

Ossineke Township Planning Commission

12/20/23

Minutes

Planning Commission Members Present: Kevin Grulke, Vic Patzer, Tim Wade, and Amy Roznowski

Planning Commission Members Absent: Denise Schultz

Township Representatives Present: Randy Fairbanks (Zoning Administrator), Tim Gulden (Township Attorney), and Denise Cline, NEMCOG (Township Planning Consultant).

Public Present: Cindy Besaw, Bob Besaw, Travis Smith, Janell Smith, Chelsea Koss, Sue Kirkwood, Nancy Dunleavy, Brittney Muth, Carol Bloing, Joseph Karpinski, Paul Nagy, Steve Smith, Stephen Kozak, Rusty Cousineau, John Kozlowski, Caroline Siegert, Phyllis Rose, James Rose, Earl Martin, Marcia Martin, Mark Hilden, Kim Hilden, and Michael Purcell.

1. **Call to Order:** Grulke called the meeting to order at 7:00 pm.

2. **Pledge of Allegiance:** Pledge of Allegiance was conducted.

3. **Roll Call:** Roll call was taken.

4. **Adoption of Minutes:**

Grulke read the minutes of the Ossineke Township Planning Commission Meeting of October 4, 2023. *Motion by Roznowski, Seconded by Patzer, to approve the minutes of November 9, 2023. Motion carried.*

Grulke read the minutes of the Joint Planning Commission Meeting for the Recreation Plan of November 9, 2023. *Motion by Roznowski, Seconded by Wade, to approve the minutes of November 9, 2023. Motion carried.*

5. **Public Hearing for Special Use Application by Travis and Janell Smith for a 4-cabin resort.**

Grulke opened the public hearing for comment. Gulden read three letters (from John, Brenda and Molly Stevens, Jim and Carol Mattoon, and Martin and Linda Jarrad) that were submitted prior to the meeting. Each member of the public was asked to sit at the front of the room and address the Planning Commission while speaking.

Steve Kozak, 9698 Clewley Road, addressed the Commission. Kozak presented a printed report detailing his concerns to the Planning Commission. His comments are summarized as follows:

- Fire prevention – indicated Ossineke Township does not have a fire department and that fire services are handled by Green Township. Noted concerns on wind direction in terms of fire. Noted concerns about fire crossing Clewley Road and cutting off escape routes.

Noted lack of cell phone reception for emergencies. Asked about liability insurance. Suggested road to support fire trucks, fire blankets, and fire extinguishers.

Michael Purcell, 9632 Clewley Road, addressed the Commission. His comments are summarized as follows:

- Not enough information on the website to determine the proposed plans; no detailed plan was submitted; noise during hunting season (renters around the clock); traffic concerns; would rather have homes built on property rather than a business; feels he was lied to; more traffic than access can handle; feels the resort would negatively impact property values of surrounding land; concerns about fire; lack of information about commercial building including the size of building, use of building, and whether there are restrooms; he has a possible property line dispute; feels a berm might be necessary; clearcutting has occurred; and the timing of the application near Christmas when most property owners are gone isn't right.

Sue Kirkwood, 9516 Clewley, addressed the Commission. Her comments are summarized as follows:

- She agrees with other property owners' concerns; feels the applicant should have contacted neighbors about the proposal; contacted DEQ (EGLE) – more than 4 units need a license from the state; evacuation concerns due to fire (Wade addressed some fire concerns and indicated a residence would have the same fire risk as the cabins); will there be a kayak rental? Some indication that a commercial building would be for kayak rental.

Earl Martin, Manager of Beaver Lake County Park, addressed the Commission. His comments are summarized as follows:

- Primary concern is how the proposed resort will impact revenues at Beaver Lake County Park; other concerns about kayak rental competing with the county.

