

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – SEPTEMBER 25, 2024
SPECIAL LAND USE PUBLIC HEARING**

Vice Chairman John Joossens called the meeting to order at 7:00 p.m. on Wednesday, September 25, 2024. John Joossens led the Pledge of Allegiance.

MEMBERS PRESENT: John Joossens, Ben Schilling, Veronnic Kenreich, Jon Tidey (arrived at 7:20 pm) Mike Glynn, and Tim Feirick

MEMBERS ABSENT: Nick Barnes

OTHERS PRESENT: Mark Davis, Wendy Colburn, and members of the public

APPROVAL OF THE AGENDA FOR SEPTEMBER 25, 2024

Ben Schilling motioned to approve the agenda for September 25, 2024.
Veronnic Kenreich seconded.
Motion passed by voice vote.

PUBLIC HEARING

John Joossens opened the public hearing on the Special Land Use request of Mark and Tricia Zuhl, 31925 Topash Street, Parcel No 14-130-016-009-01

Veronnic Kenreich read the entire Public Hearing Meeting notice including the request:

"The request of Mark and Tricia Zuhl, 31925 Topash Street, Parcel No 14-130-016-009-01 located at the corner of Topash Street and Garrett Road within the Township for Special Land Use and site plan approval to permit recreational vehicle boat storage on the property. The area proposed for boat and recreational vehicle storage is 193' by 400'; and is located 407 feet from the south property line, 650 feet from the north property line (Topash Street). The property is located in the AR Agricultural Residential District Zoning Classification and consists of 39.85 acres. Special land use considerations for the Planning Commission are contained in Section 14.03 of the Township Zoning Ordinance. Site plan review standards are contained in Section 5.05 of the Township Zoning Ordinance."

COMMISSION MEMBER COMMENTS

None.

COMMUNICATIONS

Veronnic Kenreich read a letter from Loren Vasquez opposing the Special Use application from Mark & Tricia Zuhl. Cited reasons included the concern that it would start as a storage unit and end up as a junkyard, against added traffic and the belief that it could invite criminal activity.

PUBLIC COMMENT

The petitioners, Mark and Tricia Zuhl explained the request, stating that they plan for open storage, no new buildings, and no electricity. They plan to have signs up directing the flow of traffic to the proper driveway as well as a sign identifying the business. They will install solar lights and cameras and for now, will use existing trees to camouflage the storage area, eventually, they will install a fence. There is someone home and always available to monitor the property and receive the vehicles for storage and to provide security, they will have liability insurance and will require everyone to remove their items from storage while in use, including snowmobiles. No one will be allowed to use and return the items to storage so there will be no constant back-and-forth traffic. Items are either stored or they are not. They will be shrink-wrapped while on the property and they will not be the parties that winterize the vehicles to be stored, they are accepting runoff from the local marina that would have already winterized the items, however this may be something they do in the future.

Eight residents residing near the Zuhl property voiced their opposition to the request. Their concerns revolved around potential issues such as increased theft, noise, property aesthetics, and environmental impact. Some residents pointed out that not all property owners were listed in the request, casting doubt on the authority of the current petitioners. Others expressed apprehension regarding the potential further reduction of the agricultural district. Moreover, residents expressed worries about heightened vehicular traffic in their driveways as a result of visitors seeking a nearby boat storage facility. They feared that unauthorized vehicles could lead to property damage, pose safety risks, and disturb the peace and tranquility of the neighborhood. Additional concerns included the potential abandonment of items and snowmobile traffic. Furthermore, some residents feared that camper storage could attract squatters and scrap collectors to the area. It is worth noting that one resident supported the request, citing potential job creation in the area.

The Zuhl's returned to the podium to address the concerns raised by the public. They assured that proper signage will be in place to direct visitors to the correct driveway and that the well on the property has been securely capped. Additionally, they stated that the surveillance cameras and lighting will be solar-powered and under the homeowner's monitoring. They emphasized that property retrieval will be managed through a check-in and check-out process, specifically for the season. Furthermore, they clarified that only 2 acres of the property will be utilized for the business, rather than the entire area.

