

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION
FOR THE REGULAR MEETING HELD ON
March 27, 2008
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE
CALEDONIA, MICHIGAN**

I. CALL TO ORDER AND ROLL CALL. The meeting was called to order at 7:04 pm by Chair DeWard.

MEMBERS PRESENT: Rob DeWard, Ronnie Rober, Ted Essenburg, Lani Thomas, Tim Haagsma, Tim Zandbergen.

MEMBERS ABSENT: Louis Waayenberg.

OTHERS PRESENT: Township Planner Brian Tingley, Assistant Planner Megan Sharp, Clerical Assistant Jenni Lamb.

II. CONSIDERATION OF MEETING AGENDA

MOTION: By **HAAGSMA**, supported by **THOMAS**, to approve the agenda for the March 27, 2008 regular meeting, as presented.

YES: DeWard, Rober, Essenberg, Thomas, Haagsma, Zandbergen.

NO: None.

ABSENT: Waayenberg.

MOTION CARRIED.

III. CONSIDERATION OF MEETING MINUTES

MOTION: By **HAAGSMA**, supported by **ROBER**, to approve the draft minutes from the February 28, 2008, regular meeting, as presented.

YES: DeWard, Zandbergen, Rober, Essenberg, Thomas, Haagsma.

NO: None.

ABSENT: Waayenberg.

MOTION CARRIED.

IV. INQUIRY OF CONFLICT OF INTEREST: None.

V. ADVERTISED PUBLIC HEARINGS:

1. 7:05 PM – Zoning Ordinance Text Amendment (File # 080305TS) - Discuss possible changes to Section 17.9 of the zoning ordinance, regarding the relaxation of a recently enacted prohibition on portable freestanding signs on Commercial and Industrial zoned properties.

Tingley reviewed the request and stated that staff had been working with some of the local business owners on compromise language that would permit portable freestanding signs, but with additional regulation and oversight that was not in place previously.

Chair DeWard the opened public hearing at 7:07 p.m.

Gabe Hudson, 8269 Kalamazoo Ave., requested that Tingley summarize the proposed text for the audience. Hudson stated his support of the use of the signs and how he felt they help businesses. He stated that there are other ordinances that he felt needed to be examined and cited the liquor license ordinance.

Angela Winnick, a Rapid Cellular employee at 6333 Kalamazoo Avenue, thanked staff for working with the businesses and stated that she received notice that her job is being eliminated. She asked if Commissioners that were opposed to portable signs could state their reasons for their position.

Tingley stated that if Planning Commissioners wished to state their rationale behind their positions, it would be appropriate after the public hearing was closed.

Franchesca Lopiparo, the owner of Carmelo's Pizza at 3555 68th St., recently moved into the Dutton Mill Village strip mall and has noticed a significant loss of business when the portable sign is not in place and can't afford other types of advertising.

Chair DeWard found that Carmelo's would like to have the signage out 50% of the time or every other month and that they had no wall sign to advertise.

Helen Harp, owner of Park & Plug at 6808 Hanna Lake, owner, stated that the sign ordinance in Gaines and other municipalities have devastated their business, and is disappointed that the ban was put into place in the first place without approaching the businesses.

Tim Alexa, 7243 Sundale, is opposed to the ban, looks for signs, and likes to see specials that businesses are offering.

Chair DeWard closed the public hearing at 7:22 p.m.

Chair DeWard stated that this has been a difficult issue and has been looked at for some time. The challenge is finding a solution that meets the needs of the businesses, while avoiding situations where signs go unmaintained or fall over.

Tingley reviewed the past regulations and the proposed permit process and fee basis.

Chair DeWard discussed cost and stated that it need not be punitive, but should cover the cost of staff time.

Haagsma stated that one of the problems with the old ordinance was enforcement and agreed that the cost should be only to cover staff time. He stated that any recommendation that the Planning Commission makes will ultimately need approval from the Township Board.

Essenberg found from Tingley that the proposed permit cost was arbitrary at this point and could be changed.

Essenburg, Thomas and Haagsma discussed an overall permit fee versus a fee per day.

Rober felt that the time period should be reduced because we will have signs in bad repair and falling down.

Zandbergen stated that there should be a fee for the permit, but feels 45 days is not long enough to advertise and that we need to help the small businesses that cannot afford large scale advertising.

Rober disagreed and stated that when the signs are in place for a long period of time they become unnoticed by consumers and are not effective.

Chair DeWard stated that the Planning Commission needs to make a recommendation to the Township Board and feels that there needs to be some compromise.

MOTION: By **HAAGSMA**, supported by **THOMAS**, to recommend approval of the proposed text amendment to the Township Board.
YES: DeWard, Zandbergen, Essenberg, Thomas, Haagsma.
NO: Rober.
ABSENT: Waayenberg.

MOTION CARRIED.

VI. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.

VII. **DEVELOPMENT REVIEW AND OTHER MATTERS:**

1. Special Use Permit (File # 071227FM) – 2540 Crystal Meadow Street SE - Request to keep 6 chickens in a Residential zoning district per Section 20.3 of the zoning ordinance.

