

**VILLAGE OF SPRING LAKE
PLANNING COMMISSION**

**AGENDA
REGULAR MEETING
February 24, 2015 7:00 PM**

**Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456
49456**

1. **CALL TO ORDER**
2. **ROLL CALL**
Bohnhoff, Boon, Kauchek, C. Miller, Van Leeuwen-Vega, VanStrate, and Yasenak.
3. **APPROVAL OF THE AGENDA**
4. **APPROVAL OF THE MINUTES** – November 25, 2014 regular meeting
5. **NEW BUSINESS**
 - A. A request for an extension to the approved PUD for Mill Point Place senior housing development to December 31, 2015.
6. **STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA**
7. **ADJOURNMENT**

Jennifer Howland, Village of Spring Lake, 616-842-1393

**VILLAGE OF SPRING LAKE
PLANNING COMMISSION**

**DRAFT MINUTES
REGULAR MEETING
November 25, 2014 7:00 PM**

**Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456
49456**

1. CALL TO ORDER

Chairwoman Miller called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Bohnhoff, Boon, Miller, VanStrate, and Yasenak.

Staff Present: Jennifer Howland (Village Planner) and Maryann Fonkert (Deputy Clerk).

Absent: Kauchek and Van Leeuwen-Vega.

3. APPROVAL OF THE AGENDA

Howland asked to move item C., Text Amendment: Garage Sale Signs, to the first order of business. Motion by **VanStrate**, seconded by **Boon**, to approve the agenda as amended. All in favor, motion carried.

4. APPROVAL OF THE MINUTES – October 28, 2014 regular meeting

Motion by **Bohnhoff**, seconded by **Boon**, to approve the Minutes of the October 28, 2014 regular meeting. All in favor, motion carried.

5. OLD BUSINESS

A. Text Amendment: Garage Sale Signs

The Planning Commission recommended denial of proposed text amendments to Chapter 17 “Signs” of the Zoning Ordinance to establish regulations concerning garage sale signs on October 28, 2014. Staff would like the Planning Commission to reconsider the proposed text amendment to allow the lawful display of such signs; such signs are currently prohibited.

Chairwoman **Miller** introduced this item and asked **Howland** to give an overview.

Howland explained that at the October 28th meeting, the Planning Commission voted 3-4 to recommend approval of the proposed text amendments to establish regulations concerning garage sale signs. **Howland** said that at that meeting, staff failed to explain that the current Zoning Ordinance does not address such signs and as a result, all garage sale signs are being

removed by Village personnel. **Howland** explained that the proposed text amendments would give residents the ability to lawfully advertise their garage sales. **Howland** also explained that staff believes this point was not made clear and the resulting vote may have been affected by this lack of important information.

Howland said they also took into consideration the Planning Commission's comments at the last meeting and have made some adjustments to the language noting that the Zoning Ordinance already prohibits signs from being displayed in the right-of-way or on a utility pole per Section 17.3, G, and Section 17.3, J prohibits placement of signs within the clear vision area, so that redundant language has been deleted.

The Commission agreed that garage sale signs should be allowed.

Motion by **Bohnhoff**, seconded by **Yasenak**, to approve the proposed text amendment to allow the lawful display of such signs. All in favor, motion carried.

6. PUBLIC HEARINGS

- B. 106 North Fruitport Road and 0 (Vacant) Cleveland Street:** The Planning Commission will hold a public hearing for the proposed rezoning of Permanent Parcel Numbers 70-03-14-451-010 and 70-03-14-451-014 from the Single-Family Residential-A District (SFR-A) to the Public and Semi-Public District (P). The parcels are located at the northeast corner of M-104 and Fruitport Road.

Chairwoman **Miller** introduced this item and asked Manager **Burns** to give her presentation.

