the PC unanimously at last meeting concerning local control of land use issues was reviewed by the Twp. Board with our recommendation that they approve it. They did approve that by a 5-0 vote.

No public comment.

OLD BUSINESS:

Review of Master Plan: Concerning the Maps section, Appendix D., K. Baird enlarged the maps. Suggestions were that maps need to be larger and readable. No zoning changes have been made on Maps. B. Hemmes indicated there is a list of parcels as commercial. M. Nelson indicated that there have been no amendments made to the Zoning Map for a long by time.

Board discussion that the Maps need to be updated, and with regard to commercial parcels. Two possible updates being Nelson's new building and American Classic, both going from Ag to Commercial, Commercial District Zone C2. Changes for Nelson's and American Classic should be in PC meeting minutes. The Master Plan will need to be updated and Maps can be at that time. Change in Maps must be by part of the zoning ordinance being amended, through the PC and adopted by the Twp. Board. Large map in office is at least 10 years old and no parcel numbers—too small. Map should be available and current for the PC Board.

R. Palmer proposed that now that the Master Plan has been read and reviewed, in the Michigan Planning Enabling Act (R. Palmer read section pertaining to review and amendments), that specific findings and, a specific motion and approval of the motion to determine whether to commence procedure to amend Master Plan, adopt new Master Plan, or not do anything. Suggest PC member should write down questions to help with decision and a determination regarding the Master Plan for an open meeting.

K. Baird stated that since PC discussed all sections of the Master Plan and found several that were outdated or not found, she likes the idea of writing down questions for the public. B. Hemmes would like to ask what changes have taken place in the last five years and if that warrants a change in the Master Plan. These questions will be discussed at next meeting. R. Palmer thanked K. Baird for all she has done taking the lead on the review of the Master Plan for the last year.

Application forms and procedures: Two new forms have been worked on recently for rezonings—rezoning for Zoning Ordinance Text and Zoning Ordinance Maps, both approved by Twp. Board. New applications, Site Plan Review and Special Land Uses, were proposed at last meeting for review. Site Plan Review was sent to PC members last week and Land Use was provided today.

Discussion by members that both applications, with updates made by R. Palmer adding more detail, look good as they follow the Zoning Ordinance requirements. Since the section of ordinance is indicated on the application, it will make it easier to follow and complete.

K. Baird made Motion to recommend that Twp. adopt the Site Plan Review Application and Special Land Use Application for forms to be used for those purposes; Second by R. Palmer. Discussion: B. Hemmes stated he has gone through this process in the past and the information needed was not always available. The process may take a long time and information provided may vary throughout, so application boxes may not be all checked off at beginning. He brought forms from other townships and they included architect, engineer and surveyor name/address. Some information may be hard for residents to complete. Good step going forward, and more information may be required later in process. R. Palmer stated that there are specific timelines in Zoning Ordinance that must be adhered to.

M. Nelson indicated that site plans on multi-buildings on a site rather than one building, that things change while going through building process. As long as they meet all setbacks and rules, why hold to original site plan drawings. Further discussions about changes but all items on application are required in the ordinance and must be

documented. Example was made of a site plan for a subdivision that may be that not all houses will be built, so would they have to come back later to add? Changes must be approved by the PC. Everything in site plan must be approved, as indicated in Section 14.3.A and 14.3.B. The application prepared puts everything in summary form for application and then for PC review/approval.

B. Hemmes again, indicated that all the information in the application has never been given in prior applications that he has been involved with. Also, that the process needs to go forward even if not complete. Some items may not be relevant for a project and the Zoning Administrator will decide. B. Hemmes also suggested an example that a commercial property may want to only add signage to a building, would they have to go through this process, as many would not be applicable. Board discussed this and stated that “not applicable” would have to be marked/written on application, with possible explanation. Discussion about the fairgrounds and how many buildings were initially built, and later building process (permits were applied for when each building was added). Single-family and double-family do not require site plans. K. Baird said that the application must come with the site plans. B. Cousineau stated that if all is required, he feels there is an obligation to state why something does not apply and should be documented. More discussion that “not applicable” can be added anywhere on the form. Information required on form may not be complete due to the project. The form is to be used as a checklist. B. Hemmes has concern that zoning administrator may not be able to get all the information from the application and would like flexibility with process concerning checklist of application. K. Baird said that PC must get all the requirements met in the ordinance and that the PC will have to review the application. In reference to the Nelson’s project, their site plan was very detailed. M. Nelson said they did not go through the process on the application for Nelson’s.

