

DRAFT Minutes of the Gaines Charter Township Planning Commission

Regular Meeting held July 25th, 2024, at 7 pm

8555 Kalamazoo Ave., SE, Caledonia, MI 49316

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

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 7:01 PM.

II. CONSIDERATION OF MEETING AGENDA

Planner Wells stated that agenda item VI.2.a withdrew from the meeting and will be struck from the agenda.

Planner Wells went on to note that staff received a revised site plan for agenda item VI.1.b, in addition to digitally submitted public comments for agenda item VI.1.d.

III. CONSIDERATION OF MEETING MINUTES

Consideration of the June 27th, regular Planning Commission meeting minutes.

Motion: Motion by Wiersema, supported by Waayeneberg to approve the minutes of June 27th, 2024, as is.

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (7-0)

IV. INQUIRY OF CONFLICT OF INTEREST

None.

V. PUBLIC COMMENT

Chair Giarmo opened the public hearing at 7:03 PM and closed it at 7:04 PM as nobody approached the podium to speak.

VI. NEW BUSINESS

1. Public Hearings

a. 4142 92nd Street – Special Use Permit – Solar Panels

As no representative for the project was present, Planner Wells explained that the applicant is seeking a special use permit for consumer scale ground mounted energy collectors. The applicant has stated that the panels are to be 46" x 90", and that they will be mounted no higher than 10 feet. The Township Engineer reviewed the site plans and found no issues, and Planner Wells clarified that the Building Inspector will review all applicable permits and do inspections on the project. In terms of installation, the applicant intends to safely mount the panels to the ground, which will also be reviewed for compliance by the Building Inspector. Planner Wells clarified that the applicant is requesting 1200 square feet (SF) worth of panels, which is well below the 1500 SF permitted by the Zoning Ordinance. Staff found all special land use standards to be met and didn't find any interference with other land uses in the immediate area. Planner Wells stated that the Planning Commission must determine if the visual impact of the panels contributes to special land use standards not being met; otherwise, staff recommends approval of this project.

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

Chair Giarmo began discussion by stating that determining if the screening from the right of way will be adequate enough. Commissioner Wiersema added that it appears as though the visual impact will be significant from 92nd Street, and that it sounds as though the panels are planned to be larger than what is depicted in the site plans.

Chair Giarmo and Secretary Thomas discussed the juxtaposition of needing to adequately screen the panels so as to minimize any visual impact while also ensuring they are not over screened and are still able to catch enough sunlight.

Commissioner Wiersema expressed concern about the additional visual impact this project could have on the property to the west, in addition to 92nd Street.

Planner Wells stated that the Planning Commission could make it a condition of approval that the applicant must plant additional evergreen trees between the panels and 92nd Street.

Chair Giarmo and Commissioner Haagsma agreed that a site plan drawn to scale is necessary to deliberate on this request; the Planning Commission needs to be able to ensure that all setbacks will be met. Ultimately the Planning Commission needs additional information from the applicant to be able to deliberate this matter further.

Motion:	Motion by Rober, supported by Thomas, to table this agenda item and request that the applicant submit an accurate and drawn to scale site plan.
DISCUSSION:	None
AYES:	ALL
NAYS:	None
ABSTAIN:	None

DECISION: Motion Carried (7-0)

b. 10648 Eastern Avenue – Special Use Permit – Solar Panels

Josh Saladin, the homeowner and applicant for this project, explained that he is requesting a special use permit to install 728 SF worth of ground mounted consumer scale energy collectors.

Planner Wells added that most standards found to not be met in the staff memo have now been found to be met after the submission of the revised site plan, specifically standard 4.18 (D). The new site plan indicates that the panels were originally set to be located in the side yard but have now been relocated to the rear yard to ensure compliance with the Zoning Ordinance.

Wells noted that the Building Inspector and Township Engineer will review the project and do inspections to ensure compliance. He went on to say that although some tree removal has occurred in the southwest area of the parcel, the screening in place should still be sufficient and provide an adequate buffer between the panels and neighboring properties. So long as the Planning Commission finds the screening to be accurate, staff recommends approval of this special use permit.

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

Commissioner Haagsma expressed concern with the proximity of the panels to the neighboring property to the west and stated that so long as neighboring properties aren't impacted or concerned with this project, he doesn't have any issue approving this request. Haagsma also explained that ideally, he would like to minimize the number of trees being removed prior to installation, while also maintaining adequate screening.

