

Tallmadge Charter Township
Planning Commission
Regular Meeting
March 22, 2022
7:00PM

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

Members Present: Matt Fenske, Joel Terpstra, Marv Bennink, Dave Hanko

Members Absent: Jacob Smith, Curt Rypma, one position vacant

Request to amend the agenda to move Kuiper to the first of the agenda and strike Best Coast Storage from the agenda at the request of Best Coast. Approval of the agenda: Joel Terpstra motioned to approve the agenda. Marv Bennink seconded the motion and it carried unanimously.

Approval of the minutes from the February 22, 2022 Regular Meeting: Dave Hanko motioned to approve the minutes. Joel Terpstra seconded the motion and it carried unanimously.

Non-agenda item inquiries - none

New Business

- Public Hearings

- Wyatt Kuiper – 13340 42nd Avenue – 70-10-07-200-019
 - Seeking map amendment (rezoning) from Agricultural to Rural Preserve

Matt Fenske opened the floor to Kuiper to explain his intentions for the use. Kuiper explained that for future flexibility for resale or financing, as its easier to get financing as RP vs AG. Matt Fenske addressed the three Cs and rezoning requirements. Greg Ransford acknowledged that this request does meet the requirements of the three Cs.

Marv Bennink moved to open the meeting to for public comment. Joel Terpstra supported and the motion carried unanimously.

Gerald Wilcom Jr. 13348 32nd Ave. References the master plan and how it does not meet the master plan requirements. References chapter 1 & chap 2. Also, refences Ottawa Co and their water supply shortage. He opposes the rezone for these reasons.

Greg Ransford addresses the public to explains the basis behind the master plan the history as to why the township is willing to change the zoning to RP from AG, mostly due to the demand of the property owners.

Ben Wilcom - resident - 42nd Ave – upset about the paving of 42nd Ave, the improvements made to the area and does not like to see the changes and development.

Carl Spence – requests to see the location of the property. Comments that he hopes to see the rural setting to be maintained.

Jason Kunnen – south to the property. He questions the intent and timing. The questions seem concerning. He understands the need for progress. States that if property is split, he will likely due the same with his.

Leanne Tibbe – corner of the property – has seen 6 new properties go in on the Rinck Property along with the Westveld property on the corner of 40th & Johnson. Concern for the water shortage.

Joel moved to close public hearing. Marv supported, and it carried unanimously.

Matt Fenske addresses the public and Commissioners about the changes seen in the township.

Joel Terpstra addresses the public and the acknowledges the desire for want to keep the things from changing. Does feel the property owner has the right to the rezone request.

Dave Hanco – asks Greg Ransford if the Planning Commission had ever denied a request to change from AG to RP. Greg Ransford's response was not to his memory. He also reminded the public that the decision of the Planning Commission goes to the Board of Trustees for final approval.

Marv Bennink acknowledges that this request does meet the 3C's and does not see any reason to deny the request.

Joel Terpstra moved to recommend the rezone to the Board of Trustees, Dave Hanco supported and the motion carried unanimously.

- BCI Construction (Lucas Concrete) – 261 Steele Street & 11503 3rd Avenue
 - Seeking to construct a 12,000 square foot office and warehouse with a special use permit for outdoor storage

Doug Klootra took the floor to address the changes to the site plan that was presented originally in 2019. Lot 15 & 16. Currently no structure on the parcels. Discussion among the Commissioners and Greg Ransford regarding the history of the property. Greg Ransford summarizes the special use intent and the citation history and current use of the property which is against the zoning requirements. He explained the site plan changes and how it effects the zoning requirements.

Discussion between the Commissioners and applicant. The applicant states that this property is a spec investment. Lucas is a potential tenant, and will need to meet the requirements of the township.

Marv Bennink moved to open to public comment. Dave Hanco seconded the motion and it carried unanimously.

Bob Hanenburg 11501 3rd Ave – Stated that Lucas has his property a mess. They don't mind the outside storage, but has issues with it not being in the back and no fencing.

Dan Englesma - building to the east, has been patient, but has had to pick mess and trash that has blown in from the neighboring property. In his opinion looks like a city dump.

Jim Rosendall 180 Steel St. – agrees with previous comments, the property is a mess and needs to be cleaned up. Dirt on the road, and how Lucas has treated his neighbors and township. Near the end of the rope on their length of patience.

Steven Coursen 322 Hailey Dr – Is there requirement to have a building with outside storage? Joel Terpstra responded that currently everything on the property is illegal.

Ed Neime 2890 Leonard -- thinks BCI is a good solution here. Lucas is not a good solution, and would encourage him to improve this property. Referenced last meeting regarding the outside storage.

Marv Bennink moved to close the hearing. Joel Terpstra supported and it carried unanimously.

Discussion among Greg Ransford, Commissioners and applicant.

