

BROOKS TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
December 09, 2019 @ 7:00 PM
APPROVED

MEMBERS PRESENT: Mark Pitzer, Phil Knape, Pat Baker, Danielle Hummel, Ryan Schultz, Matt Arthur

MEMBERS ABSENT: None

STAFF PRESENT: Joe Selzer, Cory Nelson, Jennifer Badgero

Chairman Pitzer, called the regular meeting to order at 7:00 p.m. This meeting was properly posted and a quorum of the Brooks Township Planning Commission was present. Planning Commission members from Croton Township were also present for the joint Public Hearing of Ottawa Point PUD amendments.

APPROVAL OF AGENDA:

Moved by Knape **seconded** by Schultz to revise the agenda by moving Item B-1 (Revoking SLU permit for Muskegon River Lodge) to follow Item F. (Unfinished business). This change will allow attendees to leave following the Ottawa Point PUD joint hearing. **Unanimously Approved**

PUBLIC HEARING

Moved by Baker, **seconded** by Knape to suspend the regular meeting at 7:10 PM, and open the joint Public Hearing with Croton Township.

Proposed Ottawa Pointe Planned Unit Development (PUD), originally approved 3/13/14.

All hearing issues were posted and correspondence received thus far has been forwarded to commission members. Residents residing within 300' of noted changes were notified.

Chris Ortwein introduced Todd Hendricks, the attorney representing Pettit Lake Development LLC and provided an overview of the historical background along with the following proposed amendment changes to the PUD:

- Add 11 acres on the Muskegon River placing condominium units at the top of the ridge with all other portions of the property to become open space. In addition, a graveled nature trail will be constructed leading to the river with a picnic area and kayak/canoe launch site. This will be a separate association responsible for maintenance of the road, trail and common area with an easement to Ottawa Pointe Association.
- Remove storage area across from units 46 and 47 and convert it to open space.
- Increase existing storage area at the intersection of Ojibwa and Manitou Way.
- Change language of exclusive use of storage areas for Ottawa Pointe residents to allow for nonresident use ONLY if vacancies exist.
- Move future expansion area to Pettit Lake Drive, south of Potawatomi, behind Units 55-60 and construct condominiums.

- Add acreage on M82 with possible commercial expansion fronting M82 and add any unutilized acreage for commercial use to the total open space. This will also be a separate association with open space to be an easement to Ottawa Pointe.

Ortwein further stated the above changes would increase the total project to 185.74 acres with 121.4 acres of open space bringing an increase of 65% of the project in open space.

Joe Selzer, Brooks Zoning Official, stated that the PUD followed required ordinance specifications.

PUBLIC COMMENT

*Thomas Graff/Resident - Has lived on Pettit for 60 years and wants the townships to uphold anti-key holing ordinances. The lake is very shallow and he is concerned about water quality with increased boat traffic.

*Dan Gerke/Resident – Asks that no decision be made until the comment time has expired.

*Dale Arndt/Resident – States the proposed revisions were not submitted through necessary application and site review processes and do not provide necessary details for consideration of compliance. He believes the effect and impact of proposed changes would have a significant, negative impact upon the property owners. He also objects to the change which will allow non-residential use of vacant storage areas. He wants to know if site plans for all changes have been received and if a compliance statement had been submitted and requests written copies.

Cliff Bloom/Brooks Township attorney – Requested a site plan for proposed storage buildings and recommended that the township maintain an open file for public viewing.

*Kathleen Graff/Resident – Has concerns about increased ice fishing on the lake. She understood lake access would be limited and wants assurance that the traffic will not increase.

Brian Toth/Resident – Has concerns about increased road traffic and the easement at the end of 76th St. He wants to see access stopped at the property line in order to limit traffic.

Ron Millisor/Resident – Has concerns about increased erosion with the building of a road and condos. He is also concerned about increased traffic from 4 wheelers and other small vehicles that ride the trails and trespass upon his property.

*Jeff Pols/Resident – Would like to learn more about the changes and requests a delay in any decision.

*Tim Bont/Resident – Wants to maintain a quiet community and lake atmosphere. He is happy to hear that Chris Ortwein is concerned about boat traffic but has ongoing concern about vehicle and boat traffic with commercial development. He would like to put limits on the number of storage units built and requests more time for final decision making.

*Jordan Bont/Resident – Has concerns about maintenance and liability of storage units and wants to see the number limited. He questions having commercial property in a residential area and has issues with potential increased traffic, deforestation and light pollution. He also believes that different forms of advertisement are being presented to residents vs commercial entities.

John Phillips/Resident – He appreciates Chris Ortwein’s vision but is not in favor of river condos and commercial district along M82.

*Brian Kimble/Resident – Wants to see the anti-key holing ordinance upheld as he is very concerned about accidents resulting from increased boat traffic.

*Patricia Zammit/Resident – Is opposed to condo locations. She believes they were not previously defined and she did not originally buy into the concept.

*Gary Grundman/Resident – He asks for honest/open discussion and is happy for the dialogue and looks forward to more. His biggest concern is the environmental impact proposed changes will have on the development. He hopes that proper environmental studies are conducted prior to any decision being made.

