

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION
FOR THE REGULAR MEETING HELD ON
DECEMBER 15, 2016
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 Vice Chair Giarmo. A quorum was present.

Giarmo

MEMBERS PRESENT: Talimma Billups, Brad Burns, Robert DeWard, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

MEMBERS ABSENT: Louis Waayenberg (With Notice)

OTHERS PRESENT: Mark Sisson, Township Planner / Zoning Administrator, Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

No Changes

III. CONSIDERATION OF MEETING MINUTES

November 17, 2016 – Regular Meeting Minutes

Motion: By Member Haagsma supported by Member Rober to approve the minutes for the November 17, 2016 Planning Commission Regular Meeting.

Discussion: None

Ayes: Talimma Billups, Brad Burns, Robert DeWard, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. New Business

1. Advertised Public Hearing Items

a. Creekside Storage PUD Rezoning

Public hearing for proposed Planned Unit Development Rezoning of approximately 22.38 acres of land from RL-10 (Residential) to allow: (1) a two-family residential development of 18 buildings (36 units) on 11.5 acres, and (2) a self-storage facility on 10.8 acres. The property is situated between 68th Street and M-6 Freeway.

Vice Chair Giarmo introduced the item and explained the procedure of a PUD rezoning.

Rick Pulaski, Nederveld

The development will be located off of 68th Street between Eastern and Kalamazoo Avenues. The site is surrounded by residential areas to the east and south, Creekside Park to the west and M-6 to the north. The site will be accessed from 68th Street by a private street that will be lined with eighteen 2-unit condominium buildings. The condos should not generate a large amount of traffic or noise as condominium owners tend to be over the age of 50. The private road will lead to a personal mini-storage facility along M-6. This proposal features more residential units than previous proposals because the developer has entered into an agreement to purchase a portion of the large vacant lot adjacent to Stroo's Funeral home. The development will be connected to public utilities. The property is currently zoned RL-10. Developing the property under its current zoning (RL-10), the property could be developed with approximately 88 single family homes. In response to feedback from residents of the neighborhoods to the east the pedestrian connection to the neighborhood has been removed. The storage units will be located approximately 100 feet from the adjacent neighborhoods and will be buffered by a large, landscaped berm, which should almost completely obscure almost all visibility of the facility from Bintree Drive. Allowing the storage units as part of a PUD will be of a benefit the adjacent neighborhoods as storage facilities will generate less traffic and noise than a traditional residential development. The facility will have staffed hours Monday thru Saturday, with keypad entry for non-staffed hours.

Vice Chair Giarmo opened the public hearing at 7:25 PM

Brooke Viola, 1220 Bintree Drive

Rich Dykhouse has agreed to add a smaller berm near her home at the end of Bintree. Viola wanted to make sure that this element was stated in the public record. She added that the neighbors on Bintree should not have any problems if both of the berms are built as promised.

Robert Deacon, 1094 68th Street

Read from letter submitted to Planning Department on December 14, 2106. Vice Chair Giarmo entered Deacon's letter into public record.

Mark Hoogsteen, Valley Spring Lane, Leisure Creek HOA President

Hoogsteen stated that he was speaking on behalf of the residents of Leisure Creek, who had questions pertaining to the differences between this development and the proposed Hanna Lake Trails residential development east of Leisure Creek. Hoogsteen inquired as to whether or not the proper permits had been pulled by the MDEQ and the Kent County Drain Commission and if the developer had permission to remove trees from their property. Hoogsteen also wanted clarification as to why this development wasn't required to connect Bintree Avenue to 68th Street. Vice Chair Giarmo informed Hoogsteen that Creekside was being proposed as a Planned Unit Development, which allows more for flexibility in site design than standard zoning. The Hanna Lake Trails development next to Leisure Creek is a purely residential project being developed under normal zoning and therefore was required to connect to Hanna Lake Trails. Member Haagsma informed Hoogsteen that property owners do not need permission to remove trees from a site so long as they didn't impact the drain or change the site grading.

Vice Chair Giarmo entered a letter from Tom and Heather Quist into the public record and closed the public hearing at 7:35 PM.