Joel Terpstra made a motion that as to the Special Land Use required for the development as proposed, that the Planning Commission adopt and approve the special land use application, as outlined in the following site plan sheets:

- Site Plan, Cut/Fill Sections, Sheet C101, revised 3.7.22 by TJA Architecture and BCI Construction
- Site Plan, Grading, Storm Water, Sheet C102, revised 3.7.22 by TJA Architecture and BCI Construction
- Site Plan, Grading, Storm Water, Sheet C103, revised 2.17.22 by TJA Architecture and BCI Construction
- Site Utilities, Sheet C104, revised 2.17.22 by TJA Architecture and BCI Construction
- Office Warehouse Lots 15 & 16 Tallmadge Industrial Plat, Tallmadge, Township, MI, by HighPoint Electric, dated February 17, 2022

Subject to the following Findings and Conditions:

Findings:

The Planning Commission finds that the Property is currently not in compliance with Township ordinances, and is being used in a manner inconsistent with protecting the natural environment, inconsistent with adjacent uses of land, inconsistent with the use of the land in a socially and economically desirable manner, and inconsistent with the Township Zoning Ordinance and the Township Trash Ordinance. This finding is supported by photographs of the parcels at issue, with which the Planning Commission has been presented, as well as the history of non-compliance and ordinance violation for these parcels (as supported by the Townships communications with the landowner/tenant, which are also made a part of this record), as well as the applicant's acknowledgement that these violations continue at present, and as the Township Zoning official has confirmed based upon recent visual inspection of the parcels, as such violations are visible from the roadway.

Conditions:

In order to: i) protect the natural environment from the trash and debris being piled into the site; ii) to ensure compatibility with adjacent uses of land and to protect the landowners immediately adjacent to the parcels, and the community as a whole; iii) to promote the use of the land in a socially and economically manner; and iv) to meet the intent and requirements of the Township ordinances and zoning requirements, the following condition is imposed as a condition of approval of the special land use:

1. Approval of the special land use is conditioned upon both parcels (which must be combined into one parcel per the other conditions set forth in this conditional approval) being brought into compliance with all Township ordinances within 45 days, specifically including clean up and removal of all trash/refuse on both parcels so as to be consistent with, among others the following: a) Tallmadge Charter Township Restated Trash, Grass, Weed, And Non-Operating Vehicle Ordinance (including removal of all discarded trash, construction refuse, lumber, etc.); and b) the Tallmadge Charter Township Zoning Ordinance, including but not limited to, Section 12.03(d), such that all storage must be only in a rear yard area and screened with fencing in accordance with Section 3.17(c), with no materials stored above the height of the principal building, as well as the other provisions of said section, and given the history of, and current condition of the materials dropped on, the site, such fencing shall be consistent of metal matching the building wall material and shall be at a height of eight (8) feet. The applicant shall contact the Township Zoning Administrator to schedule a time for an inspection to confirm that the requirements of this condition have been met in the next 45 days.
2. A notation shall be added on the plan that the existing trees, as identified in the northeast corner of the property, shall be maintained for the purpose of the required greenbelt.
3. The utility boxes and mechanical equipment shown at the southeast corner of the building on the site plan shall be moved at least fifteen (15) feet north.
4. The existing trees at the northeast corner of the site shall be protected and identified on the site plan as "not to be removed."

In the event that the conditions set forth above are not met within 30 days of the date of this conditional approval, especially given the long-standing nature of these ordinance violations and the several prior notices to the landowner/tenant requesting the landowner/tenant to address and correct the violations, this conditional special land use approval will expire;

Therefore, the Planning Commission conditions approval of the special land use upon the Property being brought into compliance with, and being maintained at all times in compliance with, all applicable Township, State and Federal ordinances and statutes, and within 30 days of this grant of Special Land Use Approval, and as a condition of this Special Land Use Approval, in order to protect natural resources, health safety and welfare, as well as social and economic well-being, of Township residents, including landowners immediately adjacent to the Property and the community as a whole, and to meet the intent and purpose of the Zoning Ordinance and to ensure compliance with those standards, within 45 days of the date of this Approval, Applicant and any tenant or individual/entity using the Property, shall remove all trash, garbage, discarded construction materials, lumber and other refuse, and shall comply with Section 12.03(d) of the Zoning Ordinance, and shall construct a fence consistent with the site plan approval.

Dave Hanco seconded the motion and it carried unanimously.

Joel Terpstra made a motion that we conditionally approve the proposed site plan, as outlined in the following site plan sheets:

- Site Plan, Cut/Fill Sections, Sheet C101, revised 3.7.22 by TJA Architecture and BCI Construction
- Site Plan, Grading, Storm Water, Sheet C102, revised 3.7.22 by TJA Architecture and BCI Construction
- Site Plan, Grading, Storm Water, Sheet C103, revised 2.17.22 by TJA Architecture and BCI Construction
- Site Utilities, Sheet C104, revised 2.17.22 by TJA Architecture and BCI Construction
- Office Warehouse Lots 15 & 16 Tallmadge Industrial Plat, Tallmadge, Township, MI, by HighPoint Electric, dated February 17, 2022
- Floor Plan, Exterior Elevations, Sheet A-102, revised 2.17.22 by TJA Architecture and BCI Construction
- Proposed Office Warehouse Front (South) Elevation, by TJA Architecture and BCI Construction, dated February 17, 2022
- Product Specification Sheets
 - MBCI AVP Panel – Desert Sand, undated (1 page)
 - Coronado (brick), undated (1 page)
 - Limestone2 (split faced block), undated (1 page)

