

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION
FOR THE REGULAR MEETING HELD ON
MAY 24, 2018
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 p.m. by Chair Giarmo. A quorum was present.

MEMBERS PRESENT: Burns, Giarmo, Haagsma, Rober, Waayenberg

MEMBERS ABSENT: Billips, Thomas (with notice)

OTHERS PRESENT: Mark Sisson, AICP, Township Planner
Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

No Changes

III. CONSIDERATION OF MEETING MINUTES

April 26, 2018 – Regular Meeting Minutes

Motion: By Member Haagsma, supported by Member Rober to approve the minutes for the April 26, 2018 Planning Commission Regular Meeting.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. PUBLIC COMMENT ON NON-AGENDA ITEMS

Angela Musselman, 129 Brownell Street

Musselman spoke to the Planning Commission about the potential purchase of 144 Brownell Street by Living Waters Ministry for use as a half-way house for sex offenders. Living Waters already owns a home at 53 Brownell, which houses 6-8 offenders. Neighbors on the street would like to voice their opposition to the purchase and would like the Township to investigate options to prevent this from happening.

Kurt Root, 147 Brownell Street

Root objected to the home based on the number of children living on the street and its proximity to Pine Rest. There are several home day cares nearby which could be impacted.

Planner Sisson responded to the public comments. The Township has been made aware of the situation. The Community Policing Officer makes regular stops to the existing operation

at 53 Brownell and has determined that it is not in violation of any state laws. The Township is investigating the legal implications of this operation. It is the current understanding of the Township that half-way houses run by private organizations are not exempt from local zoning laws. The Township could therefore institute regulations for these types of uses. One issue that needs to be addressed is whether or not Living Waters Ministry is protected by the Religious Land Use and Institutionalized Persons Act.

VI. NEW BUSINESS

1. Advertised Public Hearings

a. Pine Rest Rustic Market, 389 68th Street SE (O-S)

Special Use Permit request to allow for a 50' x 20' Tent to be located on the property for a "Tent Sale" for a period of 4 months: July 5 to October 31.

Carrie VanDenBrink, Pine Rest Rustic Market

VanDenBrink is the manager of the Pine Rest Rustic Market. Pine Rest is requesting permission to erect an outdoor sales tent from July through August in the same location as the previous several years. There have been no alterations from previous plans.

Assistant Planner McKernan confirmed that there have been no alterations to the site plan that had been approved in previous years. The tent will not have any additional lighting or signage. The Township has no records of complaints about the tent.

Commissioner Rober stated that she felt the operation has been well run and felt the operation should be approved for another year.

Chair Giarmo opened and closed the public hearing at 7:20 pm.

Motion: By Member Waayenberg, supported by Member Haagsma to approve the Special Use Permit for an outdoor tent subject to the following conditions:

1. That the Special Use Permit is granted on a temporary basis, effective for the period of July 5 through October 31, 2018.
2. That the tent must be situated on the site as materially represented in Figure 2 (page 2) and that it not exceed the dimensions of 20' x 50'.
3. That no additional signage will accompany the tent.
4. That no additional outdoor display of goods and materials occur unless it is specifically recognized and authorized by the Planning Commission as part of this approval.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

b. 2806 84th Street SE, Special Use Permit (A-R)

Special Use Permit Request to allow for construction of an accessory building with a floor area of 1,200 square feet, exceeding the maximum square footage (785 SF) allowed by right in the A-R District.

John Swove, 2806 84th Street SE &

Swove explained that the proposed accessory building would be used for personal storage of a motor home, classic car, and building materials for a home expansion. He will also use the building for the storage of tools related to his profession as a building maintenance worker.

Assistant Planner McKernan explained that the building sits on a nonconforming half acre lot. If the applicant's home was located on a standard two acre lot they would be permitted up to a 2,400 square foot accessory building by right. The building will not feature any exterior lighting and will be sited as to not create water runoff onto adjacent properties.