Planner Sisson gave an overview of the questions that the Planning Commission should discuss. The first issue is whether or not the development complies with the Master Plan. In the past the justification has been made that storage units are complementary to residential uses and thus could be considered consistent with the Master Plan isn't so explicit that it can be precluded. This remains a valid argument, but if the Planning Commission now finds that storage units are not consistent with the Master Plan they would have the option to either update the Master Plan to allow storage units in residential areas or deny the request outright. The Planning Commission should go on record about their findings relative to pedestrian connectivity on the site. Past plans have shown a sidewalk connecting Bintree Drive to Creekside Park, but concerns from neighbors caused the developer to remove this from the currently proposed plan. There are no specific standards listed for storage units, but the 5 spaces seems to be a reasonable number. The Planning Commission should decide whether or not the resolution provided to them by Staff adequately addresses all of their concerns. The resolution will be updated to reflect the fact that the developer will be required to pay for the installation of streetlights as Consumers Energy has changed their policies and will no longer install street lights on private streets.

Vice Chair Giarmo inquired about the phasing of the development. Sisson stated that two duplexes would be built adjacent to 68th Street in the first phase of the development with the other units being built as needed. Previous resolutions have required the developer to complete all units within six years. This requirement could be removed from the current resolution if the Planning Commission doesn't find it necessary. Member Haagsma stated that this requirement had put into place because previous proposals didn't plan for residential units to be built during the first phase. The cost of infrastructure on the site should provide the developer with enough incentives to complete the buildout of the site.

Vice Chair Giarmo asked for comments about the proposal's consistency with the Master Plan. Member Haagsma stated that the provided resolution gave a satisfactory justification for allowing storage units within an area planned for low-density residential.

Vice Chair Giarmo asked for comments about the issue of pedestrian connectivity of the path. Member Rober stated that the Planning Commission should not require a pedestrian connection in this instance because the residents on Bintree Drive strongly opposed such a connection in the past.

Members Rober and Burns asked the developer Rich Dykhous about how the storage facility will operate. Dykhous responded that facility will be staffed from approximately 8-6 PM on Monday thru Saturday. The office will be attached to building 4 inside the gate. There will be a keypad for entry during non-staffed hours that allows the owner to keep track of who has entered the facility. Electricity is only provided to units under very specific circumstances to prevent people from living there.

Martha Deacon of 1094 68th Street asked for permission to speak about the issues related to traffic. As stated in their letter she and her husband submitted to the Planning Commission, they live across the street from the development and are concerned about the amount of traffic this development might generate. Member Haagsma responded that the Township cannot stop private citizens from developing their properties without purchasing their property. This proposal should generate significantly less traffic than if the site was developed a purely residential development as allowed under current zoning.

Brooke Viola asked for permission to speak one more time. She asked if construction traffic would access the site through Bintree or from 68th Street. Mr. Dykhous confirmed that construction traffic will access the site from 68th Street.

Motion: By Member Haagsma supported by Member Burns to approve Resolution 16-12-1PC recommending approval of the proposed rezoning request from RL-10 to PUD for the subject properties.

Discussion: Add Brook's Berm, Take out six year requirement

Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

Nays: None

Abstain: None

Motion: Passed

b. Special Use Permit: Agricultural-Rural Enterprise: 640 92nd Street SE

Special Use Permit Request for an Agricultural-Rural Enterprise in the Agricultural-Rural Residential zoning district. The permit would allow for an existing barn and yard area on the 9.75 acre property at 640 92nd Street SE to be used as a commercial wedding venue.

Peter Graham, 640 92nd Street

Mr. Graham opened by stating that he was seeking a special use permit to allow his property to be used as a commercial wedding/event venue before committing to the expensive upgrades required to bring his barn up to commercial building code standards. He then explained the elements of his site plan. Weddings will be performed in the garden in the north of the site. Receptions will be held in the barn in the center of the site. The parking area will be an unpaved grass area to the east of his barn. Mr. Graham stated that he had spoken with the majority of adjacent property owners and that they were all in favor of his proposal.

