

GOLDEN TOWNSHIP PLANNING COMMISSION
MINUTES
JUNE 24, 2003

7:30 PM Meeting called to order.
Present: Carl Fuehring, Terry Wiegand, Helen Lefler, Anita Foster, Avery
Wilson,
Bill Kolenda, Brad Whitney, Steve Marciniak, Leo Terryn

Minutes of the May 27,2003 meeting were approved as written on a motion by Carl and supported by Avery, all aye, motion passed.

New Business:

Site Plan Review for David Hess of Cream and Dogs Restuarant for additional parking lot at 8535 Silver Lake Road. David Hess was not present, therefore Carl motioned to table the application. Motion was supported by Terry, all aye, motion passed.

Old Business:

Breakaway Bay-

Helen requested a map in a larger scale from Steve Bruce. He said one was available.

The sub-committee which consisted of Carl Fuehring, Terry Weigand, Helen Lefler and Don Walsworth met with written input from PC board members to review the matter and bring some focus to it. There was a general agreement among the group, so they were able to come up with some conditions to a PUD approval. A list of those conditions was prepared and sent to Ed McNeely, the Township Attorney, who met with Glenn Sperry. When they were submitted to Mr. McNeely we asked for his opinion as to wether or not those conditions would survive a legal challenge from Breakaway Bay and or from the opposing property owners. Mr. McNeely met with Mr. Sperry and reviewed these. There was not an agreement on them. Mr. McNeely did tell Helen they were reasonable and within the scope of our discretion and that they would survive a legal challenge.

Mr. McNeely commented that. Basically the board has the discretion to put conditions on that, absent a successful challenge based on due process, which is a procedural. A substantive challenge is that you granted 500 PUD's in one square mile area around it and it is the same thing and for some reason you are putting it to this guy, that's essentially what that is. A procedural challenge would be that you were supposed to have held a meeting or give notice or go over various standards and you didn't do it. So absent those two things, you have the discretion to adopt those conditions. Ultimately a PUD can be challenged by a referendum, which is not a legal challenge, it is a political challenge.

Helen," Here is a copy of the site plan that was submitted to us. I have outlined the perimeter of the campground and i have marked and highlighted those items which are the subjects of the conditions. I will read the conitions to you. Conditions to PUD approval are:

No. of sites: 176 sites maximum. We understand 126 sites are held under contract for exclusive use of the contract holder, and 50 sites are available by appointment to members of national camp clubs. 176 sites are approved by the DEQ and the Health Dept. (70 sites existed when the Zoning Ordinance became effective.) Breakaway Bay proposes to have some cabins and/or RV's available to the general public so it can be considered a "resort" under our ZO. We do not object, so long as the total number of sites does not exceed 176.

Camp store: Breakaway Bay proposes to enlarge the camp store and locate it so that it is accessible to the general public. The store may be enlarged and relocated, but it shall not be advertized with a sign or be visible from the road, and it shall not be accessible to the general public. It may only be an on-premise facility to serve the resort.

Maintenance building, bathhouse and swimming pool: Breakaway Bay proposes to add these facilities (see site plan). They would be a plus to the operation. No objection.

Additional dump station: DEQ requires this, and we, of course, have no objection.

Buffer area: Breakaway Bay proposes to screen campsites from view of the general public by the use of trees and vegetation. We approve that, and also require the closing of 10 campsites in the northwest part of the property, namely nos. 18, 20, 100, 102, 103, 104, 106, 108, 109 and 110 (see site plan). Mr. Sperry indicated that they now have 187 sites, so there are 11 sites which have not been approved by the DEQ or the Health Dept., which can be used to replace the closed sites.

Keyhole access to Lake Michigan: Keyhole must be closed.

Rules: We want to review the current campground rules, and may add reasonable rules which would help insure a "family friendly" environment.

Site plan shows about an acre of land between the proposed two parcels on Lake Michigan and Ridge Road. We have not been told how Breakaway Bay proposes to use this land. The Breakaway Bay resort operation shall be limited to the east side of Ridge Road.

Helen- "I would entertain a motion to approve the PUD request by Breakaway Bay with those conditions. Is there any discussion or would you like to add others or discuss these?"

Terry-"I make a motion to approve with the conditions made by the PC."

Brad Whitney-"I second the motion."

Helen-"We will go through the standards of 11.11 before we go on with the vote, it is up to the PC to decide if the PUD will or will not comply with those standards. If any member feels that it does not comply with each one, the motion that has been made and the conditions that have been posed, and the conditional approval that has been suggested does not comply, please say so."

