

Minutes of the Gaines Charter Township Planning Commission

Regular Meeting held December 19th, 2024, at 7 pm

8555 Kalamazoo Ave., SE, Caledonia, MI 49316

MEMBERS PRESENT: Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema, Giarmo

MEMBERS ABSENT: None

STAFF PRESENT: Dan Wells, Community Development Director; Dakota Swan, Assistant Planner

I. CALL TO ORDER AND ROLL CALL

Chair Giarmo called the meeting to order at 7:02 PM.

II. CONSIDERATION OF MEETING AGENDA

No changes to the agenda.

III. CONSIDERATION OF MEETING MINUTES

Consideration of the November 21st, 2024, regular Planning Commission meeting minutes.

Motion: Motion by Waayenberg, supported by Rober to approve the minutes of November 21st, 2024, with corrections.

DISCUSSION: None.

AYES: Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (7-0)

IV. INQUIRY OF CONFLICT OF INTEREST

None.

V. PUBLIC COMMENT

VI. NEW BUSINESS

1. Public Hearings

a. 1627 Sunny Glen – SUP for Chickens in RL-14

No applicant or representative on behalf of this application was present, so Community Development Director Dan Wells gave an overview of this project. Wells said this request is for a Special Use Permit to allow chickens to be kept in the RL-14 zoning district; typically, keeping of non-household animals is limited to agricultural districts, but RL-14 serves as a sort of informal transitional area between the residential and agricultural districts. Although the applicants did not specify the number of chickens they intend to keep, Wells said the applicant did discuss allowances with him and agree to keep a number of chickens that is consistent with 10 per acre. The coop that the applicant intends to use is already under construction and meets all setback requirements for an accessory building in the RL-14 zoning district. Wells said that the only question regarding this request is whether approving this request would be consistent with the suburban residential zoning district, as outlined in the Master Plan. On smaller lots this request may be inconsistent or inappropriate, however, staff found that this scale seems sufficient as there is plenty of separation to mitigate nuisance from either smell or sounds, which are oftentimes the most common complaints from neighbors when a resident is keeping chickens. Wells added that the coop seems to be adequately sized for the number of chickens the applicant intends to keep, and that the visual impact of the coop on adjacent properties is anticipated to be minimal and relatively unobtrusive.

Chair Giarmo opened and subsequently closed the public hearing as nobody approached the podium to speak.

Chair Giarmo asked the Planning Commission if they had any concerns about this request, to which nobody replied.

Commissioner Haagsma stated that given the size of the property and the proximity of neighbors, he is comfortable with this request.

- MOTION:** Motion by Haagsma, supported by Waayenberg to approve the Special Use Permit with the following conditions.
1. Applicant must clarify the number of chickens they intend to keep is consistent with 10 chickens per acre.
 2. Applicant must install fencing surrounding the coop and chicken run.
 3. Only hens be kept on the property.
- DISCUSSION:** Commissioner Wiersema inquired about the distance between the side property lines and the coop; Assistant Planner Swan did a rough measurement and determined it will be approximately 30 feet from either side property line.
- AYES:** ALL
- NAYS:** None
- ABSTAIN:** None
- DECISION:** Motion Carried (7-0)

b. 520 68th Street – SP Legacy Christian Monument Sign in RL-10

Mike Tiesma of Midwest Sign Company explained that this request is for a monument sign at Legacy Christian School that features an LED message center in the RL-10 zoning district. The sign is planned to be installed in the same spot that the current sign sits.

Planner Wells explained that the sign is planned to be 48 square feet in total with an internally illuminated sign cabinet on top, and an LED message center on the bottom. The Zoning Ordinance stipulates that the LED message center may only take up 40% or less of the sign, which is satisfied by the proposed sign. Wells said that as long as the Planning Commission finds that the proposed sign is appropriate for the location and doesn't contribute any light spill to the immediate area, it should be permitted. Wells added that staff found no adverse impacts to be present with the proposed sign, and that ground mounted monument signs are fairly typical for institutional uses in the Township. Wells concluded by saying that this is a relatively straightforward request, and staff is recommending approval as presented.

Chair Giarmo opened and subsequently closed the public hearing as nobody approached the podium to speak.

MOTION: Motion by Waayenberg, supported by Rober to approve the Special Use Permit for an internally illuminated monument sign featuring an LED message center in the RL-10 zoning district.

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (7-0)

c. 1718 68th Street – SUP for Accessory Building

Richard Latta, the homeowner and applicant for this project, explained that he is requesting a Special Use Permit to construct a 2,400 square foot accessory building for residential storage purposes. Latta explained that he is seeking a larger building to accommodate his belongings and keep them safe on his property.