Planner Sisson addressed some outstanding issues. When Mr. Graham came before the Planning Commission for an informal advisory consult the issue was raised about whether or not the Agricultural-Rural Enterprise Special Use Permit pertained only to active farming sites. It is unclear whether or not that was the intention of the ordinance, but following the exact wording in the ordinance leads to an issue of enforceability. It would be difficult to keep track of whether or not these developments continued to maintain active farming sites after their approval. It is therefore problematic to hold that a requirement of approval for these types of permits. The Planning Commission should be more concerned about how proposed uses will impact surrounding properties.

The Staff Report contains a graphic that illustrates how noise from the barn might impact surrounding properties. The proposed use has the potential to cause annoyance to neighbors if not properly regulated. There is also an issue of whether or not the headlights of traffic exiting the site will negative impact the neighbor directly across the driveway. Mr. Grahams should be required to pay for the installation of a buffer on his neighbor's property if it is requested to decrease the glare from exiting cars.

Public Hearing Opened and Closed at 8:20 PM.

Member Billups asked the applicant what time of year the applicant plans to hold events and if he plans to host events other than weddings. Mr. Graham responded that he would like to be able to use the barn

for wedding receptions and other general assembly uses such as graduation parties and family reunions. He is not going to heat the barn, which naturally limits the use of the site from Mid-May thru Mid-October.

Member Rober asked the applicant if he planned to connect the barn to water and electricity. Mr. Graham stated that he will be required to do this to bring his building up to commercial code.

Vice Chair Giarmo asked the applicant if he is willing to pay for landscaping on the property across from his driveway. Mr. Graham stated that he would be willing to work with his neighbor if the glare from headlights became an issue.

Member Haagsma stated the amount of parking is only a concern insofar as it impacts the amount of traffic entering and exiting off of 92nd Street. He added that the issue of noise pollution should be minimal if music/live bands are required to be kept within the confines of the barn. Planner Sisson added that there were numerous controls that could be required to minimize the amount of noise that escaped the barn.

Member Thomas asked the applicant if he planned to prepare food in the barn. Mr. Graham responded that food will be prepared off-site by caterers. Catering companies would be in charge of the dispensation of alcohol as well. Mr. Graham is planning on limiting alcohol to beer and wine.

Member Burns asked the applicant to discuss the amount of site lighting indicated on the site plan and whether or not it's sufficient to light the parking area. Mr. Graham responded that there will be two security lights on the barn and nearby shed that should sufficiently light the parking area. Mr. Graham stated that he would add additional lighting if required, but preferred to keep it to a minimum to not disturb neighbors.

Motion: By Member Haagsma supported by Member Rober to approve the Special Use Permit request for an Agricultural-Rural Enterprise subject to the following conditions:

1. The applicant shall agree to pay for screening on or off site to reduce/prevent glare onto property located at 692 92nd Street if neighbor requests it.
2. The approved hours of use for the site are 3-11 PM (Friday-Sunday) from May to October.
3. Loud music and other potential noise disturbances are to be conducted completely within the barn.
4. The noise level at the outside wall of the barn shall be limited to 90 decibels.
5. The applicant shall limit guest parking to 45 vehicles to reduce traffic and nuisance concerns.

Discussion: None

Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

Nays: None

Abstain: None

Motion: Passed

Site Plan Review

b.Switch Data Center, 6100 East Paris Avenue SE

Site Plan Review for a 382,000 square foot SuperNap data center to accompany their existing data storage operation currently being developed within the former Steelcase Pyramid facility.

Adam Cramer, Switch:

Opened with an overview of the current status of the site. Development of the site has progressed much quicker than expected. The data center within the Pyramid is currently up and running. The State of Michigan is the first client to utilize the facility. Construction has progressed to the point that it is necessary to obtain approval for construction of the first data center outside of the Pyramid.

Representatives of Switch then presented a brief animated video with three dimensional renderings of the proposed data center.