The Zuhl's remained at the podium for questions from board members. John Joossens asked if they planned to work on or weatherize the boats on-site or will they be ready for storage when they arrived. The Zuhl's plan to shrink-wrapped items that they receive, and they will be ready for storage upon receipt they will not repair or service anything. Veronnica Kenreich looks for clarification of the property's current use and wanted to know if they will be open storage only

and what types of property buffers will they have. The Zuhl's will have only open storage, no buildings will be erected or used, and for now, they will not have concrete added either, it will be grass. The current plan involves utilizing existing trees as a buffer. However, there are intentions to introduce additional trees, vegetation, and eventually a fence. Mike Glynn sought clarification on the storage capacity for boats and vehicles, as well as the potential addition of a new driveway. He also inquired about the enforcement measures for owners who fail to remove their items in the spring. The Zuhl's responded that approximately 200 boats and campers can be accommodated for storage, which will be managed by the Zuhl family, with the possibility of employing additional assistance if required. There are no plans for new driveways, and enforcement measures are not currently outlined, with the approach being to initially contact the owners for resolution. Ben Shilling sought information regarding any current fencing on the parcel. Veronnica Kenreich raised queries about potential future winterization plans and whether the operation is considered commercial. The Zuhl family has no intentions to undertake winterization right now, but they do intend on doing winterization at some point on the property. When questioned, he stated that maintaining the boats on the property is comparable to handling agricultural equipment, as they both require adherence to similar procedures. Veronnica Kenreich raised a query regarding this assertion, noting that the maintenance of a few farm implements differs significantly from that of numerous boats. Tim Feirick clarified that the special land use is solely designated for storage purposes and not for winterizing. Furthermore, Veronnica Kenreich highlighted the need for a new application to be filed should there be plans for winterization and expressed concerns regarding the voting process due to incomplete owner listings. She notes that there are numerous environmental concerns with the nearby lake and wonders if they should start to do any other work on the boats that the runoff will only contribute to the issues. The Zuhl's state that the other owner is not there but did not have any issues with the business, noting she is in her 90s and was not able to attend the meeting. Mike Glynn emphasized that boats should be kept in an enclosed area for the winter and not used for long-term storage. He clarified that the purpose of the ordinance was to allow farms to store a limited number of boats in their unused barns, rather than for open boat storage. Additionally, he highlighted that marinas and auto dealers are permitted to store boats and vehicles in the open since they are in the Industrial Districts. He also pointed out that the board is unable to address the submitted application due to its improper submission and perceived contradictions within it. He also expressed a concern regarding the absence of a business plan with the application. He explained they could resubmit for consideration. He also points to the ordinance to show that what they are requesting was not an intended purpose of the ordinance he read in part:

VEHICLE REPAIR AND STORAGE

§91.53 REGULATIONS.

(A) No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within Silver Creek Township any vehicle, including any conveyance, boat, aircraft, or new or used parts therefrom, unless one or more of the following conditions exist:

(1) Such parking or storage is located within a fully enclosed building;

Veronica Kenreich states members should vote on the application as submitted stating that there is no room for adding additional requirements, it is only an approval or rejection. Mike Glynn feels members should still consider the standards of review as follows:

Approval standards. The Planning Commission shall consider and find that the standards noted below have each been satisfied before approving:

- (1) The standards of § 155.131; and
- (2) The standards of § 155.132(A)(1) through (A)(4).
- (3) The standards of § 155.133

§ 155.132 BASIS OF DETERMINATION.

Before approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as other applicable standards of this chapter, are satisfied by the completion and operation of the special land use under consideration.

(A) The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards and shall approve a special land use only upon a finding of compliance with each of the following standards:

(1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

(2) The special land use shall not change the essential character of the surrounding area.

(3) The special land use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes, or glare.

(4) The special land use shall not place demands on public services and facilities in excess of current capacity.

(B) The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deems necessary. Said fees shall only be used for the review of any proposal covered under the terms of this chapter. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.

(C) The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the special land use application and shall be enforced by the Zoning Administrator.

(D) If, after the establishment of the special land use, the approved use is found not to comply with the approval granted by the Planning Commission, said use shall have 60 days to correct any problems as determined by the Planning Commission. If infractions are not corrected within 60 days, the provisions of § 155.134 shall be initiated.

Some members indicated the applicants may make the necessary corrections and resubmit the request. Veronica Kenreich states she is not comfortable with the application as submitted and noted that members should vote based on the application submitted and not delay their determination. Mark Davis reads a portion of the ordinance § 155.133 **APPROVAL TERM AND EXPIRATION** and states that the applicants will need to wait one year to resubmit this request if they plan to do so.

During the meeting, certain members engaged in a discussion regarding the approval process and also took the opportunity to address public concerns regarding the possibility of an approval running with the land in the event of the Zuhls selling their property. Mike Glenn clarifies that if this was approved it does not run with the property and could be revoked, he reads from the ordinance:

§ 155.133 APPROVAL TERM AND EXPIRATION.