Motion: Motion by Waayenberg, supported by Haagsma, to approve the special use permit and associated site plan with the following conditions:

1. The Building Inspector and Township Engineer will inspect and approve the project
2. The current screening must be maintained until the panels are removed

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: 7-0

c. 9515 Hanna Lake Avenue – Special Use Permit – Home Occupation in Accessory Building

Applicant Mark Pyper explained his request for a special use permit to allow for a home occupation in an accessory building. Pyper stated that his son started a mobile diesel repair business, however, the nature of his services has led him to need a dedicated workspace. Pyper pointed out that the accessory building in which his son's business takes place was built in 2017 without permits or inspections, because at the

time it was constructed for agricultural purposes, specifically to care for pigs that they still own and tend to.

Planner Wells explained the Township's stance on this request and stated that for a building to be exempt from the permitting and inspection processes on the premise of being an agricultural use, it must be used solely for agricultural purposes, and the agricultural operations taking place in the building must adhere to Generally Accepted Management Practices (GAMPS). Unfortunately, a few pigs in the barn would be considered subordinate to the primary use of diesel repair services; Wells clarified that the primary use of the building has changed, and at best this would be considered a residential storage structure, which would be subject to inspections and permits. Wells continued by saying that it is the Townships duty to ensure that land uses are occurring safely and being used in a safe manner; unfortunately, without inspections, there is no guarantee that anything is being conducted in a safe manner. Wells went on to state that it is challenging for the Township to grant a special use permit when there is no guarantee that it's been built to code and added that this becomes a liability for the Township. As far as regulations surrounding home occupations go, the Zoning Ordinance stipulates that vehicle repair is prohibited as a home occupation in the Township, regardless of zoning district. Wells concluded by stating that the Planning Commission must first determine if this is a vehicle repair business; if it is found to be a vehicle repair business, the rest of the discussion becomes moot as that would be a prohibited use.

Chair Giarmo opened the public hearing.

Brandon Pyper of 9515 Hanna Lake approached the podium to explain the nature of the business he conducts within the accessory building in question. He stated that some aspects of his work require a shop setting, and the ultimate goal is to get a permanent location for the business within the next few years.

Chair Giarmo inquired about what a typical repair job looks like and what type of work is done on site, despite most work done being done off site; Pyper responded that in depth engine repairs require a clean shop area, which is typically done in the accessory building. Pyper confirmed for Chair Giarmo that in instances as such, either the engine is removed and brought to the premises, or the entire vehicle is brought to the premises.

Commissioner Haagsma inquired about the type of machinery that is being worked on within the premises; Pyper responded that typically he is working on farm tractors or other related farm equipment.

Commissioner Wiersema clarified that engine repair is being done in the accessory building, to which Pyper confirmed.

Joel VanSolkema of 9375 Hanna Lake approached the podium to express support for the special use permit request, stating that he supports small businesses as such but would be weary of 5-10 employees reporting to the property, in addition to clutter that could accumulate on behalf of the business.

Planner Wells stated that staff received three public comments from residents directly adjacent to the property in question that did not support the approval of the special use permit.

Tom Polmanteer of 9399 Hanna Lake approached the podium to also express support for approval of the special use permit. He stated that he lives closest to the accessory building, and that although the doors to the building face his residence, he hasn't had any issues with the nature of the business.

Chair Giarmo closed the public hearing.

Vice Chair Rober inquired about if building permits and inspections would be required if this special use permit was granted approval; Planner Wells responded that it would be very strongly recommended that an inspection gets done.

Planner Wells advised that the discussion should be focused on the operations as being defined as "major vehicle repair" under the Zoning Ordinance. Chair Giarmo asked if it is determined that this is classified as major vehicle repair, would Pyper still be able to operate his business off site, to which Wells responded that yes, he could, however, vehicles stored in the accessory building would be limited to personal vehicles only.

Wiersema expressed that while he is very supportive of Pyper's ambition and believes small businesses are vital to the Township, this would be considered major vehicle repair according to the Zoning Ordinance, thus rendering this a non-permitted use.

Chair Giarmo explained that the business is not shut down, it just cannot take place within the accessory building.

Planner Wells explained that the intent of the regulation in the ordinance is to prevent a multitude of shops as such popping up throughout the Township.