Planner Sisson inquired about the nature of the tool storage related to his profession as a building maintenance worker. Sisson explained that the Planning Commission would need to determine whether or not this constituted a home occupation, as these are not permitted outside of the primary residential structure unless authorized as part of a separate special use permit.

Swove explained that he is not self-employed and works in building maintenance. Swove currently rents a storage locker for his personal tools that he uses as part of his work. These tools are no different than what would be stored in a typical residential garage. Swove will take all of his tools with him during the day and will not be making multiple trips home throughout the day.

Chair Giarmo opened and closed the public hearing at 7:35 pm.

Members Burns and Haagsma contended that Swove's request did not constitute a home occupation. The tools are similar to what would be found in a typical garage and Mr. Swove works for a separate company. The Planning Commission decided to add an additional condition to the approval that prevented outdoor storage of any tools related to a commercial business.

Motion: By Member Haagsma, supported by Member Burns to approve the Special Use Permit for a detached residential accessory building in the rear yard of 2806 84th Street subject to the following conditions:

1. That now or in the future, no exterior yard lights are to be attached to the structure that would cause glare in the rear yards or windows of adjacent lots.
2. That the floor elevation of the building, site grading, and roof drainage be handled with consideration of avoiding excessive drainage on adjacent properties.
3. That the use of the building and the items stored are not to be business related.
4. Any outdoor storage must be residential in nature and not related to a commercial business.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

c. Corinth Reformed Church, 129 100th Street-Special Use Permit (A-R)

Special Use Permit request to allow an electronic changeable copy sign at Corinth Reformed Church.

Mike Epp, Corinth Church

Epp spoke on behalf of Corinth Reformed Church. The existing sign on 100th Street is difficult to read. Corinth is requesting permission to replace the changeable copy portion of their existing sign with an LED messaging center. The church intends to comply with all Township ordinances.

Assistant Planner McKernan explained that the existing sign is barely visible from the nearest home, which is nearly 500 feet away. The sign is a quarter mile from the intersection of 100th Street and Division Avenue. The sign conforms to all of the standards for monument signs and LED messaging centers.

Chair Giarmo opened and closed the public hearing at 7:50 pm.

Planning Commission members stated that they felt the sign would not create any nuisances for vehicles or adjacent properties.

Motion: By Member Waayenberg, supported by Member Rober to approve the sign and electronic messaging center, subject to the following conditions that are necessary to ensure compliance with the standards of Sections 17.7 (F) and 19.8 of the GCTZO:

1. There shall be a minimum of eight (8) seconds between copy changes.
2. The rate of change between messages shall be instantaneous.
3. The sign will make use of an ambient light meter to lower the intensity of the lighting during evening hours.
4. Physical evidence/documentation of an intent to comply with all of the above stipulations, and those of Section 17.7, shall be requirements for the issuance of all necessary sign and electrical permits, and preconditions to the approval of all final inspections.
5. Non-compliance with the above conditions during the sign's operation may be considered grounds for the revocation of the special use permit.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

d. Zoning Text Amendment

Proposed zoning text amendments to allow: 1) monument signs for permitted commercial uses in residential zoning districts; 2) electronic changeable copy signs for permitted commercial uses in residential zoning districts.

PROCEDURAL NOTE: Discussion and Public Comment related to Agenda Item V.1 (d) were held concurrently with Agenda Item V.1 (e).

e. Everett's Landscape Management, 240 84th Street SE (A-R)

Special Use Permit request for an electronic changeable copy sign for Everett's Landscape Management.

Planner Sisson introduced the proposed zoning text amendment. The zoning ordinance has no provisions for monument signs or signs featuring LED display for non-institutional uses in residential districts. The sole exception are farm signs, which are permitted up to 64 square feet. The proposed text amendment would standardize the permitted size of signs in residential districts (6 feet in height, 48 square feet sign face). All businesses allowed by special use permit in residential districts can request a monument sign and electronic messaging center as part of the review process. Existing businesses can request a monument sign with or without an LED display as a separate special use permit.