Vice Chair Giarmo asked Planner Sisson to discuss any issues or questions pertaining to the site plan for the proposed data center. Sisson responded that the majority of the questions identified by Staff had been addressed by Switch prior to the meeting. The landscaping for the site is unique, but meets the intent of the ordinance. Areas suitable for the planting of landscaping were limited by the existence of easements around the perimeter of the site, especially along East Paris Avenue. The facility will be surrounded by a security wall and fence, which negates the need for traditional parking lot landscaping. Landscaping around the entrance gate to the data center has been substituted for parking lot landscaping. The original site plan for the site indicated parking spaces well in excess of the 25% increase over the minimum parking space requirement permitted by right under the ordinance. The rationale behind limiting parking spaces is to limit the amount of impermeable surface area on a site. Switch submitted revised plans that removed the designated spaces, but left the same amount of impermeable surface. Switch has provided a rationale that deliveries and maintenance of the facility necessitates that the area be paved area to be easily accessed and navigated by large trucks. Sisson stated that while the level of impermeable surface might have a small effect on drainage and snow storage/removal on the site, these are more operational issues and Township Staff are satisfied with this aspect of the site plan. The Township Engineer and Dutton Fire Chief have reviewed the plans and found that there are some minor issues that can be resolved by continued communication and participation on the part of Switch following site plan approval by the Planning Commission. Switch will also have to work with the Byron-Gaines Utility Authority on an agreement to allow access to the site in the event the BGUA needs to emergency access to pipes located within the walled area.

Vice Chair Giarmo asked the Switch representatives for further clarification about the amount of parking they will need. Cramer reiterated the justifications presented by Planner Sisson and added that the site will be in use by not only Switch employees, but also by clients working on their individual servers. Paving the entire area on the interior wall also makes it easier to prevent foreign materials from entering into the air intake areas and disrupting the controlled environment within the data center itself.

Motion: By Member Haagsma supported by Member Rober to approve the site plan for the 382,000 square foot Switch SuperNap data center with the following conditions:

1. All requirements and conditions required by the Township Engineer shall be met.
2. All requirements and conditions required by the Dutton Fire Chief shall be met.
3. The applicant coordinate with the Township Engineer and Byron-Gaines Utility Authority to develop an agreement related to access to the project site.

Discussion: None

Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

Nays: None

Abstain: None

Motion: Passed

c. **Everett's Landscaping**

Site Plan Review for improvements to property located at 240 84th Street to allow for the eventual construction of a landscaping operation.

Jeff Brinks, William & Works:

The proposal is for improvements to the site, which will allow for it to eventually be used as a landscaping operation. The property was rezoned and received a special use permit to allow this use earlier this year. There were two conditions of approval listed in the Staff report. The first was that formal landscaping plans and/or pictures be submitted prior to construction of buildings on the site. Everett's will include this information prior to any future requests. The second condition was for compliance with any requirements set forth by the Township Engineer. The main issue outlined in the Engineer's Report was the size of the detention pond. Brinks stated that he had been in contact with Township Engineer Jeff Gritter and is working on addressing this and several smaller issues.

Vice Chair Giarmo asked Planner Sisson to comment on the item. Sisson expressed general approval for the layout of the site and noted the only area in need of deliberation was whether or not the Planning Commission would like to see Everett's install more landscaping especially along the eastern property line. This was an area where neighbors had expressed concerns at the public hearing for the special use permit during the summer. Sisson also questioned Brent Diemer from Everett's Landscaping as to whether or not he they planned to have sales on the site prior to construction of the pole barn and office on the site.

Brent Diemer, Everett's Landscape Management

Brent Diemer informed the Planning Commission that there are no plans to sell hardscaping items on the site at this time, but it's possible they might sell plantings and trees. Brent Diemer informed the Planning Commission that he had already planted several 20 foot tall evergreen trees along the property line where home owners had expressed concerns. Eventually the plan would be for somewhere from 6-12 trees to be planted in this area. Diemer stated that they will be contacting the adjacent property owners to discuss

trimming some of their trees that overhang onto Everett's property and offer to plant additional buffer trees on their properties to compensate for this. Diemer stated that they are planning on making improvements shown on the site plan during the winter of 2017 and hope to return to the Planning Commission in November 2017 for permission to construct the pole barn. Everett's hopes to have all irrigation, drainage, and driveways installed by spring of 2018. The office for the property will be constructed within the next 5 years. Jeff Brinks added that part of the reason they are waiting on the office is that sewer will not be available to the site until 2020.

