

Special Meeting Minutes

Tuesday, December 2, 2014
8:00 P.M., Barber School
102 West Exchange Street
Spring Lake, Michigan

1. Call to Order

President **MacLachlan** called the meeting to order at 8:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Present: Bennett, MacLachlan, Meyers, Miller, Nauta (arrived 8:15), Powers, Van Strate.

4. Approval of the Agenda:

Motion by **Meyers**, seconded by **Miller**, to approve the agenda as presented.

Yes: 6 No: 0

5. General Business

A. Rezoning Request

On November 25, 2014 the Planning Commission heard a request to rezone property at the corner of Fruitport Road & M-104 from SFR-A to P for the purpose of constructing a fire station. They held the requisite public hearing for the zoning change and ultimately voted (4-1) against recommending the rezoning request.

Due to time constraints imposed by the State of Michigan regarding the CGAP grant application that is associated with the rezoning request, it is necessary to hold a Special Council Meeting to contemplate the recommendation of the Planning Commission.

While a public hearing is not a legal requirement at this point, it is recommended that Council consider holding a public hearing in order to take into consideration those who wish to be heard.

President **MacLachlan** introduced this item and Manager **Burns** gave an overview.

President **MacLachlan** opened the public hearing at 8:05 p.m.

The following residents spoke to the Council in opposition of the rezoning request by the Village:

- Rita Braun, 121 S. Fruitport Rd;
- Christine Miller, 207 E. Savidge St.;
- Barbara Holden, 18836 Greenwood Ct;
- Darcy Dye, 114 N. Fruitport Rd;
- Elizabeth Wheeler, 120 N. Lake Ave.

The following residents spoke in support of the rezoning request by the Village:

- Doug Heins, 701 E Savidge St;
- Joyce Hatton, 400 Lakeview Ct;
- Gary Hanks, 116 S Jackson;
- Steve Wooldridge, 16230 Woodvale;

There were no further comments from the public. 17 letters of support were submitted and 2 letters opposing the rezoning.

Motion by **Bennett**, seconded by **VanStrate**, the Village Council closed the public hearing at 8:28 p.m.

Council Member **Miller** said he was not against the new fire station but he was against rezoning the parcels. **Miller** said he thought the project should be brought to the Planning Commission as a PUD.

Council Member **VanStrate** said he was in favor of the fire station on its own merit regardless of the other "bargaining chips".

Council Member **Bennett** said he supported rezoning these two parcels but was very disappointed that the Planning Commission had made up their minds on how they were going to vote before they ever heard the new request at their November 25th meeting.

Council Member **Powers** said he didn't feel this was an either/or decision and if the request was denied this evening, it didn't mean forever, just not right now or not this way.

Council Member **Nauta** questioned why the rezoning had to take place before the grant was accepted by the Township. **Nauta** suggested that the

Township accept the grant in good faith and then the details between the Village and Township could be worked out after that.

Council Member **Meyers** said he thought putting two governmental units in the same building made very good sense. **Meyers** also felt the traffic concern was moot since the emergency vehicles have to come out onto M-104 no matter where the fire station was located.

President **MacLachlan** said that he wanted everyone to think about the benefits to the entire community with the fire station, the Village Hall space sharing and the potential of repurposing the property where the Township Hall now stands. **MacLachlan** said the proposal would allow the Township to provide more efficient and cost effective fire services, it would result in increased revenues to the Village renting out space to the Township personnel, reduced expenses in terms of sharing maintenance and utilities in what is now the Village Hall, and the timing of the request would result in a \$54,000 grant from the State to defray transitional expenses in order to make this work.

Motion by **Bennett**, seconded by **Nauta**, to approve the rezoning of two parcels at M-104 & Fruitport Road for the purpose of constructing a fire station.

Yes: 5

No: 2 (Powers & Miller)

B. Text Amendment Request

On November 25, 2014 the Planning Commission heard a request for proposed text amendments: Governmental Facilities as a Permitted Use in the P District. The Planning Commission held the requisite public hearing for the text amendment and ultimately voted (5-0) against the request.

While a public hearing is not a legal requirement at this point, it is recommended that Council consider holding a public hearing in order to take into consideration those who wish to be heard.

President **MacLachlan** introduced this item and Manager **Burns** gave an overview.

President **MacLachlan** opened the public hearing at 8:55p.m.

The following residents asked the Council to vote to deny the proposed text amendment in order to give the Planning Commission more oversight on what was put in Public districts:

- Darcy Dye, 114 Fruitport Road;

- Christine Miller, 207 E Savidge St;
- Rita Braun, 121 S Fruitport Road.

Spring Lake Township Manager, Gordon **Gallagher**, 211 N. Fruitport Road, said he was in favor of the text amendment and that the Township is committed to working closely with the Village and improving on the current positive relationship that they have. **Gallagher** said they want to make sure that any development that they do is in collaboration with the Village, and specifically, they want to make sure that they commit to use the established Fire Committee for any design developments that they have and that would include members of the Village Council.

There were no further comments from the public.

Motion by **VanStrate**, seconded by **Miller**, the Village Council closed the public hearing at 9:05 p.m.

Council Member **Nauta** asked if the Township would still be able to build the fire station and, if yes, how would the process change if the text amendment was not approved.

Manager **Burns** said yes, they would still be able to build, but it would lengthen the process since they (the Township) would have to go before the Planning Commission and ask for a Special Use permit. **Burns** also explained that bringing a PUD to the Planning Commission for approval was much more detailed compared to a site plan review.

President **MacLachlan** asked if the Planning Commission could override the Council's decision should Council not approve the text amendment.

Attorney, Brad **Fisher**, said yes the Planning Commission would be able to say no to a special use permit to build a fire department.

President **MacLachlan** asked what Council's options would be that happened

Manager **Burns** said that there would be an appeal process similar to what they were doing right now.

Council discussed and clarified what the processes, whether it is under a Special Use or as an Approved Use, would be, what the Planning Commission's role would be, and what options Council had if the Planning Commission denied the request for a Special Land Use to build a fire station.

Motion by **Bennett**, seconded by **Meyers**, to deny the proposed text amendments.

Yes: 7

No: 0

6. Statement of Citizens

There were no statements of citizens.

7. Adjournment

On a motion by **VanStrate**, support from **Meyers**, the Village Council adjourned the meeting at 9:25 p.m.

James MacLachlan, Village President

Maryann Fonkert, Deputy Clerk