Sisson advised the Planning Commission to recommend approval of the zoning text amendment to the Township Board. The Planning Commission has the option to approve Everett's special use permit request on the condition that it not take effect until the text of the zoning ordinance is amended, or they can postpone a decision until after the Township Board's decision.

Matt Jarka, Postema Signs

Everett's is requesting permission for a monument sign with an LED changeable copy display. The most logical location for the sign sits several feet below street level. Everett's would like to place the monument sign on a five foot tall post to bring the sign up to street grade to ensure visibility from 84th Street.

Chair Giarmo opened the public hearing for agenda items V.1 (D) & V.1 (E) at 7:55 pm.

Mike Stegink, 156 84th Street

Stegink lives next door to the Everett's property. Stegink stated that there is already a security light on the property and he felt that the additional light given off by a sign with an LED display could negatively impact neighbors.

Chair Giarmo closed the public hearing for agenda items V.1 (D) & V.1 (E) at 7:58 pm.

Jarka responded to the comments from Mr. Stegink. The proposed sign will be internally lit but it won't be very noticeable to neighbors due to the dark color of the sign. Everett's will comply with all Township standards for the operation of a sign featuring LED display. The Township requires that LED signs feature ambient light meters that will reduce the illumination levels of the sign as daylight decreases.

Sisson asked the Planning Commission to evaluate whether or not Everett's proposed sign would be more accurately be described as a monument sign, which would not be allowed in residential districts under the proposed zoning text amendments. Sisson proposed an alternative design that would replace the pole at the base of the sign with an earthen mound. The Township Engineer has stated that a mound would work in this location, but might require an extension of the existing culvert if it were to block drainage.

Jarka contended that the proposed sign was not a true pole sign due to the intent behind the pole. Pole signs are intended to maximize height above grade whereas, Everett's sign is designed to bring the base of the sign face up to street grade to allow for greater visibility. The sign will not appear excessively tall and the sign post would likely not be seen by passersby on 84th Street.

Planning Commission Members agreed that the proposed sign constituted a pole sign and should not be approved as currently proposed. The Planning Commission agreed that pole signs were not suitable for residential districts.

Several Planning Commission members expressed reservations about allowing electronic messaging centers in residential districts.

Motion: By Member Haagsma, supported by Member Burns to recommend approval of the proposed text amendments for monument signs and electronic messaging centers to the Township Board.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

Motion: By Member Rober, supported by Member Waayenberg to postpone a decision on the proposed sign for Everett's. The applicant shall submit revised drawings for the sign that address the Planning Commission's concerns about pole signs. The plans shall also specify proposed hours of operation for the sign.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

2. Site Plan Review

a. Panda Express, 1801 Marketplace Drive SE (Gaines Marketplace PUD)

Continued discussion pertaining to the redevelopment of a section of the parking lot in the southwest corner of the site as a Panda Express restaurant.

Amy Conti, Norr Architects

Conti explained that Panda Express is requesting a recommendation of approval to the Township Board for an amendment to the Gaines Marketplace PUD.

The Planning Commission asked if there had been any progress on the repairs to Marketplace Drive. Assistant Planner McKernan explained that he had been in contact with Meijer, who confirmed that work on the reconstruction of Marketplace Drive would commence on June 15, 2018.

The Planning Commission expressed general approval for the resolution and requested that Township Staff add "commencement of construction is contingent upon completion of the reconstruction of Market Place Drive" as a condition of approval in the resolution.

Motion: By Member Waayenberg, supported by Member Burns to approve Resolution 18-05-PC, which recommends approval by the Township Board of an amendment to the Gaines Marketplace Planned Unit Development to allow for construction of a Panda Express in the southwest corner of the Meijer parking lot. The resolution is approved with the additional condition that commencement of construction is contingent upon completion of the reconstruction of Marketplace Drive.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

b. Mister Car Wash, 6700 Kalamazoo Avenue SE (C-1)

Site Plan Review for an expansion to the existing Mister Car Wash site to allow for the addition of 9 parking stalls with vacuums and a longer queuing area.