Manager **Burns** gave a power point presentation explaining why the Village was asking for the rezoning of Permanent Parcel Numbers 70-03-14-451-010 and 70-03-14-451-014 from the Single-Family Residential-A District (SFR-A) to the Public and Semi-Public District (P). The parcels are located at the northeast corner of M-104 and Fruitport Road.

Motion by **VanStrate**, seconded by **Bohnhoff**, to open the public hearing. All in favor, motion carried.

The following Village and Township residents spoke in opposition to rezoning these parcels:

- David Dye, 114 N Fruitport Road;
- Ray Klink, 16707 Taft;
- Barbara Holden, 18836 Greenwood Ct.;
- Darcy Dye, 114 N Fruitport Road;
- Elizabeth Wheeler, 120 N Lake Avenue;
- Rita Braun, 121 S. Fruitport Road;
- Marcia Braunschneider, 126 N Fruitport Road;
- William Braunschneider, 126 N Fruitport Road;
- Stuart Johnson, 128 N Fruitport Road.

The following Village and Township residents spoke in support of rezoning these parcels;

- Doug Heins, 701 E Savidge Street, Spring Lake, MI 49456

- Steve Woolridge, 16230 Woodvale, Spring Lake, MI 49456
- Richard Brown, 808 River, Spring Lake, MI 49456
- Joyce Hatton, 400 Lakeview Ct, Spring Lake, MI 49456
- John Nash, 15643 View Drive, Spring Lake, MI 49456

There being no further public comment, a motion by **VanStrate**, seconded by **Boon** to close the Public Hearing. All in favor, motion carried.

Manager **Burns** replied to questions and concerns that were brought up during the Public Hearing explaining that the deadline to accept the grant was December 29, 2014 and that at no time did the Village violate the Open Meetings Act. **Burns** explained that the reason there was not a zoning application on file was because the request was coming from the Village and, similar to when the Village asked to rezone the Bunside, Whipperfurth, and Van Pelt properties, it comes as a directive from Council and is an entirely different process than if the request came from a developer. **Burns** also explained to the Commission that they would still have control over the development through the site plan process should the property be re-zoned. **Burns** said that, with the Township being in the same business as the Village, not only would it help both communities financially, combining the two would create one stop shopping for residents, therefore, giving better customer service.

The Planning Commission discussed their thoughts on re-zoning these two (2) parcels to Public and Semi-Public including what the Master Plan suggested for re-zoning and what their involvement would be should they re-zone the property as requested.

Motion by **Bohnhoff**, seconded by **Yasenak**, to deny the rezoning of Permanent Parcel Numbers 70-03-14-451-010 and 70-03-14-451-014 from the Single-Family Residential-A District (SFR-A) to the Public and Semi-Public District (P) for the following reasons:

- a. due to traffic conditions at the corner;
- b. that intersection is the entrance to the Village and should serve as a visual focal point for the Village;
- c. Spot Zoning is undesirable;
- d. there is no definition or guidance in the Master Plan and;
- e. direct Council to have the pre-planned PUD reference removed from the Master Plan for those parcels.

Yes: 4

No: 1 (VanStrate)

- C. Proposed Zoning Ordinance Text Amendments:** The Planning Commission will hold a public hearing to consider proposed text amendments to Chapter 14 “Public and Semi-Public District – P” of the Zoning Ordinance to make “Governmental facilities, including, but not limited to, fire and police stations, vehicle and equipment storage and maintenance facilities, water and waste treatment facilities, water storage facilities” a permitted use in the P District rather than a Special Land Use.

Chairwoman Miller introduced this item and asked for a motion to open the Public Hearing.

Motion by **VanStrate**, seconded by **Boon**, to open the Public Hearing. All in favor, motion carried.

Darcy Dye, 114 N. Fruitport Road, spoke in opposition to these text amendments.

Elizabeth Wheeler, 120 N. Lake Ave., asked for more detail on this proposed text amendment.

