Minutes of a meeting held on June 7, 2010

A regular meeting of the Charter Township of Caledonia Planning Commission held at 7:00 p.m., on Monday, June 7, 2010, at the Township/Village Hall, 250 Maple Street, Caledonia, Michigan

1. CALL TO ORDER / ROLL CALL

Chairman Warner called the meeting to order at 7:00 p.m. with a quorum present.

   Members Present: D. Gunnink, M. Kelly, D. Koopmans, R. Parent and A. Warner
   Members Absent: T. Morris
   Staff Present: Bob Phillips, Todd Boerman
   Others Present: Members of the media and Township citizens

2. CONSIDERATION OF THE MEETING AGENDA

   Okay as presented.

3. PUBLIC COMMENTS (BRIEF – UP TO 2 MINUTES)

   A. Warner opened the floor to public comment.
      Seeing none, the public comment portion of the meeting was closed.

4. CONSIDERATION OF MEETING MINUTES

   A. Minutes of the May 17, 2010 meeting.

      D. Koopmans made a motion to approve the minutes of May 17, 2010, as presented. Motion was supported by D. Gunnink.

      VOICE VOTE: All ayes. Minutes of the May 17, 2010 meeting approved.

5. INQUIRY OF CONFLICT OF INTEREST

   None
6. UNFINISHED BUSINESS

A. Un-Table Request to Amend the Zoning Map - This request was originally reviewed by the Planning Commission on October 5, 2009. It is again request by ‘William Gray (Agent) on behalf of Chemical Bank (Applicant)’ to re-zone, one parcel, from R-R Rural Residential District to C-2 General Business (Commercial) District. The property is located on the northwest corner of the Broadmoor Avenue (M-37) and 76th Street. This parcel also falls partially within the Broadmoor / Cherry Valley Corridor Overlay District. Parcel number 41-23-08-300-009, a 5.66 acre parcel previously known as 7579 Broadmoor Ave.

A. Warner made a motion to un-table the request under item 6A. Motion was supported by D. Gunnink.

VOICE VOTE: All ayes. Motion carried

Duke Gray greeted the Planning Commission once again on behalf of Chemical Bank following their previous request to the Planning Commission to rezone the property to comply with the Master Plan and get some input regarding specific uses for the land with specific exclusions.

A. Warner clarified that Mr. Gray was seeking no decision tonight, but information only. Mr. Gray replied that was correct stating that the bank would like a better feel for enhancing the neighborhood adding that an office use would be ideal, but that they needed more options because of the market for office space at this time. Mr. Gray pointed out that they do not have an end-user at this time, but would like to go to market with the property with a clear understanding of a prospective use.

A. Warner opened the floor to public comment.

Bill Papke of 7584 Hometown Ct. commented regarding his reasons why the parcel shouldn’t be rezoned at this time. Mr. Papke quoted the visions and goals of the Master Plan which states that commercial property will be fully utilized before allowing new development and stated that there is a preponderance of existing zoned land already in place that has not been fully utilized. Mr. Papke stated that the Master Plan doesn’t speak to timing adding that the residents have invested more in the Township than the bank and he feels it is not the right timing. Mr. Papke asked why not a PUD? Mr. Papke suggested that if the rezoning must go through, there are ways to mitigate the use such as restricting drive-through windows, restaurants with their long hours, and automotive uses. Mr. Papke stated that he feels it is better to talk about what could be allowed, rather than not. He suggested a one-story building to limit the unsightliness, increase the buffer to 40 feet with a high berm and fence to screen the use with trees and buffering materials. Mr. Papke added one last suggestion which is to move the parking allowance to be 40% in the rear and 60% in the front.

A. Warner replied that the Township has standards in place for each zoning district and that to take one parcel and give special standards to it is not fair. Mr. Warner stated to the residents that this applicant is here before the Planning Commission in good faith to limit the use, but adds that the negotiation must come from the bank. Some uses that may be of low impact might be a funeral home, foster home, nursery school, nursing home and an office building. Mr. Warner agreed that the use should not be retail adding that the Master Plan allows for commercial and that no one is going to build a house there and that the owner has a right to develop their property.

Jerry Berry of 7496 Hometown Ct. commented that his property backs right up to the piece of property at issue. Mr. Berry stated that what has been presented are ideas and that he would like to share his ideas as well. The intersection is not safe and there are three issues for him. One is quality of life and the peace and quiet they now enjoy. Two is public safety and the traffic issues with that intersection, and three is private security as he deals very heavily with the government and has many documents in his home.
Mr. Warner suggested that Mr. Berry not divulge that information in this public forum and suggested that he leave those documents at the office.