R. Palmer read Section 14.2 what would be applicable for all site plan approval before issuing building permit, and for what uses are not required to obtain approval. During discussion, it was stated that Nelson’s new building was not approved by the PC, but Nelson’s has detailed drawings. Going back to signage on a building, the sign ordinance must be followed. B. Hemmes stated that the ZBA does the interpretation of the ordinances that are written by the PC.

R. Palmer reread the motion to approve two forms made K. Baird, **seconded** by R. Palmer. Further Discussion: None.

Roll call vote: B. Cousineau-Yes; K. Baird-Yes; R. Palmer-Yes; B. Hemmes-No. Vote of 3-1, two forms approved for use and will be transmitted to Twp. Board with recommendation that they should be approved.

PUBLIC COMMENTS (NEW BUSINESS)

No comment.

NEW BUSINESS: (Concerning matters brought by zoning administrator.)

Setbacks from Private Roads:

R. Palmer stated that ZBA interprets ordinance and zoning administrator can ask questions of the PC and discussion. M. Nelson has not asked the ZBA due to no meeting until December, or to the township attorney as he is not allowed to talk to attorney, concerning how to determine the setback for the front yard from a private road. The 20-foot setback was something that was decided 10 years ago, for safety reasons.

R. Palmer looked at zoning ordinance definition and found that setback is determined from a lot line. Front yard is determined from front lot line to something (like a building). The front lot line is the line that separates the lot from the right-of-way. Right-of-way line is defined as between the right-of-way and the abutting land. Front yard setback would be the line that goes between the parcel of property (lot) and the right-of-way, whether it be a private road or some other road, which is determined by the legal description or survey. Again, as to setback, it is found in Table 3-4 (minimum front yard setback). The "front yard" is by the road according to the ordinance. Board further discussed that for a lake property, most people feel the front yard is the lake side and it is not explained in the ordinance. Suggestion to ask township supervisor to discuss the issue of setbacks with township attorney. The zoning book discusses lakes and how it has changed over the years, as it may require rezoning.

Multi-Family Residential Use in Commercial District: Dwellings were added as by-right use in C.1 and C.2. Intent was that if property was zoned commercial, a house could still be built. B. Hemmes stated that previously they did not distinguish between single or multi. May need to change to specify, and decide in the Township or PC level. Multi-family is in MHC and two-family is in Rural 3 & 4, single-family is in every district. You can have all of these in commercial with the word "dwellings" included throughout. Does not include manufactured housing in commercial. As to the RMF and manufactured housing, there is none currently in our township and may need to consider this in the future. Suggest zoning administrator to discuss this with the ZBA. Three Seasons Campground has questioned M. Nelson about manufactured housing. Suggestion that Three Seasons needs to come up with a site plan.

APPROVAL OF MINUTES FROM September 19, 2023, Meeting:

Motion To Accept Minutes of 9/19/23 Meeting by K. Baird; **Second** by R. Palmer. No discussion. Aye-K. Baird, R. Palmer and B. Hemmes; Nay-None; Abstain-B. Cousineau (was not present at 9/19/23 meeting). **Motion passes.**

PUBLIC COMMENT CONCERNING ALL MATTERS:

M. Nelson - 1880 S. Greenville Rd.: Regarding the Site Plan Application, is there a fee determined yet? PC response is that this should be set by the Twp. Board. Same as to the Special Land Use fee. B. Cousineau will address this with the Twp. Board.

ADJOURNMENT:

B. Cousineau **motioned to adjourn. Second** by K. Baird. Aye-All; Nay-None. Abstain-None. **Motion carries.**

Adjournment at 9:10 PM.

Respectfully submitted,

Barbara Prah, Recording Secretary