

**TALLMADGE CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING  
OF JULY 9, 2007**

Chairman Daniel Murray called the meeting to order at 7:30 p.m.

Members present: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith and Dick Temple

Member absent: Toby Van Ess

Also present was Greg Ransford, Township Planner

The minutes of the May 14, 2007 meeting were approved with the change noted to add “deck” to Grand Valley Gospel Temple Special Use Request for pavilion in paragraph 2 of item 1.

1. Site Plan Review – Leonard Vander Jagt is requesting Site Plan Review to construct contractor units/offices on parcel number 70-10-24-300-058, -016 and -062. These parcels are located at 0-437, 0-421 and 0-525 Lake Michigan Drive NW and are zoned C2 and Industrial.

The rezoning request for parcel 70-10-24-300-016 from Rural Preserve to C2 has been approved. Steve Witte of Nederveld presented the proposed site plan for two industrial incubator buildings geared toward contractors, and possibly some future retail/office space. The access would be from a single drive off Lake Michigan Drive which MDOT is reviewing. Utilities are shown coming from the existing water and sewer from the east. The Ottawa County Drain Commission and Moore & Bruggink recommended approval of the plan.

The circulation is shown between buildings with parking next to the buildings rather than in the middle, allowing through traffic and they added more parking in another area. The building material for the south walls is dressed up with brick and windows. Mr. Ransford explained that the zoning ordinance requires certain building materials and it is up to the Planning Commission to determine if metal canopies would be compatible. They also need at least one additional handicap space.

Steve Witte presented two options; elevation A is all brick and elevation B is brick ½ way up. Steve Witte said both options meet township requirements. Greg Ransford added that other buildings on First Avenue have some metal, as they are proposing for the canopy. Steve Witte said the canopy is added to provide an attractive feature, and they are proposing split face block for the building.

Donald Smith asked about the gravel driveway going to the houses on adjacent property. Mr. Witte said that MDOT has not said anything about the two driveways and they are currently reviewing the proposed driveway for Mr. Vander Jagt. They have added a second hydrant and Greg Ransford noted that the township fire chief was then satisfied with the plans. The dumpster location complies with the Zoning Ordinance.

Matthew Fenske asked about the proposed lighting. Mr. Witte said they will be on the end of the overhead doors, shoebox style directed downward. Mr. Vander Jagt currently owns the adjacent parcel, however if he sells that property, he will need to have an easement for the utilities. Dewey Bultsma feels the easement should be in place. Donald Smith said utilities could likely come in from the south, then they would not need that easement. Dewey Bultsma feels more room is needed for truck traffic. Steve Witte said there is 48 feet between parking spaces which should be adequate. Donald Smith said trucks could get in, however it would be difficult. Steve Witte said the typical businesses that would go into these buildings would not use semi-trucks. Dick Temple suggested

taking one bay off from the building to improve site circulation, and also suggests some type of protection or curb around the detention area to keep cars from sliding into the pond. Steve Witte agreed to put 35 foot radius on the northeast corner of the detention area.

Matthew Fenske moved, Donald Smith supported, motion CARRIED to APPROVE the Site Plan with the following conditions:

1. South side of each building shall be finished with the material as shown in "Elevation A".
2. One handicap parking space must be added within the Customer Parking area.
3. The western most parking space in the Customer Parking area must be removed.
4. In the instance utilities are provided to the site from the east, south of the existing dwelling or the same vicinity, the property owner must establish and record related easements.
5. Provide a 35-foot radius curb at the northeast corner of the detention pond.

Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith and Dick Temple. Nays: none.

2. Special Use Permit – Fleis and Vandenbrink on behalf of Three Rivers Investment Group is requesting a Special Use Permit to construct a Burger King at 0-53 Lake Michigan Drive NW on parcel number 70-10-24-485-016. This parcel is zoned C-2.

Daniel Murray abstained from this portion of the meeting due to a conflict of interest. Greg Ransford explained that they are proposing a drive-thru restaurant which is permitted as a Special Use.

Harry Wierenga of Fleis and Vandenbrink said the parent parcel is being split and a gas main easement runs through. They had submitted plans for 0-25 Lake Michigan Drive, however it is now proposed for 0-53. The Ottawa County Drain Commission has approved the plans.

The building would be constructed of stucco like material with metal awnings. They also have a designated delivery zone. All grading is 3 on 1 slope, matching the grade of the Chiropractor to the west. Shoe box/no trespass lighting is proposed around the perimeter. Greg Ransford confirmed that the signage meets the requirements of our zoning ordinance.

Dick Temple referred to the notes from Moore & Bruggink regarding a curb cut at the access point and asked about traffic signage. Mr. Wierenga said they will post an outbound stop sign as liability protection. Donald Smith would like the complete detail for the storm system, the information provided is vague. Mr. Wierenga said this is an earlier rendition of the print, he does have a new print verifying the elevation. Mr. Smith would like to see the elevation of storm and inverts.