Motion: By Member Rober supported by Member Thomas that based on the above findings and conclusions, to approve the site plan for improvements to the property located at 240 84th Street with the following conditions:

1. That the applicant submit a more detailed landscaping plans and/or pictures of growing areas prior to approval of any subsequent phases of development.
2. That the applicant comply with any requirements or conditions set forth by the Township Engineer

Discussion: None

Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas

Nays: None

Abstain: None

Motion: Passed

d. Cook's Crossing/Weathervane Phase 5 Site Condominium Review

Site Plan Review for two additional phases of the Cook's Crossing/Cobblestone Corner PUD.

Mike McGraw, Eastbrook Homes

Eastbrook Homes is looking for approval for new phases for the Cook's Crossing and Weathervane developments. The current plan is for the Cook's Crossing Phase 5 to be constructed during the 2017 construction season, with the Weathervane Phase 5 following sometime after that. Eastbrook appreciates the Township's PUD process as it allowed them to build homes on smaller than normal lots, which has made them more affordable and thus very marketable.

Planner Sisson explained gave a brief explanation of the conditions of approval listed in the staff report. As the Cook's Crossing/Weathervane PUD comes closer to completion it is important to address the issue of creating a connection from the development to 84th Street. As a condition of approval Eastbrook needs to create a development agreement promising that they will allow future developments to the south to connect to the private roads in Cook's Crossing/Weathervane whether or not it is developed by Eastbrook Homes. McGraw stated that Eastbrook would be agreeable to such an arrangement provided construction traffic to the site was required to access off of 84th Street.

Motion: By Member Rober supported by Member Haagsma to grant final site plan approval to Phase 5 of the “Cooks Crossing” Site Condominiums and Phase 5 of the Cobblestone Corners – Weathervane Site Condominiums subject to the following conditions:

1. That in fulfilment of Condition #13 of Township Board Resolution No. 09-03-TB, the applicant must deed a ten foot wide strip at the end of Cobblestone Way to the Township or by other means acceptable to the Township, warrant that the private street system currently ending at the east stub of Cobblestone Way may be, without compensation, extended and interconnected with future residential development to the east, whether as a future development project of the Eastbrook Homes or one done by others.
2. That final construction plans for each phase be reviewed and approved by the Township Engineer.
3. That the applicant and Township review existing non-motorized trail easements through the development that have been granted to the benefit of the Gaines Township and update them as necessary to identify and any gaps and that the easements be updated or expanded as needed to ensure unimpeded public access through the development as intended.
4. That housing styles used in each phase remain consistent with those utilized in the preceding phases.
5. That sidewalks be installed in each phase and that streetscapes utilized in the preceding phases be continued.
6. That streetlights in each phase be installed but that the creation of a special assessment district for such is no longer mandatory given the Consumers Power directive that streets street light on private streets can no longer be public.
7. Neither phase is eligible under the early start provisions of Section 22-107(b). Final site condominium plans (Proposed Master Deed and Exhibits) must be submitted and approved by the Township Board in accordance with GCTZO Section 4.12E and the condominium project must be recorded and incorporated prior to the issuance of building permits in each phase. Final detailed site plans for streets, utilities, grading and other improvements needed to satisfy the requirements of GCTZO Section 4.12E are therefore required and Township Code Sec. 22.107 must be met and approved by the Township Board, based on the recommendations of the Township engineer.

Discussion: None
Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober, Lani Thomas
Nays: None
Abstain: None
Motion: Passed

VII. UNFINISHED BUSINESS
None

VIII. GENERAL DISCUSSION

1. Dutton Trail

Motion by Rober Burns support to set a public hearing for this item.

2. 2017 Meeting Schedule

Planning Commission expressed approval for 2017 Meeting Schedule

IX. ADJOURNMENT

Motion: By Member Thomas supported by Member Rober to adjourn the meeting.

Discussion: None

Ayes: Talimma Billups, Brad Burns, Connie Giarmo, Tim Haagsma, Ronnie Rober,
Lani Thomas

Nays: None

Abstain: None

Motion: Passed

Meeting adjourned at 9:35 P.M.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the December 15, 2016 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,

Lani Thomas, Secretary
Gaines Charter Township
Planning Commission

Dated: January 26, 2017