(A) A special land use approval shall be valid for one year from the date of approval unless approval is revoked as provided in § 155.134, or the special land use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six consecutive months.

(B) If, by the end of this one-year period, the special land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the special land use shall be deemed expired and no longer valid.

(C) A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

(D) Application for approval of an expired special land use approval shall be considered as a new application.

Ben Schilling expressed concerns that the current application does not align with the intended use of the Agricultural/Rural district, citing:

§ 155.078 AR AGRICULTURAL/RURAL RESIDENTIAL DISTRICT.

(A) Description and purpose. This district is intended for large tracts used for farming or those which are idle, and single-family dwellings. It is intended for agricultural uses, other uses generally associated with agriculture, single-family residential development on larger lots, and related non-residential uses. The overall purpose of this district is to preserve larger tracts of land for agricultural use and to allow for residential development at appropriate densities.

Ben Schilling moved, John Joossens supported, CARRIED, to approve or deny the Special Land Use request of Mark and Tricia Zuhl, 31925 Topash Street, Parcel No 14-130-016-009 as submitted for the following reasons:

1. The application is not properly filed.
2. Applicants have not met the standards as stated in the ordinance § 155.132 Basis of Determination.

Roll call vote:

Denied: John Joossens, Ben Schilling, Veronnica Kenreich, Jon Tidey, Mike Glynn, and Tim Feirick

Approved: none

Veronnica Kenreich motioned to adjourn the Special Meeting seconded by Tim Feirick.

All members present approved
No members present denied
Meeting Adjourned at 8:02 p.m.

DRAFT

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – SEPTEMBER 25, 2024
REGULAR MEETING**

The meeting was called to order by John Joossens at 8:03 p.m.

Mike Glynn motioned to suspend the roll call and pledge, seconded by John Joossens.
All members present approved
No members present denied

APPROVAL OF THE AGENDA FOR SEPTEMBER 25, 2024.

Veronica Kenreich motioned to approve the agenda for September 25, 2024
John Joossens seconded the motion.
Motion carried by voice vote.

APPROVAL OF THE MINUTES FROM AUGUST 28, 2024

Veronica Kenreich motioned to approve the minutes from August 28, 2024.
Mike Glynn seconded.
Motion carried by voice vote.

COMMUNICATION

Veronica received a denial from Progressive, that is the only communication she has received. No other communication from the other companies. There is also a letter from a homeowner regarding short-term rentals. Members requested that the homeowner read his letter during the public comment period.

PUBLIC COMMENT

The discussion transitioned to the subject of short-term rentals. A concerned homeowner addressed the members to discuss the proposed short-term rental ordinance. They had previously submitted a letter to the township and the board regarding their concerns. The individual emphasized the importance of property owners' rights to rent their properties to their chosen tenants at their discretion. They raised concerns about the conversion of properties intended for single-family use into commercial ventures under the guise of single-family occupancy. The individual urged the township to act against this practice, expressing a perceived inability to navigate this issue independently. During the discussion, another homeowner agreed and raised concerns about how the township plans to proceed. They emphasized their worry that enforcement responsibilities might ultimately fall on the neighborhoods. Members emphasized the importance of the public staying informed about the progress at the state and local levels and extended an invitation to actively participate in future meetings, offering feedback and open communication to the members as the township progresses through the process of developing

an ordinance. Members clarified that the ordinance is still in the early stages of development and no solid determinations have been made.

BUILDING AND ZONING ADMINISTRATOR'S REPORT

Updates given by Mark Davis.

ZBA REPORT

Updates given by Ben Schilling.

NEW BUSINESS

Master plan – Members deliberated on the subsequent actions to take, given the absence of responses or declines to the RFPs that were distributed.

Verronica Kenreich motioned to submit McKenna's offer for the master plan to the board for review

Seconded by John Joossens

Roll call vote:

Approved: John Joossens, Ben Schilling, Veronnica Kenreich, Jon Tidey, Mike Glynn, and Tim Feirick

Denied: none

COMMISSION MEMBER COMMENTS:

None.

NEXT MEETING:

October 23, 2024

PUBLIC COMMENT

None.

ADJOURNMENT

Ben Schilling motioned to adjourn.

Veronica Kenreich seconded.

All members approved, and no members denied.

Motion carried.

The meeting adjourned at 8:34 pm

Recording Secretary, Wendy Colburn

Secretary, Veronnica Kenreich