Howland gave an overview explaining that the current Zoning Ordinance lists “*Governmental facilities, including, but not limited to, fire and police stations, vehicle and equipment storage and maintenance facilities, water and waste treatment facilities, water storage facilities*” (hereafter referred to as “Governmental Facilities”) as a Special Land Use. **Howland** said there are no Special Land Use Specific Requirements for the Planning Commission to consider when reviewing such proposals; the only Standards for Approval are the four (4) items listed in Section 20.4, one of which refers to Section 20.7 Specific Requirements (of which there are none).

Howland said staff believes that Governmental Facilities should be considered a Permitted Use instead of a Special Land Use because such uses are necessary for the regular operations of the Village. The nature of many Governmental Facilities requires that they be located in certain areas or in proximity to certain other services and resources. Leaving such uses to the Planning Commission’s discretion, given the limited standards for approval, puts undue burden on the Planning Commission to make a decision whether to approve, approve with conditions, or deny such a request.

Howland also said that details of the site design would remain under review by the Planning Commission, where the requirements of the Zoning Ordinance for buffering, parking, setbacks, building height, and other items would help ensure proper design of the site in relation to the neighborhood and Village standards.

Richard Brown, 808 River St, spoke in support of the proposed text amendment.

The following residents spoke in opposition to the proposed text amendment:

- David Dye, 114 N. Fruitport Rd.;
- Elizabeth Wheeler, 120 N. Lake Ave.;
- Barbara Holden, 18836 Greenwood Ct.;
- Rita Braun, 121 S. Fruitport Rd.

Motion by **Bohnhoff**, seconded by **VanStrate**, to close the Public Hearing. All in favor, motion carried.

After some discussion by the Commission, Chairwoman **Miller** asked **Howland** for clarification on the wording in Chapter 14.3, Special Land Uses, being moved to 14.2, Permitted Uses.

Howland said that only "Governmental Facilities, including, but not limited to, fire and police station, vehicle and storage facilities" was the wording being asked to move.

Howland also asked the Commission to consider these two cases separate even though they are related because the text amendment would affect all Public District Uses.

Motion by **Boon**, seconded by **Bohnhoff**, to deny the proposed Text Amendment.

Yes: 5

No: 0

7. STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA

Stuart Johnson, 128 M Fruitport Rd. asked the Commission to consider adding language to the Zoning Ordinance requiring "Green Space" and "Light Pollution".

Howland said there were regulations regarding lighting, but they would do research into green space.

Chairwoman **Miller** said she knew there were some that were disappointed in the Commission's recommendation regarding items B and C and said the Commission would be willing to look at a smaller scale PUD for just a fire station.

A member of the audience asked if the Village was required to have a fire station.

Manager **Burns** said that the Village was not required to have one but that insurance rates were determined by the location of the closest fire station and fire hydrants.

Another member of the audience asked if any of the properties in West End Commercial District could be used for the fire station.

Howland said not without being re-zoned to Public Use.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

Jennifer Howland
Village of Spring Lake, 616-842-1393



MEMORANDUM

To: Village of Spring Lake Planning Commission

From: Jennifer Howland, Village Planner

Date: February 18, 2015

Subject: Mill Point Place PUD Extension Request

Mr. Garrett Seybert of PS Equities, Inc., developer of the approved PUD for Mill Point Place senior housing development, is requesting an extension of the final development plan approval to December 31, 2015. A letter from Mr. Seybert outlining his request is enclosed for your reference.

The project originally received Final PUD Development Plan approval in 2007 under the name Cutlerview Senior Apartments, located on the vacant property between Lakeside Trail and Bill's Sport Shop on Liberty Street. The Final PUD Development Plan and associated Development Agreement expired and the applicant obtained approval of the same Final PUD Development Plan in May 2013 from the Planning Commission. The conditions of the May 2013 approval were that the development agreement, color, lighting, landscaping and carport design would return to the Planning Commission for review and approval.