Motion:	Motion by Billips, supported by Wiersema, to deny the special use permit to allow for a home occupation in the accessory building due to the nature of the business being found to fall under the definition of "major vehicle repair" in the Zoning Ordinance, which is a prohibited home occupation.
DISCUSSION:	None
AYES:	All
NAYS:	None
ABSTAIN:	None
DECISION:	7-0

1:03

d. 3495 68th Street – PUD Amendment/ Site Plan Review – Dutton Marathon

Adam Bryant of Irish Design & Build explained the request for a PUD Amendment/ Site Plan Review at the Dutton Marathon. This project was deliberated by the Planning Commission at the May meeting, but ultimately ended up getting tabled until the applicant could provide additional information and refine the site plans further. The basis of the project is an expansion to the Dutton Marathon to construct a 1200 SF walk-in beer cooler, while also implementing various improvements to the site, including parking lot resurfacing, adding storage space to the building, updating the landscaping of the site, and constructing an enclosure for the dumpsters.

Bryant began by discussing plans to replace damaged concrete on the site, in addition to updating the siding on the building to match the new dumpster enclosures. He also stated that the area between the building and the sewer easement that runs north of the site will be paved and used by delivery trucks. There are also lighting changes proposed around the sidewalk on the site and the dumpster enclosure that will conform to the lighting standards outlined in Chapter 17 of the Zoning Ordinance.

Planner Wells stated that downlighting is preferred so as to minimize the amount of light that spills onto adjacent properties and discouraged the use of angled LED's.

Bryant elaborated on the landscaping plan for the project and stated that the area that fronts 68th Street will be almost entirely filled with vegetation including various bushes and trees, and the housing development to the north granted him permission to landscape part of their property as well.

Planner Wells offered some context for this project and stated that at the time this PUD was constructed in the 1980's, it is possible there were no setback regulations in place, since there are no records on file that indicate what the setbacks originally were. Ultimately this PUD Amendment is to help determine the setbacks, and to decide how far back the building addition can extend, in addition to determining how close to the sewer easement pavement can be installed. Wells stated that there is adequate emergency access at the site and the Township Engineer has not expressed any concerns with the site plan. Wells added that adding lane striping for drivers coming in and out could be beneficial. As far as parking is concerned, the site was originally supposed to include more spaces, however, staff believes the current parking to be adequate.

Planner Wells went on to say that this project included too many updates to process and approve administratively, hence coming to the Planning Commission for review, and that staff has found all standards of review to be met.

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

Commissioner Haagsma expressed that he is pleased with the improvements being proposed for the site, however, he is weary of the uncertainty there seems to be surrounding certain design choices. He stated that he would like to see a definitive plan of design elements they're going to be using, rather than a swath of options that they *might* go with.

Chair Giarmo agreed and added that lighting improvements can be worked on with staff to ensure compliance with the Zoning Ordinance.

Commissioner Waayenberg and Vice Chair Rober echoed the previous concerns about uncertainty in design choices and agreed that they would also like to see some more concrete plans being proposed before they grant this project approval and ultimately make a recommendation to the Township Board.

Motion: Motion by Waayenberg, supported by Rober, to table this until the applicant can provide more established details regarding certain design elements on the site plan.

DISCUSSION: The Planning Commission agreed that another Public Hearing will not be necessary when this project returns, and it can be heard as a site plan review after it is taken off the table.

AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	(7-0)

2. Site Plan Review

a. None

3. Items Not Requiring a Public Hearing

a. None

VII. GENERAL DISCUSSION

a. Zoning Ordinance Issues

Planner Wells stated that he's interested in taking the Planning Commissions temperature on a number of items being discussed for the upcoming update to the Zoning Ordinance.

First, Wells inquired about increasing the permitted size for signs in industrial and commercial zoning districts if the signs are farther back from the road. Wells explained that it would make sense to allow signs to be larger if they are set further back from the right of way to allow for adequate visibility, and the Township's Planning Consultant said that it makes sense as long as the Planning Commission thinks it is appropriate.

Wells also inquired about accessory dwelling units in rural zoning districts due to the influx of residents asking about constructing units as such on their properties. Wells encouraged the Planning Commission to consider this and whether it could be done. He added that while it is likely these units may turn into rentals over time, the Planning Commission must determine if they should be allowed or permitted in the new Zoning Ordinance.

Finally, Wells inquired with the Planning Commission about various short-term rentals in the Township and the best path to regulating them, such as pools, Airbnb's, and yard rentals. He explained that internally, staff has been considering them commercial uses and wouldn't allow them to operate in suburban areas as they could be seen as a nuisance by neighboring properties. Wells encouraged the Planning Commission to read some articles regarding this matter and start thinking about the best way to address short-term rentals.

VIII. ADJOURNMENT

The meeting adjourned at 8:55 PM.

CERTIFICATION:

I hereby certify that the above is a true copy of the minutes from the July 25th, 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".

Lani Thomas,

Secretary

Gaines Charter Township Planning Commission

Date: September 3, 2024