*Kelly Clark/Resident – She is opposed to all proposed changes and believes there is a lack of specificity in the outline of the changes.

Gary Tolsma/Resident – Is concerned about increased use of the lake and roadways. He is already seeing lots of in and out traffic and individuals who are removing the chains from the access. The lake is a designated loon sanctuary and cannot support additional traffic.

Dave Mervau/Resident – Wants to reserve judgement for more information but has concerns about commercial use of storage units and the addition of more residential properties. He would like to see copies of the new information provided.

Kristen Cebelak/In process of building – She is concerned about the increase in traffic and environmental changes, key-holing, and privacy.

*Judy Burkeman/Resident – Is concerned about future plan development on the far north end. The condos will be directly behind her residence and this is not what she bought in to. She is opposed to all amendments.

*Angela Bennett/Resident - . Noted that she did not receive notification from Brooks. This will be investigated and addressed. She asks townships to stand by the original PUD. She believes the 11 acres on the river will be a liability to residents and that there have been issues with transparency and clarity between the developer and residents.

*Dave Morrow – Does not want condos but would be in favor of single family units.

Jane Perillo – Is concerned about increase of lake access and traffic. How will individuals who use the docks and roadways be monitored?

Richard Stambaugh/Resident – Has concerns about privacy, rerouting trails due to the condos and proposed commercial properties.

Roger Grant/Resident – Wants to know if a process is in place to form an association and how proposed changes will be enforced.

Bob Cebelak/In process of building – Believes Chris has done a good job so far.

Jack Arnold/Resident – Is concerned about parcels being added to the PUD, environmental impacts the trail will have on the river and the impact on property values.

NOTE: Individuals with an asterisk by their name also submitted concerns in writing. All correspondence is available for viewing at the Brooks Township office.

Moved by Phil Knape, **seconded** by Carl Richards, Croton Township to close the public hearing and hold a brief recess at 8:35 PM. **Unanimously Approved**

The regular meeting resumed at 8:44. Additional closing comments regarding the hearing were discussed. Cliff Bloom, Brooks Township Attorney, recommended the PUD decision be tabled for a future meeting pending contact with a professional joint planner and encouraged Chris Ortwein to hold a meeting with Ottawa Pointe residents to explain the changes and receive any additional feedback.. He also recommended that Brooks establish a file of all related documents that could be viewed by the public.

Morgan Heinzman, Supervisor of Croton Township, recommended that Cliff check to ensure that Brooks/Croton townships are compliant.

APPROVAL OF MINUTES:

Moved by Knape, **seconded** by Hummel, to accept the minutes of the November 18, 2019 meeting. **Unanimously Approved**

PUBLIC COMMENT: None

CORRESPONDENCE: Several pieces of correspondence, including signed petitions were shared/exchanged with Commission members from both Brooks and Croton Townships. Information will be reviewed to ensure that each township has copies of all information for their review. Additionally, copies of all correspondence received by both Brooks and Croton Township will be available for viewing at Brooks Township Office

PUBLIC HEARING

Moved by Baker, **seconded** by Hummel to suspend the regular meeting and open the Public Hearing at 9:05. **Approved Unanimously**

SLU Permit for Muskegon River Lodge, 2109 E. Garber Dr.- Parcel #62-19-21-400-005

All hearing issues were posted in the paper and letters were sent to residents who reside within 300' of change. Joe Selzer received correspondence regarding road maintenance.

Joe Selzer provided background information on Muskegon River Lodge. The current residents have no desire to continue the lodge as a bed and breakfast so the SLU permit will be revoked and land use will revert to a single family residence. The SLU revocation nullifies the existing road maintenance agreement so residents who use Garber Dr. to access their property must enter into a new agreement.

No one was present for Public Comment.

Moved by Baker, **seconded** by Schultz to close the public hearing and reopen the regular meeting at 9:10 PM. **Unanimously approved**

UNFINISHED BUSINESS:

- 1) Continued Ordinance Review – **Moved** by Arthur, **seconded** by Schultz to table until next meeting. **Unanimously Approved**

NEW BUSINESS:

- 1) Revoking SLU permit for Muskegon River Lodge, 2109 E. Garber Dr., Newaygo, MI, Parcel # 62-19-21-400-005 – **Moved** by Knappe, **seconded** by Arthur to approve the revocation of the SLU Permit. **Unanimously Approved**
- 2) Proposed amendment to Ottawa Point/ Pettit Lake Development, Planned Unit Development (PUD) originally approved 3/13/14, jointly with Croton Township – Item tabled for a future joint meeting with Croton Township. Joe Selzer will contact a professional planner to obtain additional information.
- 3) Short term vs long term rental – **Moved** by Schultz, **seconded** by Arthur to table this item until the next meeting, based on Selzer’s recommendation.

STAFF UPDATE: November Zoning Report provided by Selzer

PUBLIC COMMENT: Comments received

PLANNING COMMISSION MEMBER COMMENTS – No comments

ADJOURNMENT:

Moved by Baker **Seconded** by Hummel to adjourn at 9:26 PM.
Approved unanimously.

Respectfully Submitted,

Pat Baker
Planning Commission Secretary

Dianna Schaafsma
Recording Secretary