Planner Wells explained that typically in the RL-10 zoning district, applicants are limited to 1,200 square feet, hence why a Special Use Permit is necessary for this request. Wells reiterated that the applicant intends to use the building for residential storage, specifically to store vehicles and hobby trains. Furthermore, there are no accessory buildings on the site. The Future Land Use Plan designates this parcel as Suburban Residential (SR); while accessory buildings are called for in the SR designation, it is undetermined whether the size of the proposed building is appropriate for the area. The proposed building is approximately two times larger than what is allowed by right, however, if the Planning Commission finds that the standards outlined in Section 20.2(D) are met, the building would be permitted.

The only significant adverse effects from this request would be visual, as the building would be seen by several neighbors to the south and east of the applicant's property. Planner Wells also mentioned that the parcel is quite small considering the size of the proposed building, which will heighten the visual impact of the building from adjacent properties and 68th Street as well. All setback requirements are met, and although it would be one of the largest accessory buildings in the immediate area, Planner Wells did mention that a similarly sized building was approved for a property also on 68th Street. Wells added that the proposed accessory building takes up approximately 6% of the total lot area, and staff is not making a recommendation on this application as the Planning Commission must deliberate on whether the size of the building is appropriate.

Wells stated that if the Planning Commission approves this request, staff would then recommend two conditions of approval; the accessory building must be architecturally similar to the home on the parcel, and sufficient screening must be implemented.

Chair Giarmo opened the public hearing.

Scott Collins of 1699 Golfside Court stated that he has no issues with this project, however, he asked the applicant to install a 6-foot-tall fence as close as possible to the property line to screen the view. Collins also discussed landscaping and ensuring that any landscaping is maintained by the applicant.

Mark Berghoff of 1749 Spring View Court SE stated that he will have a direct view of the building, and although he respects the applicants right to use his property, Berghoef would ideally like to see the building as far north on the parcel as possible so as to be minimally obstructive.

Michael Phillips of 1688 68th Street stated that he has no issue with this request and added that Latta does everything well and he is sure that Latta will meet any expectations set for the construction of the building.

Chair Giarmo closed the public hearing.

Commissioner Wiersema began discussion by inquiring with the applicant about why the building is not feasible to be closer to the house, to which Latta responded that there is a small tree line obstructing the building from going there. Latta added that when the trees are in bloom, the view is substantially screened, and that he intends to work with Everett's on a landscaping plan. Latta added that he is open to complying in whatever way his neighbors would prefer. He clarified that he intends to implement landscaping surrounding the entire building.

Commissioner Haagsma inquired about what species the applicant intends to plant, to which Latta responded that he intends to plant spruce pine trees and hydrangeas but is open to planting other preferred species to accommodate the neighbors.

Commissioner Haagsma then inquired about a drainage easement on the property and how installing fencing along the property line may be problematic, to which Latta responded that he would put it south of the creek and is willing to do whatever works. Haagsma added that he believes trees planted around the building would likely screen it just as much as anything else. Commissioner Waayenberg chimed in to add that trees get better with age, whereas fences "deteriorate like the rest of us".

Planner Wells said that in terms of plantings, he suggests the Planning Commission impose a condition that requires a certain number of trees per 10 feet, so they grow and fill in over time. Wells clarified that

the building will be quite visible while the trees grow in, however, he doesn't believe a fence should be a requirement, and instead specific landscaping requirements should be imposed.

Regarding the scale of the building, Chair Giarmo stated that it is quite large, and she would have a difficult time approving an accessory building that is larger than the house in the RL-10 zoning district no matter how many plantings are proposed.

Commissioner Rober inquired about the applicant's willingness to scale the building back, to which Latta responded that he is comfortable scaling the building back to 2000 square feet.

Commissioner Haagsma stated that if the applicant returned for Planning Commission consideration on a smaller building, he would like to see a landscaping plan, a planting plan, and where they are planned to be located.

MOTION:	Motion by Waayenberg, supported by Wiersema to postpone the Special Use Permit and allow the applicant to revise the provided site plan to depict a smaller building and landscaping plan.
DISCUSSION:	None.
AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (7-0)

d. 6684 Hanna Lake – Rezone Industrial-1 to Residential-3

Giovanni Tocco, the applicant for this project, explained that he is requesting a rezone from Light Industrial (I-1) to Multiple Family Residential (R-3) for 3 parcels that he is still in the process of purchasing and combining to construct a residential building with up to six units.

