

Tallmadge Charter Township
Planning Commission
Regular Meeting
May 25, 2021
7:00PM

7:00PM – Matt Fenske called the meeting to order

Members Present – Joel Terpstra, Curt Rypma, Dave Hanko, Dick Temple, Marv Bennink, Matt Fenske

Members Absent – Jake Smith

Also Present – Greg Ransford, Tom Forshee from Dickinson Wright law firm as counsel to the Planning Commission, Dave Datema and members of the public

Approval of the agenda - Marv Bennink motioned to approve the agenda. Joel Terpstra Seconded the motion and it carried unanimously.

Approval of the minutes from the April 27, 2021 Regular Meeting: Joel Terpstra motioned to approved the agenda. Dave Hanko seconded the motion and it carried unanimously.

Non-agenda item inquiries

- Diana Buist – Parking Inquiry for Commercial Use 3585 Riverhill Dr purchased Oct 2019. Explains her request for input on the possibility of a Wedding & Event Venue.

The ask – Wedding & Event Venue - size of up to 150 persons.

1. Zoning – Currently Rural Preserve, so zoning change needed to Commercial/Mixed-Use PUD
2. Parking Challenge- Asking to consider that classification for parking spaces requirement be at a level of 3 people per car- such as is required for Social Clubs or Lodges, rather than as a Banquet Hall, which requires spaces at 2 per car up to max allowed capacity.

Non-binding initial thoughts from Commissioners:

Verification of parking challenge – Determined it falls under Planning Commission as it falls under the interpretation of the ordinance.

Discussion regarding the varying zoning along that stretch of road; a mix of commercial, residential etc.

Discussion regarding how other neighboring townships zone venues.

Discussion regarding contract re-zoning.

Commissioners Initial response: Joel T – potentially supportive. Dick – supportive. Curt Rypma – supportive in theory. Marv – thinks there potential. Dave is in favor.

- Acme Pool – Ironwood Dr.

Proposal of building same to original plans, but with concrete exterior – similar to current building on site. Would like approval to not need to draw up new plans.

Discussion among Commissioners, Acme Pool and Greg Ransford.

Discussion among the façade requirements, the proposed material, and the unknown plans. Updated plans would be required by the building inspector.

Joel Terpstra – would like 4 elevations and more detail. Sample of material.

Dick Temple comment – in theory, the thought is that it would be a good change of a favorable decision.

The Planning Commission directed the applicant to return to the June meeting with proper elevation plans and material specification sheets.

New Business

- Site Plans
 - o 1st Avenue Commercial
 - Seeking façade amendment after-the-fact

Mike Houseman – 11255 1st Ave – an owner. Explains the project and reasons for changes to the original plans. Overrun costs and why they made the substitutions and changes. Request to amend the plans subsequent to construction done.

Applicant acknowledged that original plans were not implemented as shown on the submitted drawing but argued that they still met standards. Commission expressed dismay that plans were not followed as submitted by the applicant. Planner Ransford discussed differences regarding what was submitted and what was built. Commissioners explained that when a site plan is approved it is subject to the plans submitted by the applicant. Discussion among Commissioners and applicant regarding exposed fasteners rather than what was on approved plans. Discussion regarding lack of canopies. Discussion about setting a precedence for post-approval changes. Explanation from Tom regarding that this should be considered as essentially a review of a new site plan application. However, the originally submitted plans are what control unless the Commission deems it appropriate to approve the new submittal that provides fewer features than the original as acknowledged by the applicant. The original approved plans may have had features that were essential to the previous approval and, if so, those features could be made conditions of approval in order for the new proposal to meet the Site Plan Review Standards. Comment that Commission should provide a standard statement to applicants upon approval that any changes must be submitted back to the Commission for a new approval prior to construction, even though that was inherent in any approval.

Discussion regarding conditions to approval and essential elements needed for approval, to which the applicant agreed:

Do a photometric test to verify lighting.

Canopy as shown on original plans will be installed in the next year.

Smooth paneling to replace the corrugated paneling

Curt Rypma motioned to table this site plan until the June meeting to allow the applicant to return with plans showing the canopies and smooth metal and all final, accurate details in order for the written record to be complete and true. Dick Temple seconded. All approved, Joel Terpstra opposed. Applicant was amenable to tabling in order for time to bring back accurate plans.

- o Zemaitis Private Road

- Seeking addition of parcel to existing private road

Carol Zemaitis explains the history of the property and the reason for the request and the intended use of the proposed split. Also explained the easement and the size of the easement of 66'. Questioning why a road needs to be installed when a house is not being built, as the property is going to be preserved as is.

Discussion among Commissioners, Greg Ransford and Tom regarding the future potential of this property becoming a residence. The Commission is unable to vote against its own ordinance criteria.

Public Comment – regarding a private covenant between property owners on the easement.

Motion: To deny the application.

Marv Bennink made a Motion to deny the Private Road Application as presented for lack of compliance with Section 1.04 – Minimum Standards for Private Roads of the TCTPRO including, but not limited to, portions of the roadway are not paved, portions of the roadway are not at least 20 feet in width, portions of the easement width are less than 66 feet, and for lack of compliance with Section 1.05 – Road Maintenance for the failure to submit a new Private Road Maintenance Agreement. Dick seconded. All approved.

Recommendation to the Township Board of Trustees: per section 1.03 d 1a of the Private Road Ordinance the Planning Commission shall provide a recommendation to the Township Board whether a variance should be granted

Tom read the standards and the Commissioners made findings on each one. Variance 1.09 - summarized as follows but entire criteria were read by Tom for Planning Commission consideration:

- A. Substantial Detriment, materially impair. Undue hardship.
- B. Would it be better to change the ordinance.
- C. Exceptional about this land to substantiate it.
- D. Catch all language. Carrying out the strict letter.

A motion was made to tentatively recommend approval of a variance subject to additional information stated as:

To approve the variance based on the criteria outlined by the planning commission based on variance 1.09 citing criteria C & D are met. More info may be needed to be gathered by the Township Board for criteria A & B.

Marv supported the motion.

All approved.

Old Business

- None

Planning Commission Comment

- Ottawa Excavators (Phoenix Station) – Withdrawn. Parcel #70-10-01-480-023 Address:13645 Ironwood Drive – the property owner is no longer seeking the gas station use.

Motion to adjourn by Matt Fenske and was seconded by Joel Terpstra. All approved.

Adjorn at 9:13pm

Respectfully Submitted,

Jennifer Bosch