Section 11.11

1- The use established in the proposed PUD is consistent with the Townships MP & ZO.

The type of development authorized by the PUD zoning is consistent with the intent and purpose of the MP, as well as the intent and purpose of the underlying zoning district in which the PUD is located.

2- The proposed PUD will create recognizable & substantial benefit.

The granting of the PUD zoning will result in a recognizable and substantial benefit to the users of the PUD and the township. Such benefits would not likely be realized if the PUD zoning was not granted.

3- The proposed PUD will not burden public roads, facilities, utilities & services.

The use or uses established in the PUD will not result in a material burden on police and fire services, nor on other public services or facilities.

4- The proposed PUD will not materially impact use & development of surrounding property.

The use or uses established in the PUD will not diminish the opportunity for surrounding property owners to use and develop their property as zoned.

5- Single ownership or control required.

The proposed PUD is under single ownership or control. A single person or entity has responsibility for completing the project in conformity with the approved site plan and any conditions of approval.

6-Incorporation of natural features & environmental amenities required.

Natural features, including watercourses, natural and artificial drainageways, wetlands, floodplains, sand dune areas, lakes, ponds, stands of trees, etc., shall be substantially incorporated into the design and construction of the PUD. The PUD shall be designed so as to require a minimal disturbance of the natural topography.

7-Completion of construction of buildings and improvements.

Buildings and improvements must be completed prior to use and occupancy unless such use or occupancy will impair the health, safety, and general welfare of the users or occupants of the PUD, and of the users and occupants of adjoining property. The PC may establish conditions applicable to the completion buildings and other improvements.

8 Performance guarantees.

The PC may require a performance guarantee (cash, certified check, irrevocable bank letter of credit, or other surety) covering the estimated cost of completing improvements within the PUD. For purposes of this subsection, the term "improvements" means features including roadways, lighting, utilities, sidewalks, stormdrainage facilities, screening and the like deemed by the PC as reasonably necessary to protect the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed PUD. Improvements do not include the entire PUD.

When required, performance guarantees shall be deposited with the Township Clerk before any land clearing, excavation or other construction activities commence in a PUD zoning district.

In the event a performance guarantee is in the form of a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements.

Motion to recommend approval of the PUD with conditions which comply with Section

11.11 of the ZO to the Township Board was made by Terry Wiegand and supported by Brad Whitney. Carl-yes, Terry-yes, Helen-yes, Anita-yes, Avery-yes, Steve-no, Brad-yes, Bill-yes, Leo-yes. Motion carried.

Amendments to the ZO-

Helen commented that our ZO is written to say that certain uses are allowed in certain zones with a PUD. This is no longer an Ag zone, it is a PUD zone. There is also a disagreement regarding mixed uses in the Ag zone. Helen feels that it is a mixture of uses that are permitted. Jake feels that it means a mix of uses.

Jake feels the Township Board doesn't understand the PUD process and that Dan's multiple dwelling issue was sprung on them unexpectedly, therefore they were not prepared to deal with it. He will try to get information together for them at their next meeting.

Helen commented that Don Walsworth feels that we need numbers in there that will make things clear for future boards. He would like to have the number of units per building, number of buildings per acre, numbers of units per acre and the setbacks between the buildings.

Jake commented that what makes someone happy today may not make them happy ten years from now. The Public hearing and review process is there to look at how that development will impact things.

Helen feels that if this was rezoned into low density and not Ag, we would not be having a problem.

Carl agrees with this, it needs to be in the low density zone.

Helen said that when the low density residential amendment is made to the ZO, then the multi-family dwelling use will not be allowed use, PUD or otherwise in AG, it will only be allowed in low density residential. We can make it clear that is our intention. Our proposed language to describe low density residential should indicate that this zoning district has been established to accommodate low density detached single family residential development on undeveloped lands not suited for large scale agriculture. If we put numbers in the ZO, we take away our discretion and flexibility.

Leo suggested that multi-family dwellings are only allowed in a PUD.

Carl said that we need to inform the Townboard of the PUD, and we should encourage them to attend the meeting next Monday in Pentwater to learn more about it.

A motion to table Dan Suman's multifamily request was made by Carl and supported by Terry, all aye, motion passed.

Motion to adjourn at 9:15 p.m. by Carl and supported by Steve..