Steve Witte, Nederveld

Witte introduced Sean Ellis from Mister Carwash and gave an overview of the site plan. Mister Carwash, formerly Southland Auto Wash would like to purchase property behind their existing operation to add additional vacuum units and expand their queuing area to reduce backups onto Kalamazoo Avenue. The expansion will require some of the brush along the eastern property line to be removed. Mister Car Wash will leave as much brush as possible and also install a Type II vegetative buffer. The property drains to a pond on the parcel to the south, which will be slightly enlarged to accommodate the additional runoff from the site. The site plan has already been revised to address all of the concerns raised in the staff report.

Assistant Planner McKernan explained that Mister Car Wash had submitted a revised site plan that had addressed the major concerns raised in the staff report. Six of the 6 foot tall arbor vitae along the east property line will be replaced with 12 foot tall evergreen trees to create the required Type II Buffer. The lighting levels at the east property line have been reduced to a permitted 0.1 foot candles. The applicant has agreed to replace the missing panel behind the Taco Bell parking lot.

Chair Giarmo expressed concern for the proximity of the driveway to nearby residential properties. These neighbors have had issues with the strip mall and Wendy's to the north. It would be best to avoid creating any additional problems.

Sean Ellis, Mister Car Wash

Ellis understood the Planning Commission's concerns. Mister Car Wash (formerly Southland Autowash) had received permission from the Planning Commission to extend their hours of operation until 10pm last year. Mister Car Wash has a companywide closing time of 8pm, which will significantly reduce the chance that this car wash expansion will impact neighbors.

Planner Sisson informed the Planning Commission of their ability to enforce stricter regulations than the zoning ordinance on site lighting to negate some of the negative effects. Sisson recommended requiring an illumination level of 0.0 at the east property line. Sisson expressed the concern that the removal of the existing brush to facilitate the driveway expansion could allow more noise from the car wash to spillover onto the residential properties as well.

Witte stated that he will work with the lighting company to reduce the illumination levels at the property line to 0.0 foot candles. Witte stated that he would be able to build up a small vegetative berm in the northeast corner of the property to buffer noise pollution from the site.

The Planning Commission limited the hours to 8pm.

Several additional members of the Planning Commission reiterated their concerns that ten feet would not be enough separation between the driveway and the residential property to the east.

Witte agreed to amend the site plan to create a 20 foot setback for the driveway.

Motion: By Member Haagmsa, supported by Member Waayenberg to approve the site plan for an expansion to the Mister Car Wash at 6700 Kalamazoo Avenue with the following conditions of approval:

1. The applicant shall comply with all recommendations of the Township Engineer and Fire Chief.
2. The applicant shall submit a revised site plan for staff review featuring at least a 20 foot separation between the car wash queuing area and the residential property to the east.
3. The applicant must submit a revised photometric plan for staff review indicating a site lighting design that meets or exceeds to the ordinance requirement for not more than 0.0 foot candles at the east property line.
4. The applicant shall submit a revised landscaping plan for staff review featuring a Type II Buffer along the eastern property line, and a vegetative berm in the northeast corner of the property.
5. That the applicant or Lomi Properties provide written assurance that the missing fencing on the property located at 6706 Kalamazoo Avenue will be repaired within 90 days.

6. The approved hours of operation for the property will be Monday-Saturday 7am to 8pm and 8am to 6pm on Sunday.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

Abstain: None

Decision: Passed

VII. UNFINISHED BUSINESS

None

VIII. GENERAL DISCUSSION

None

IX. ADJOURNMENT

Motion: By Member Haagsma, supported by Member Rober to adjourn the meeting at 9 PM.

Discussion: None

Ayes: Burns, Giarmo, Haagsma, Rober, Waayenberg

Nays: None

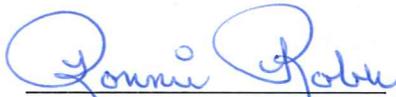
Abstain: None

Decision: Passed

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 24, 2018 Regular Meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,



Ronnie Rober, Vice Chair
Gaines Charter Township
Planning Commission

Dated: June 28, 2018