Planner Wells offered the Township's perspective on this request and added that Tocco is a local builder who has been working specifically on infill projects in the Township. Wells said that the three parcels in question are part of an old plat in Dutton and that the configuration is peculiar; houses on small lots line this section of Hanna Lake, and there is an industrial park to the east. Wells speculates that the plat was laid out well before zoning laws aimed to separate out uses, and he is unsure why houses on the east side of Hanna Lake were zoned for Light Industrial to begin with. The parcels in question are quite small and have not been used industrially; there are industrial uses to the south and east of the subject parcels, however everything else in the immediate area is zoned as RL-10.

Wells explained that typically when a rezoning is requested, staff refer to the Future Land Use Plan to see if the subject parcels are designated for the proposed uses; in this instance, the subject parcels are designated for industrial use. Wells added that he is unsure these parcels would ever become industrial

uses, as expansion from the industrial parcel to the east seems unlikely, and the parcels are quite small. Wells added that the Township has never received a complaint from residents about the industrial park to the east.

Chapter 7 of the Gaines Charter Township Zoning Ordinance states that the purpose of the R-3 zoning district is to provide multifamily housing, and that Tocco usually constructs duplexes, although he is considering townhomes or a small apartment building for this project, and the rezone to R-3 would allow any of these uses. Wells clarified that Tocco is aware of the Township's desire to have a single entrance, and he is considering installing an access road to provide a single entrance/ exit point to the parcel.

Wells stated that the crux of this request for the Planning Commission is to determine whether it's appropriate to put housing next to industrial uses and determine whether it's compatible with the industrial uses to the east. Although the proposed use is not called for in the Future Land Use Plan, there is flexibility provided in the Master Plan for instances as such; the question is does the Planning Commission desire more housing, or compatibility with adjacent uses. Wells said that staff couldn't make a strong recommendation on this item and is looking to the Planning Commission for deliberation and a decision.

Chair Giarmo opened the public hearing.

Andrew Bennett of 6681 Hanna Lake stated that he does not wish to live in a neighborhood with rental properties, and that he is concerned about the additional traffic the area would see, on top of already existing traffic generated from the industrial park and Dutton Christian School.

Sue VanSingel of 6691 Hanna Lake expressed that she has lived in the neighborhood for over 40 years, and she is not in favor of a rental property across the street.

Deb Erway of Bellabay Realty explained that she has had issues trying to sell these parcels; when the zoning changed to industrial, it limited the residential uses that would be permitted on this parcel. Industrial zoning has depreciated the value of the property and has created a difficult situation for the seller.

Samantha Bennett of 6681 Hanna Lake explained that she does not wish to see rental properties across the street, and would instead want to see homes for sale with the hope that other families move in.

Michelle Harmon, the realtor representing the applicant, explained that the housing being proposed would be of high quality, and that many people prefer to rent and are tenants by choice. She explained that Tocco undergoes extensive screening for prospective tenants, and that he is meticulous about how his homes are kept and how tenants behave in them.

Planner Wells added, with regard to the debate about rental vs. owned properties, that the Township does not regulate whether a property can be rented or owned, and that the Township would simply be approving what kind of building could be constructed on the property.

Chair Giarmo closed the public hearing.

Commissioner Waayenberg began discussion by stating that he would prefer these parcels to be left as I-1, and that the only other possibility would be single family homes. Planner Wells clarified that under the I-1 zoning, no new homes would be permitted to be built, however, the already existing homes could remain. Commissioner Waayenberg inquired about rezoning to a different residential zoning designation

and added that hopefully the I-1 zoning designation would attract similar uses. Planner Wells responded that given the size of the parcels, he is unsure that an industrial user would be able to feasibly do anything there, however, commercial zoning could be a possibility.

Chair Giarmo expressed that the Master Plan was updated in 2023, and if there was a desire to rezone these parcels, it would've been addressed during that process. Giarmo added that a commercial use may be a better fit here opposed to residential or industrial use. Commissioner Rober added that she cannot envision an apartment building in this location, as there is already a lot going on in the immediate area.

Commissioner Billips inquired about townhomes vs. apartments as prospective building forms, and Planner Wells clarified that the R-3 zoning district would allow for attached single family townhomes or a multifamily apartment building, and that there would be subsequent parking and landscaping requirements. Wells added that it would not be a big apartment unit and would likely feature between 6-8 units.