Subject to the following conditions:

1. Approval of the site plan is conditioned upon both parcels (which must be combined into one parcel per the other conditions set forth in this conditional approval) being brought into compliance with all Township ordinance within 45 days, specifically including clean up and removal of all trash/refuse on both parcels so as to be consistent with, among others, the following: a) Tallmadge Charter Township Restated Trash, Grass, Weed and Non-Operating Vehicle Ordinance (including removal of all discarded trash, construction refuse, lumber etc.); and b) Tallmadge Charter Township Zoning Ordinance, including but not limited to, Section 12.3(d), such that all storage must be only in a rear yard area and screened with fencing in accordance with Section 3.17(c), with no materials stored above the height of the principal building, as well as the other provisions of said section, and given the history of, and current condition of the materials dropped on, the site, such fencing shall consist of metal matching the building wall material and shall be at a height of eight (8) feet. The applicant shall contact the Township Zoning Administrator to schedule a time for an inspection to confirm that the requirements of this condition have been met in the next 45 days.
2. Payment in-lieu of construction of the pathway is provided
3. Any roof equipment must be adequately screened from the street by an extension of the parapet wall of the same exterior product
4. The parking shown on Sheet C104 west of the truck dock shall be removed to match the remainder of the site plan sheets.
5. The plans shall meet the review requirements of the Township Engineer

6. The plans shall meet the review requirements of the Township Fire Department, that a hydrant will be required for the future planned building.
7. Any changes to the site plan require resubmission, review, and approval, if appropriate, from the Planning Commission prior to the changes occurring.
8. The utility boxes and mechanical equipment shown at the southeast corner of the building on the site plan shall be moved at least (15) feet north.
9. The existing trees at the northeast corner of the site shall be protected and identified on the site plan as “not to be removed.”

In the event that the conditions set forth above are not met within 45 days of the date of this conditional approval, especially given the long-standing nature of these ordinance violations and the several prior notices to the landowner/tenant requesting that the landowner/tenant address and correct the violations, this conditional site plan approval will expire.

Dave Hanko supported the motion and it was carried unanimously.

Joel Terpstra moved to amend the agenda to address the K&E Properties next, and address the zoning Text Amendment. Marv Bennink seconded and it carried unanimously.

• **Site Plan Applications**

- K&E Properties – O-648 Lake Michigan Drive, parcel number 70-10-25-100-031
 - Seeking office building and warehousing of approximately 19,980 square feet

Don DeGroot – Exxel Engineering. Explains the change in the previously approved site plan building. The building and parking requirements were downsized. Looking for approval of these changes. Current discussion with township for extension of water main. Greg Ransford explains the current discussion with the water main. Inquiry of requirement to hook-up to water.

Joel Terpstra motioned to approve the site plan as presented, which includes:

- Site Plan Sheets
 - Site Plan, Overall Site, Sheet 1, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Development Plan – North, Sheet 2, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Development Plan – South, Sheet 3, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Utility Plan – North, Sheet 4, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Utility Plan – South, Sheet 5, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Grading and Soil Erosion Control Plan – North, Sheet 6, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Grading and Soil Erosion Control Plan – South, Sheet 7, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Site Grading and Soil Erosion Control Plan – Basin, Sheet 8, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Truck Turning Worksheet, Sheet 1, revised 3/14/22 by Exxel Engineering Inc.
 - Site Plan, Waste Plan, Sheet P11 E1, revised 3/14/22 by Exxel Engineering Inc.
- *Product Specification Sheets:*
 - *Falk Panel – Insulated Metal Panel Systems, 40 pages*
 - *Project: 648 Lake Michigan Drive Exterior Selections sheet, 1 page*

with the following conditions:

1. Must satisfy the review comments from the Township Engineer

2. Must satisfy the review comments from the Township Fire Department
3. Execution of the Water and Sewer Special Assessment Contract
4. Any changes to the plan post-approval shall return to the Planning Commission for review and approval

Marv Bennink supported the motion and it was carried unanimously.

○ Zoning Text Amendments

Joel Terpstra motioned to open to public comment. Marv Bennink Seconded and the motion was carried unanimously.

- Carl Spence clarified that a public hearing will now be required for subdivisions.

Joel Terpstra motioned to close public hearing. Dave Hanko supported and it carried unanimously.

- Section 3.05 – Condominium Regulations
- Joel Terpstra motion to move to recommend adoption of the zoning ordinance for the condominium regulation, Marv Bennink supported and it carried unanimously. Section 15.06(g) – Table of Required Number of Parking Spaces, Deferred Parking

Discussion among commissioners about this amendment.

Dave Hanko motioned to recommend adoption of the table of required number of parking spaces. Marv Bennink supported and it carried unanimously.

- Subdivision Control Ordinance

Joel Terpstra moved to recommend adoption of the Subdivision Control Ordinance. Dave Hanko supported and it was carried unanimously.

Old Business

- None

Planning Commission Comment – Board approved to give Commissioners a pay raise.

Adjournment – 9:15pm

Respectfully Submitted,

Jennifer Bosch