Dick Temple referred to Moore & Bruggink's comments regarding the width of the drive-thru lane. Mr. Wierenga said nine feet is typical from Burger King standards. Greg Ransford asked how much is privately maintained as far as snow plowing. Mr. Wierenga said all of it is private. The fire chief has reviewed the plans and approves. Mr. Wierenga said as development continues it is likely to exit to the north.

Mr. Wierenga responded to the concerns of Moore & Bruggink:

1. The drainage calculations would be reviewed with the Ottawa County Drain Commission.
2. All site grading would be done at one time, sensitive to adjoining property, however the parent parcel is owned by one entity.
3. Access needs to be reviewed by MDOT, with whom they have had two meetings so far.

Mr. Wierenga added that this is the preferred design by MDOT. The length of the throat is the same as others all along the area on Lake Michigan Drive. Mr. Wierenga said they can widen the drive-thru lane also.

4. The developer has anticipated the fees for utilities.

Mr. Wierenga said the landscaping plans can be submitted with the building permit and Mr. Ransford can review them at that time.

The meeting opened and closed to the public with no comments.

Greg Ransford recommended approval with revisions to be made for the Township Board meeting on this item.

Dewey Bultsma asked about the access drive and would like to see something on the plan for a future for north exit because he is concerned about traffic at night. Mike Murray said they are trying to keep commercial traffic separate from the Industrial traffic. Donald Smith noted that a north exit would have to go through someone else's property. Mr. Wierenga said they could possibly have a break-away gate or speed bumps at the connector. Donald Smith said the objective of current planning is to eliminate ingress/egress points and try for parallel drives.

Marvin Bennink moved, Donald Smith supported, motion CARRIED to APPROVE the request with the following conditions:

1. Satisfy drainage plans with the Township Engineer.
2. Widen turning radius into drive-thru.
3. Relocate Loading Zone at least two spaces to the north and swap with the spaces that are replaced.
4. Provide storm sewer detail.

Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith and Dick Temple. Nays: none.

3. Rezoning Hearing – Robert Johnson of 2550 Leonard Street NW is requesting a rezoning for part of parcel number 70-10-16-200-034 from R-1 to Rural Preserve. This item had been postponed at the May 14, 2007 meeting.

The item was removed from the table.

Greg Ransford explained the Michigan legislature passed ability to rezone with contract, which is a means to limit the use of a property. Mr. Hershberger is now proposing to build an accessory building within a shaded area of his submitted survey, which would limit the building envelope to that specific area. A contract would be drawn by legal council so he can have good relationship with his neighbors. Daniel Murray added that the contract runs with the land.

Mr. Hershberger said he took from the meeting two months ago that the neighbors main concern was the location, so he is now proposing to build a new accessory building in the same vicinity as the existing accessory building. Rural Preserve allows for 2400 square feet of accessory building, which is the size he is proposing. The existing accessory building is 30 foot wide and the proposed would be 40 foot wide facing the road. He provided a sketch of the east elevation, and said that it would match the house, with a gable roof on the front of the building.

Judy Bergman of 12254 24<sup>th</sup> Avenue is a neighbor in the area. She said the Johnson's have lived in the area for 57 years and she doesn't feel they would propose something that would look bad, and she just wants peace in the neighborhood.

Mr. Smith is opposed to the request. Mr. Hershberger said he owns a service company in which he goes to sites to work and he has a 5 x 12 service trailer and limited supply. Mr. Bergman said the business is not a problem, it is just like he has a company vehicle.

Greg Ransford explained that if he exceeds what is allowed by the ordinance, the township can enforce. Mr. Hershberger said he cannot narrow down the proposed envelope because he is not sure if the land swap will go through. The existing accessory building will be removed if he is allowed to

**build a new accessory building. Donald Smith said he would like a narrower envelope. Greg Ransford said that the Zoning Ordinance would allow an accessory building in the side or rear yard without the proposed contract.**

**Marvin Bennink said that from the neighbors perspective it would be better in the proposed shaded area than in the originally proposed site, which Mr. Hershberger actually has every right to build on. Greg Ransford explained the options available to the applicant. As the Zoning Ordinance reads in either R-1 or RP an accessory building would be allowed in the side or rear yard. R-1 allows 1200 square foot maximum and Rural Preserve allows 2400 square feet maximum. If a separate site could perk, it could be divided into one acre parcels if zoned R-1 and 2 ½ acre parcels in RP. If the contractual rezoning is approved, it limits the applicant to the criteria specified, in this case, the accessory building being built in a specific area in the rear yard.**

**Daniel Murray said there is something to be gained by a compromise and feels the neighbors would benefit. Dick Temple said the original Master Plan is for Rural Preserve and the applicant came back with a response to the neighbors request and compromised from his original desire.**

**Marvin Bennink moved, Dick Temple supported, motion CARRIED to recommend APPROVAL based on the conditions of a contract to be drafted, which incorporates the survey provided that establishes an agreed building envelope, and the building must be built within one year. Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith and Dick Temple. Nays: none.**

**Meeting adjourned at 8:45 p.m.**

**Respectfully submitted,**

**Denise Somers, Administrative Assistant**