Richard Czop of 7499 Hometown Ct. commented that he appreciated Mr. Papke coming to bat for the Traditions residents and that he feels it is good. Mr. Czop added that he again feels this is a very unsafe area of road and he is very concerned about the traffic issues.

Cathy Berry of 7496 Hometown Ct. commented the potential development in the back of her house and that she worries about her safety. Specifically, she would not like to see a daycare in that area as the noise would be very disruptive. Mrs. Berry stated that the area is very dangerous adding that they thought they had a country spot but that it would be ruined.

A. Warner asked if there was any further public comment.
   Seeing none, the public comment portion of the meeting was closed.

A. Warner asked Mr. Gray if he was getting any ideas from the residents as he thought the purpose of this meeting was to work with the residents to find a proposed use, but all he is hearing is that they want no development at all. Mr. Gray stated that he thought that was the purpose as well and stated that Chemical Bank wants to be a good neighbor. Mr. Gray stated that the safety issue is of concern, but points out that the road is the way it is and that since it has been widened, the fire chief reports that they have responded to only one accident at that location. Mr. Gray commented to the quality of life issue stating that the Cherry Valley Overlay District has many restrictions that ensure the quality of life and that they would abide by them to provide an end-use that would be a convenience to the community. Mr. Gray stated that his research has indicated that people’s habits change when they are aware of the uses of the area and that a person who might normally drive fast in an unpopulated area, would normally slow and use caution if they know that there is an increase in traffic moving in and out.

D. Gunnink stated that he would like to see the driveway from M-37 eliminated and that he is concerned about the impact on the residents so he wouldn’t like to see any retail use on this site. Mr. Gray stated that the original drawing for just for concept and not for approval. M. Kelly urged the residents of Traditions to work with the applicant adding that he is surprised they are willing to work with the neighbors as other developers are not. D. Koopmans agreed with Mr. Kelly stating that the bank and Mr. Gray as willing to try to restrict the uses adding that he likes the way the applicant is going about this process.

R. Parent asked if counsel could provide advice to protect any future sale of the property in perpetuity. He stated that he fears that the development of M-37 may mirror that of 28th St. and his advice to the residents is to work with the developer although he shares their concerns to be cautious about the road. Mr. Warner commented that contract zoning is just that, a contract that the developer must present and follow, that contract will continue with the deed to the land as protection for the future. B. Phillips stated that contract zoning has been done in the Township before. Mr. Gray stated that the bank’s goal is to sell the property, but in a responsible way. Mr. Gray thanked the Planning Commission for this work session and would like the opportunity to work with the residents.

A. Warner opened the floor to a second session of public comment.

Cathy Berry commented that she has nothing to say and that she feels this is going to be done. She stated that there are other houses around there and that it doesn’t make sense to have commercial in a residential area, and that she feels it is going to be a mess. She feels that the they are trying to squeeze something through adding that she hopes the Planning Commission is listening and they don’t want it.

Richard Czop asked how the land was zoned now and Mr. Warner confirmed that it is now zoned AG or R1. Mr. Czop asked why it needed to be changed. Mr. Warner replied that the Master Plan and Zoning Ordinance in place and that there are public hearings and extensive work sessions every 3 to 5 years to amend the Master Plan.
Mr. Warner stated that all of those meetings are open to the public and the Planning Commission took a lot of input from the public when changing the Master Plan that is in place now. Mr. Kelly stated that to say that is doesn’t make sense to put commercial use on the busiest thoroughfare in the Township is not reasonable, it is the most logical place to put it. Mr. Czop stated that he was asking for clarification on the process for a decision asking if it is based on who makes the most compelling argument adding that he feels the residents have made that argument.

D. Koopmans stated that the Master Plan has been in place for years and is reviewed regularly. Mr. Koopmans stated that M-37 is a state highway with overlay and district regulations to put restrictions in place for the protection of the Township, but that they must be reasonable in a difficult situation. Mr. Koopmans suggested again working with the developer to restrict the uses for all future development. Mr. Warner commented in defense of the Planning Commission stating that they have listened to the residents and that they have not ram-rodded any changes. Mr. Czop replied that he didn’t intend to attack and that he would like to attend any future meetings where the Master Plan is discussed. D. Gunnink added that the landowner has the rights as well.