The developer has been working since then to secure funding through MSHDA for the project, which is taking longer than expected. Their last application was denied, but they are working on a second application and are confident that the project will commence by the end of this year. If funding is secured, the applicant will come back to the Planning Commission and Village Council for approval of the PUD Development Agreement.

Per Section 6.7 of the Zoning Ordinance, the Planning Commission can approve a one-year extension to an approved PUD. The Zoning Ordinance specifies that for each approved PUD, construction must commence and progress meaningfully towards completion within one year of the approval, which would be on or before May 2014. Staff has been in communication with the developer over the past year, and although construction hasn't commenced, the developer has been working to secure the necessary funding from MSHDA to make the project feasible. Section 6.7 also states that the Zoning Administrator must notify the owner/applicant in writing

at least 14 days prior to the expiration, which did not take place. Therefore, the expiration of the PUD is partially due to the Village's inaction.

The Zoning Ordinance and Master Plan have not been amended in a substantial way since the final development plan re-approval of the project in 2013, so the project would still be considered compatible with the Village's development plans.

Staff believes that the developer is acting in good faith and therefore we would support the granting of an extension to December 31, 2015. Within that timeframe, staff expects that the developer will get a PUD Development Agreement approved by the Planning Commission and City Council and commence construction. If those steps don't take place, the PUD approval will be automatically invalid and void.

SAMPLE MOTIONS

If the Planning Commission is inclined to approve the request for an extension, staff has provided a draft motion:

1. Motion to approve the request by Garrett Seybert of PS Equities, Inc. for an extension of the PUD approval for Mill Point Place senior housing development to December 31, 2015, because the project has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant. Approval is subject to the following conditions:
 - a. The color, lighting, landscaping and carport design, stated in the May 17, 2013 CIB Planning letter must return to the Planning Commission for review and approval.
 - b. A PUD Development Agreement must be approved per Section 6.5.4 of the Zoning Ordinance on or before December 31, 2015.
 - c. Construction must commence on or before December 31, 2015.
 - d. *Insert additional Planning Commission condition(s).*

If the Planning Commission is inclined to deny the request for an extension, staff has provided a draft motion that may be considered as well:

1. Motion to deny the request by Garrett Seybert of PS Equities, Inc. for an extension of the PUD approval for Mill Point Place senior housing development to December 31, 2015 based on the following reason(s):
 - a. *Insert Planning Commission reason(s) for denial.*

Cc: Christine Burns, Village Manager

Garrett Seybert
805 W. Broadway St. Ste. 1
Mt. Pleasant, MI 48858
January 28, 2015

Village of Spring Lake
Planning Commission
102 W. Savidge St.
Spring Lake, MI 49456

Re: Mill Point Place Senior Housing C-PUD extension

Dear Commissioners:

Due to the competitiveness of the MSHDA (Michigan State Housing Development Authority) LIHTC (Low Income Housing Tax Credit) program, Mill Point Place has yet to commence construction as we have been unable to secure an award of credits thus far. We have been working diligently to update all of the necessary documents required for the April 1st 2015 LIHTC funding round which includes an extension of the Commercial District Planned Unit Development” {C-PUD}, approved May 28th 2013. Due to variables beyond our control, we request the expiration of the {C-PUD} be extended to December 31st, 2015. This would meet MSHDA’s requirements as well as allow us enough time to prepare for construction in the fall if awarded credits this spring.

Though this project has been around a while, we still feel that Mill Point Place will be a great addition to the community as it falls right in line with the Village’s Downtown Master plan and meets the growing demand for senior housing. We ask for your help and support on this matter as we are very optimistic and eager to finally see this project come to fruition.

Sincerely,

Garrett Seybert

Enclosure



Liberty Street Apartments
Spring Lake, Michigan



ECONOMIDES ARCHITECTS, LLC
912 COOLIDGE ROAD
EAST LANSING, MI 48823
PHONE (517) 351-6720
FAX (517) 351-4120