Chair Giarmo added that residents moving in aren't necessarily going to know that the industrial users to the east were there first; Commissioner Rober agreed and added that the industrial park could be a point of nuisance for new residents. Commissioner Wiersema added that he is not comfortable with rezoning these parcels to R-3.

MOTION:	Motion by Waayenberg, supported by Billips, to recommend denial of the rezoning request to the Township Board of trustees based on this request being generally inconsistent with the spirit of the Future Land Use Plan.
DISCUSSION:	None.
AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (7-0)

2. Site Plan Review

a. None

3. Items not requiring a Public Hearing

a. 7174 Martin – Adult Foster Care Facility SP for up to 12 Residents

Stephen Forkpah, the applicant for this project, explained that he is seeking a Special Use Permit to increase the capacity for the Kingdom Rest Adult Foster Care Small Group Home from 6 to 12 individuals.

He stated that the center has already received approval at the State level, and they now just need to acquire Township approval.

Planner Wells explained that this request has been on the table since August and there have been several discussions with the Township Building Inspector and Fire Marshall on this project. Wells stated that the Building Inspector and Fire Marshall have walked through the property and identified several concerns that have not been addressed. Based on the physical inspection done by the Building Inspector, it was determined that the square footage of the home is inadequate to accommodate 12 residents, and that the Fire Marshall also identified deficiencies in suppression and alarm systems. In terms of other standards, Wells said that the only concern would be nuisance to neighboring properties, although there have only been 3 calls to the Kent County Sherriff's Office regarding this property since 2021, and none were regarding noise. Furthermore, the residents of the center are protected under the FHA, as it is illegal to deny individuals the right to housing based on their disability or handicap, even if they behave in ways that are atypical for the neighborhood, making such concerns obsolete in the final decision. In terms of regulations pertaining to Adult Foster Care Small Group Homes, all state requirements must be met for approval to be granted, and the Township has not been provided with any details on such requirements being satisfied. Ultimately, Planner Wells explained that concerns raised by the Building Inspector and Fire Marshall must be addressed prior to approval of the Special Use Permit. Staff is recommending denial of this application until concerns raised by the Building Inspector and Fire Marshall are resolved, as there are safety and potentially square footage concerns.

Chair Giarmo expressed that she is unsure how the Planning Commission can consider this when the Building Inspector found the square footage to be inadequate to support 12 people in the residence; she explained that it is the Planning Commissions duty to ensure that residents of the Township are safe, and the Planning Commission needs Forkpah's cooperation in meeting these standards.

Furthermore, Chair Giarmo added that the State may not delve into the details as closely as the Township does, however, the Planning Commission has the obligation to inspect items such as sprinklers and alarms.

MOTION:	Motion by Waayenberg, supported by Thomas, to bring this item back up for discussion.
DISCUSSION:	None.
AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (7-0)

Commissioner Billips stated that to her, it does not seem as though the Planning Commission has a choice, and that it would be negligent to do anything besides deny or postpone this application.

Commissioner Haagsma inquired where this item stands in terms of State approval; Planner Wells explained that they need the Township's approval of the Special Use Permit before they finalize their approval.

MOTION: Motion by Waayenberg, supported by Thomas, to deny the Special Use Permit based on standards outlined in Section 19.8 remaining unsatisfied, and items identified by the Building Inspector and Fire Marshall being out of compliance.

DISCUSSION: Chair Giarmo recommended that the applicant work with staff to bring the identified issues up to safety code to ensure that residents are safe.

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (7-0)

VII. GENERAL DISCUSSION

Recently the Township Board of Trustees has moved to make their meeting start time 6pm rather than 7pm and expressed a desire that the Planning Commission and Zoning Board of Appeals also move to 6pm; the Planning Commission was encouraged to debate this and decide whether they would like to revise their start time as well. Discussion revealed that a member of the Planning Commission would be consistently unable to arrive on time if the meeting time was revised to 6pm; subsequently, the Planning Commission unanimously discussed and decided to leave their meeting time as 7pm so as to continue to encourage full participation and include every member.

MOTION: Motion by Haagsma, supported by Rober, to keep the Planning Commission meeting time as 7pm.

DISCUSSION: None.

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (7-0)

VIII. ADJOURNMENT

The meeting adjourned at 8:37 PM.

CERTIFICATION:

I hereby certify that the above is a true copy of the minutes from the December 19th, 2024, Planning Commission Meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lani Thomas". The signature is written in dark ink and is positioned above the printed name.

Lani Thomas,

Secretary

Gaines Charter Township Planning Commission

Date: January 23, 2025