Jerry Berry commented on how at the last meeting they were presented with a plan, but that tonight is just an idea. Mr. Berry added that they do not want any development on this site and it is that simple stating that the bank took a risk to invest and lose, just as he does, and then suggesting that they simply take a loss and right it off.

A. Warner again suggested that the residents work with the developer.

Kelly Cavanaugh of 10250 East River Shore Dr. commented as somebody who doesn’t live in the Traditions development, but as a Township resident. Ms. Cavanaugh stated that she feels it is ignorant to believe that there will never be commercial development in Caledonia Township, but would like to instead see it referred to as the quaint destination spot that it formerly was and not a pass-through highway that is may be turning into. Ms. Cavanaugh stated that she wants people to stop and visit.

Mr. Papke commented that when he purchased the property for development that the surrounding areas was Master Planned as HD/Residential adding that if it had been commercial, he wouldn’t have bought it explaining that this is why these people are upset. A. Warner stated that the Master Plan is not gospel, but a fluid, living document. Mr. Warner reminded Mr. Papke that accommodations where made when he came before the Planning Commission requesting approval to develop that site and that is what Mr. Gray is doing today. M. Kelly cautioned to be careful what you wish for as he feels that no one present at this meeting would like to see a three-story high rise such as apartments.

Cathy Berry again commented that she feels this is being pushed down their throats, but that the fact remains that they don’t want to work with the developer, they want it left residential.

A. Warner asked if there was any further public comment.

Seeing none, the public comment portion of the meeting was closed.

ARCHIE WARNER ENTERTAINS A MOTION:

A. Warner made a motion to table the request to allow applicant/agent to meet with a citizens group and develop a list of uses that would be excluded via contract zoning. Applicant will return to Planning Commission with a list and proposed contract zoning agreement. Motion was supported by R. Parent.

VOICE VOTE: All ayes. Motion Carried
B. Un-Table Site Plan Review for Home Construction Center Banquet Facility (Cobblestone Restaurant Amendment) – The Site Plan was initially reviewed by the PC at the May 17, 2010 meeting. A review of a revised Site Plan is requested by Mike O’Dowd / Ben Reynolds (Applicant) on behalf of the Cobblestone Restaurant. The requested Site Plan is to construct, mostly through renovation, an approximate 5,012 square foot banquet facility. The banquet facility will have a seating capacity of approximately 250 people and will be located within the eastern 1/4 of the existing Home Construction Center building. The Site Plan includes additional parking space creation on the adjacent parcel to the north. Home Construction Center property; known as Unit 6 of the Home Construction Center Condominiums, 9818 Cherry Valley Avenue (Parcel Number 41-23-28-351-006). The created parking will be at 9810 Cherry Valley Avenue (Parcel Number 41-23-28-300-007).

R. Parent made a motion to un-table the request under item 6B. Motion was supported by D. Gunnink.

VOICE VOTE: All ayes. Motion carried

Kevin Edson of W.L. Perry & Associates greeted the Planning Commission, along with Mike O’Dowd, and explained that they are here tonight to discuss the parking, lighting, landscaping and vehicle access to the site.

A. Warner confirmed that Mr. Edson had received and reviewed the letter of June 2, 2010, from Wilcox and Associates asking if any of those issues had been resolved before tonight’s meeting. B. Phillips stated that there a new plan has been submitted, so there are new issues. Mr. Phillips stated that the signage is at issue because the math doesn’t add up. Todd Boerman asked for clarification on which signs are new and which are existing because some were removed, while the sign for Cobblestone has been added. Mr. Phillips stated that they are compliant, but the numbers don’t add up. Mr. Edson explained the plan and stated that they are trying to work toward a phase process. Mr. Edson asked about the lighting as they feel it is very bright with the wattage and would like to know what more might be needed. Mr. Boerman stated that it is difficult to meet the minimum standard, but that he feels that the lighting in place is adequate because it is well lit and doesn’t spill over.

A. Warner asked about the landscaping and Mr. O’Dowd replied that there is a portion that is in the utility easement and that it was agreed at a previous meeting to leave it lawn to minimize moving shrubbery and plantings. Mr. Warner asked about the driveway located closest to Cherry Valley commented that the fire chief would like the drive to stay in place for access to the fire hydrant or move the hydrant for future access. T. Boerman stated that his recommendation is to remove the driveway. Mr. Edson stated that his concern is to eliminate traffic pulling out onto Cherry Valley to access the other side of the building adding that any parking in that driveway would be eliminated. D. Gunnink stated that he is glad to see the curb cut eliminated in the center at the front of the parcel and that he would like to see the driveway removed to clean up the look and beautify the area. Mr. O’Dowd agrees that they would like to clean it up adding that they feel they have a living document as well, but stated that he would feels very strongly that the driveway in front remain because if the buildings are joined at a later time, it would make it impossible to move to the back of the building without exiting the site and driving on Cherry Valley. M. Kelly stated that he would like the Planning Commission to focus on the here and now, and not possible changes in the future.