MOTION: By **ZANDBERGEN**, supported by **HAAGSMA**, to remove the item from the table.

YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.

NO: None.

ABSENT: Waayenberg.

MOTION CARRIED.

Josh Mollan (applicant), 2540 Crystal Meadows Street SE, submitted a site plan showing the chicken coop closer to the house and more towards the west property line.

Chair DeWard found that the coop will be made of stockade wood.

Chris Nelson, 2526 Crystal Meadows, stated he is the neighbor to the west, has never had any problems with Mollan, was not asked before he got the chickens, is opposed to the keeping of chickens due to odor and health issues, and provided a previous letter in opposition. He stated the proposed site plan location is directly behind the garage and closer to his bedroom and that moving the chickens does not change the original reasons that they were opposed to the chickens. He stated the proposed fence will not help as they have an air conditioning unit between their homes and fear that the smells will be pulled in.

Zandbergen found from Tingley that the property is located in the Sienna Pointe PUD, but that there are no PUD restrictions regarding the keeping of animals.

Essenberg found that the request was initiated through a complaint.

Zandbergen stated that chickens can be loud and smell, but if the coop is taken care of, the odor and nuisance level should be minimal.

Essenberg stated that he feels that the approval of this request could set a negative precedent.

Zandbergen found that Tingley would not be in favor of approving the request with the condition that there be continual inspection of the property.

Thomas asked whether locating the coop under the deck would be more appropriate, and found that the neighbor to the east would not want that.

Haagsma stated that any pet will produce odor and noise and questioned how much more the chickens would affect neighbors than another other outdoor pet, such as a dog.

MOTION: By **ZANDBERGEN**, supported by **ESSENBERG**, to deny the request, with the condition that the chickens be removed in 60 days.

YES: DeWard, Zandbergen, Essenberg.

NO: Thomas, Rober, Haagsma.

ABSENT: Waayenberg.

MOTION FAILED.

Chair DeWard found from neighbors that fencing would not provide a solution.

Mollan stated that he feels that the odors and noise are not an issue as the coop is clean and questioned if he would need a permit to pen dogs in that same spot.

Teresa Nelson, 2526 Crystal Meadows, stated that she thought the ordinance was intended for the protection of nearby residents, and felt that this request does not meet the standards.

MOTION: By **ZANDBERGEN**, supported by **ROBER**, to table the request for further review.
YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

2. Kentwood Schools PUD (File # 070425KP) – Major Amendment - Review of proposed amendment to allow 1-billboard on the PUD.

MOTION: By **HAAGSMA**, supported by **ROBER**, to remove the item from the table.
YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

Steve Zakem, Assistant Superintendent for the Kentwood Public Schools, thanked staff and the Planning Commission for their consideration and effort over the course of the past year.

Tingley reviewed the history of the request and that the applicant is now requesting that only one billboard be allowed. The proposed billboard would meet the ordinance requirements of size, height, and location. However, as before with the two-billboard request, the Planning Commission needs to focus on whether or not the nature and use of this PUD lends itself to a commercial or industrial nature.

Chair DeWard stated that he has given much consideration to the request and has become comfortable with a one billboard proposal and feels that the request is unique enough that it will not set a negative precedent and should not have an adverse affect on the area.

Haagsma confirmed with Tingley that if the Planning Commission was inclined to recommend approval to the Township Board, it should document its finding in a resolution.

Rober stated it is still a school property and she is opposed to the request.

Essenberg stated that he is also opposed to the billboard.

MOTION: By **ZANDBERGEN**, supported by **ROBER**, to adopt Resolution No. 08-01-PC, recommending that the Township Board deny the request.
YES: Zandbergen, Essenberg, Rober.
NO: Thomas, DeWard, Haagsma.
ABSENT: Waayenberg.
MOTION FAILED.

Tingley confirmed that the ordinance requires that the Planning Commission make a recommendation to the Township Board.

MOTION: By **ROBER**, supported by **THOMAS**, to table the request until April 24, 2008 when the full

Planning Commission may be available.
YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.

3. Site Plan Review (File # 080218EP) – 6616 Crossings Drive SE - Site Plan Review for National City Bank.

Josh Eblem, GDP Group, reviewed the submitted site plans, landscaping, exterior of the building, and signage plans. He stated that the request meets setback requirements and that staff seemed favorable.

Chair DeWard asked if the applicant had received approval from the KCRC and found from Haagsma that the driveway location had been approved.

Haagsma stated that the KCRC may have an issue with the sidewalk location, as typically it is located 1 foot from the right-of-way. He stated that MDOT used to own this parcel and when it was sold, an easement was granted to the KCRC along the east property line for future capacity improvement.

Tingley stated that the sidewalk location could be a condition of approval based on KCRC requirements.

Chair DeWard asked about the nature of the building and whether it fit in with the theme established by the other buildings in the office park.