Cindy Besaw, 9174 Clewley, addressed the Commission. Her comments are summarized as follows:

- Timing of public hearing was poor – asked for an extension of public comment period; has same concerns as others; concerns about traffic, noise, trespass and lighting; cabins are very close to property lines; applicant has addressed issues about campfires and vehicles; quiet times and other restrictions should be put in place; unknown use of the commercial building; does the Special Use transfer to next property owner (Gulden answered that it does and they would be obligated to follow the same conditions as original permit holder).
- It was noted by several property owners that a single rental unit had already been constructed. Fairbanks explained that the current rental unit is on a separate parcel. All

necessary permits had been obtained and the rental unit did not require a special use because a single dwelling unit is not considered a resort.

Paul Nagy –his house is 300 feet from the cabin. Nagy addressed the Commission. His comments are summarized as follows:

- No noise can be heard from the property; fire can occur anywhere – cabins won't affect that; stated that nobody could even tell how many times the cabin had been rented; he has no problem with the unit that is already up; feels that the resort won't affect any surrounding property owners.

Steve Smith, 9315 Clewley, addressed the Commission. His comments are summarized as follows:

- Cabins won't affect anyone in any way; noted the crushed asphalt road (Wade stated it was drivable); runoff is a non-issue; discussed noise issues from other cabins.

Chelsea Koss, attorney for Travis and Janell Smith, addressed the Commission. Her comments are summarized as follows:

- The property is zoned R-1 and the resort is allowed to occur as a Special Land Use; four cabins and a small commercial facility are allowed per the zoning ordinance; a resort will be enriching the community; Janell Smith has a hospitality degree and will run the resort according to the rules; no nuisance complaints have been filed for current single rental.

Travis Smith, the applicant, addressed the Commission. His comments are summarized as follows:

- He addressed the liability insurance questions and homeowners insurance questions; he indicated proper insurance.
- Randy Fairbanks, Zoning Administrator, addressed the applicant to ask about the size of structures. Cabins will be between 100 and 500 square feet (likely 200 square feet). Commercial facility will be 600 square feet maximum. Commercial facility will likely be small retail (selling items like t-shirts), office space, coffee sales, and/or necessities and will function as a support facility for guests.

Tim Gulden, Township Attorney, read the procedures from the zoning ordinance and explained that all standards should be supported by findings.

Kim and Mark Hilden addressed the Commission. Their comments are summarized as follows:

- Property has always been used for hunting, but now is residential but is proposed for commercial; feels the property is now commercial with hunting and farmland surrounding it.
- Gulden answered that the zoning is not commercial – it is residential which allows a resort as a commercial use.

Randy Fairbanks explained that all of the answers to this are in the Zoning Ordinance, read the definition of resort, and explained that this is not a rezoning or a variance – that it is an allowed Special Land Use.

Cindy Besaw stated that she did not appreciate Fairbanks' comment.

The public questioned why the application had changed. Initially, the application was for a campground and now is for a resort. Cabins were always the planned structures. However, cabins do not fit the definition of a campground in the Zoning Ordinance but do fit the definition of a resort.

The Planning Commission discussed the public's concerns. Roznowski indicated the public needed answers to their concerns. Wade, being from the Fire Department, addressed the fire concerns that had been brought up. A discussion occurred about fire rings and who will ensure the renters don't burn on no-burn days. Wade stated that burning can still occur in fire rings.

Phyllis Rose, 9109 Clewley, addressed the Commission. Her comments are summarized as follows:

- She heard them building the cabin all summer long.

Gulden suggested that Cline revise the findings of fact report based on the standards and write conditions based on the public comments and make that available to the public prior to a decision. Gulden also indicated that there is no appeals process for special land uses at the township level. Cline confirmed that the findings of fact report that the Commission has tonight was written prior to public comment. She will revise the findings of fact report to address comments made tonight and will revise the list of conditions as well and will send it to the township to place on the website along with the site plan prior to the next meeting.

The Planning Commission will meet again on February 20 to continue discussing the case. Cline will send the findings of fact report and draft conditions the first week of February.

Motion by Wade, seconded by Patzer, to close the public hearing. Motion carried.

Meeting adjourned at 8:55 pm.

Respectively submitted,

Denise Schultz