A. Warner stated that he has no problem granting preliminary site plan approval.

ARCHIE WARNER ENTERTAINS A MOTION:

A. Warner made a motion to approve preliminary site plan approval with final site plan approval to be granted once all outstanding review items presented in Wilcox letter of 6/2/10 and Planning Commission comments are addressed in a final plan format. Motion was supported by D. Gunnink.

7. NEW BUSINESS

A. Public Hearing and Site Plan Review: Application for Special Land Use Permit for Oversized Accessory Building – Requested by Scott Lehnert (Contractor) (Applicant) on behalf of Blanche Carter (Owner). Request to allow a 1,520 sq. ft. accessory building which is 320 sq. ft. above the allowable square footage for a parcel of on a 2.56 acre parcel of R-R zoned land. The extra square footage is associated with an 8 ft. x 40 ft. lean-to over hang on the north side of the proposed accessory building. Property known Parcel Number 41-23-26-100-032.

Scott Lehnert of 1921 Byron Center greeted the Planning Commission on behalf of Blanche Carter, the property owner. Mr. Lehnert stated that there are no neighbors and that the property sits on a gravel road. Mrs. Carter commented that they would like approval to build a long-overdue pole barn to house a fifth-wheel trailer and a John Deere tractor with attachments that need a home. Mrs. Carter stated that she and her husband own the surrounding property that is held in Trust and that the request is for a lean-two, but that it is really a porch for her husband to sit on and to do things while outdoors, but in the shade.

A. Warner opened the floor to public comment.

Seeing none, the public comment portion of the meeting was closed.

A. Warner stated that the lean-two is on the side of the building which has the longest distance to the property line. R. Parent stated that there is an issue with this being a second accessory building and that the property size doesn’t allow for a second building on this site. Mrs. Carter stated that the other building is a garage and not a second accessory building, but Mr. Parent replied that since it is not connected to the house, it is considered an accessory building. Mr. Warner suggested that a shade structure be added to connect the garage to the house so that the proposed accessory building would be the only accessory building. D. Gunnink explained that if this 2.5 acre parcel were sold separate from the surrounding trust property, it would be in violation of the zoning ordinance.

Mr. Lehnert stated that they came before the Planning Commission regarding the lean-two and now it has become a different issue regarding the whole building. A. Warner stated that they support the request, but that they cannot set a precedent allowing two accessory buildings on this size parcel. Mrs. Carter stated that no one had said anything previously about the garage and that she would like to get this thing built and over-with as she doesn’t want to “dance one more dance.” They were told one thing by the Township staff and now another here tonight.

ARCHIE WARNER ENTERTAINS A MOTION:

A. Warner made a motion to allow conditional approval of oversized accessory building contingent upon the existing detached garage being appropriately connected to the nearby house. The fact that the owner and/or family trusts all of the property around the parcel of property where the over sized accessory building is to be located is also a mitigating measure. Motion was supported by D. Koopmans.

ROLL CALL VOTE:  D. Gunnink – aye; M. Kelly – aye; A. Warner – aye; D. Koopmans – aye; and R. Parent – aye. Motion Carried
8. **PUBLIC COMMENTS (EXTENDED – UP TO 5 MINUTES)**

   A. Warner opened the floor to public comment. Seeing none, the public comment portion of the meeting was closed

9. **COMMISSIONER’S COMMENTS**

   R. Parent commented that he is concerned about residents being given incorrect information. Mr. Warner asked Mr. Phillips to draft a memo to Mr. Rusticus so that everyone understands the Zoning Ordinance regarding this topic.

   D. Koopmans thanked Ms. Cavanaugh for her comments in support of the Township.

10. **ADJOURNMENT**

    D. Gunnink made a motion to adjourn. Motion was supported by D. Koopmans.

    VOICE VOTE – all ayes – Meeting adjourned at 9:00 p.m.

    CALEDONIA TOWNSHIP PLANNING COMMISSION

    Duane Gunnink, Secretary
    Approved: June 21, 2010

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    Sincerely,
    Cindi Landon / Robert Phillips
    Recorder