Haagsma stated that the brick façade and peaked roof lines matched the character of the surrounding buildings.

Chair DeWard stated that staff had issues with the lighting and signage and asked staff to clarify their request regarding the light shields.

Tingley stated that staff was comfortable with shields only on the three poles on the west side of the parcel.

Eblem stated that they would be comfortable with that request.

Chair DeWard cited staff's concerns regarding the pole sign.

Haagsma agreed with staff comments and stated that other area banks have ground monument signs and that nearby pole signs are in commercial zoning areas.

Zandbergen stated his concern about the view of traffic as it relates to the location of the monument sign.

Haagsma stated that the sign would be located far enough away from the intersection so as not to cause sight issues.

Rober felt a pole sign was not needed as people will see the sign at ground level.

Chair DeWard reviewed staff's recommendations for a proposed monument sign, the site lighting and the sidewalk location.

MOTION: By **ZANDBERGEN**, supported by **ROBER**, to grant site plan approval, with the following conditions:

1. Proposed pole sign must be changed to a monument-style sign with a maximum advertising area of 50 square feet, an overall maximum height of 8 feet, with overall sign design to be approved by the Planning Director through a separate application based on these requirements.

2. The fixtures contained on the three light poles along the west property line must be shielded on the west (residential) side of each shoebox with a drop-down style shield as depicted in the staff report (File No. 080218EP – report date 3/18/2008).
3. The sidewalk must be located according to the requirements of the Kent County Road Commission.

YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

4. Stoneco – 2008 Annual Operating Plan - Review and approval of annual operating plan for 100th Street/Eastern Avenue mining operation.

Tony Halloran, Stoneco, reviewed the 2007 reclamation, maintenance activities, the location of the wash pond, and presented the extraction/reclamation plan for 2008. He stated that they will be requesting a variance to mine within a 100 foot setback area that is required along the east property line, adjacent to the Fennema and KCRC properties, similar to a request that was granted by the ZBA in 2005.

Haagsma stated he had been impressed with the reclamation of the Heintz property at the committee's review in November.

The Planning Commission discussed with the applicant how they would grade the property adjacent to the Fennema and KCRC properties if the ZBA approved the variance.

Chair DeWard questioned if the mining will be done by the 2011 end date identified by staff and found from the applicant that Stoneco felt 2013 was a more accurate year for completion.

MOTION: By **ZANDBERGEN**, supported by **HAAGSMA**, to approve the 2008 Annual Operating Plan, with the following condition:

1. The Zoning Board of Appeals must grant approval of a Dimensional Variance to extract material within 100 ft. of the Fennema and KCRC properties.

YES: DeWard, Zandbergen, Rober, Essenberg, Waayenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

5. Land Development Ordinance - Discussion and appointment of committee.

Tingley stated that now that the new zoning ordinance had been adopted, staff would like to shift the focus onto a proposed "land development ordinance", which would contain regulations for subdivisions, site condos, private drives, land divisions, etc. An effort was made 10 years ago to draft such an ordinance and for various reasons was never fully completed. Staff feels this could be a 12-18 month project, but with the work that had been done previously, the project may be shorter and easier than expected. It was also expected that staff would approach other public agencies and private sector representatives for input on the project.

Chair DeWard stated that it makes sense to approach this topic again and found from Tingley that he is suggesting a committee of himself, the Township Engineer, the Township Fire Chief, and 2 Planning Commissioners do the ground work.

Rober and Zandbergen volunteered to staff the committee.

MOTION: By **HAAGSMA**, supported by **ROBER**, to appoint said committee and direct staff proceed with the creation of a Land Development Ordinance.
YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

6. Billboard Regulation - Discuss potential amendments to the zoning ordinance regarding billboards.

Tingley stated staff is proposing review of Township regulations for billboards and develop some alternatives.

MOTION: By **ROBER**, supported by **THOMAS**, to direct staff to pursue changes to the billboard regulations of the zoning ordinance.
YES: DeWard, Zandbergen, Rober, Essenberg, Haagsma, Thomas.
NO: None.
ABSENT: Waayenberg.
MOTION CARRIED.

VIII. COMMITTEE REPORTS:

1. Site Plan Review Committee:

Tingley stated that the committee had granted site plan approval for R&T of West Michigan, which would be relocating within the Dutton area to land owned by High Grade Material near 68th and East Paris.

Haagsma stated that the Township Board approved an early building permit at their March 24 workshop meeting for R&T, subject to a letter of credit for the public utility construction costs.

2. Parks and Recreation Committee

Tingley stated the committee has been focusing on the May 3rd Trail Walk/Lane Dedication event.

IX. DISCUSSION: None.

X. ADJOURNMENT.

MOTION: By **ZANDBERGEN**, supported by **HAAGSMA**, to adjourn.
AYES: Zandbergen, Rober, Essenberg, Thomas, Haagsma, DeWard.
NAYS: None.
ABSENT: Waayenberg.
MOTION CARRIED.

Meeting Adjourned at 9:26 p.m.