Minutes of a meeting held on November 5, 2012

A regular meeting of the Charter Township of Caledonia Planning Commission held at 7:00 p.m., on Monday, November 5, 2012, at the Township Office, 8196 Broadmoor Ave. SE, Caledonia, Michigan.

1. CALL TO ORDER / ROLL CALL

Chairman Warner called the meeting to order at 7:01 p.m. with a quorum present.


Members Absent: M. Kelly

Staff Present: Lynee Wells, AICP, Williams & Works, Township Planner; Todd Boerman, P.E., Wilcox Engineering, Township Engineer

Others Present: Representatives for Whitneyville Sand Pit, and members of the press and community.

2. CONSIDERATION OF THE MEETING AGENDA

Correction to Item A: Applicant for the PMR Renewal is Whitneyville Sand Pit Inc. A. Warner added Item C, an update from Planner L. Wells.

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

A. Warner opened the floor to public comment at 7:02 p.m. and closed it at the same time, finding no public comment.

4. CONSIDERATION OF MEETING MINUTES

A. Minutes of the September 17, 2012 meeting.

D. Koopmans made a motion to approve the minutes of September 17, 2012, as submitted. Motion was supported by D. Gunnink.

VOICE VOTE: All ayes. Minutes of the September 17, 2012 meeting approved.

5. INQUIRY OF CONFLICT OF INTEREST

None declared.
6. NEW BUSINESS

A. **PMR Renewal:** Requested by Whitneyville Sand Pit Inc., for renewal of existing permit at 7777 Whitneyville Ave. SE.

   Randy Snoeyink, accountant for Whitneyville Sand Pit, Inc. came forward as a representative for the request.

   A. Warner commented the pit has been well operated; they are good neighbors. R. Snoeyink replied that there has been very little activity there, due to the economy, so not much change in the last few years.

   K. Cavanaugh asked about the issue of the fuel storage tank not meeting current standards that was raised in Wilcox Engineering’s letter dated October 31, 2012. R. Snoeyink explained it wasn’t on a concrete base; the base was delivered and installed the previous Friday, now in compliance.

   T. Morris inquired about capacity left; R. Snoeyink replied there are about 2 million yards of sand left, long way to go yet.

ARCHIE WARNER ENTERTAINS A MOTION:

   A. Warner motioned to recommend to the Township Board to approve the renewal of the PMR Permit for Whitneyville Sand Pit Inc., in accordance with Exhibit A.

   The motion was supported by D. Koopmans.


B. **Public Hearing:** Requested by Joshua Johnson, for a Special Use Permit to construct an additional Accessory Building, 30’ x 40’, in the R-R, Rural Residential District. Lands commonly known as 7910 McCords Ave. SE, parcel #41-23-13-100-030.

   Joshua Johnson came forward, would like an additional building for storage of his camper, four wheelers, work van, etc. He commented he has 4 ½ acres, and 2 buildings would be permitted if he had 5 acres.

   A. Warner opened the floor to public comment at 7:10 and closed it at the same time, finding no public comment.

   T. Morris asked the applicant if he ran a home based business; found he does not.

   R. Parent asked if J. Johnson could extend his current accessory building; found J. Johnson would prefer not to, as the current building is a hip roof structure that would be more complicated to tie into.

   R. Parent stated he doesn’t think the Planning Commission has the authority in the Zoning Ordinance to grant a request for more than one building when the
property is under 5 acres in size. L. Wells cited Chapter 3.11(c) of the ordinance; it states that floor area of an accessory building can be exceeded if approved by the commission as a special land use, but there is no provision for them to approve more than one building.

A. Warner asked L. Wells about the setbacks from the road; also accessory buildings are not to be in front of a principal building. (J. Johnson’s proposed location of 2nd building is in front of the house.) L. Wells cited Chapter 3.10(c)(2), which states that provision does not apply if both the principal and accessory buildings are at least 200 feet back from the street ROW line, which is the case here. A. Warner commented it is very close to tree line/property line and neighbor; D. Gunnink pointed out there are side-yard setback requirements also.

K. Cavanaugh commented that there should only be 1 building allowed to adhere to the ordinance, even though 2 buildings would help him store things inside, which is desirable. R. Parent again stated they don’t have the authority to approve 2 buildings, only excessive square footage. The Zoning Ordinance would have to be amended to allow them the authority to grant more than one building in the future. J. Johnson should go to the Zoning Board of Appeals for a variance.

D. Gunnink agreed; feels they would be setting a precedent by approving a 2nd building, when J. Johnson could expand his current garage or building instead.

T. Morris agreed, should remain consistent with the ordinance. J. Johnson responded that he was guided here; R. Parent recommended he go to the ZBA if he does want to pursue 2 buildings.

J. Johnson feels 2 separate buildings and this proposed location for the 2nd building fits the property best; he doesn’t want to add a large building onto his house. T. Morris commended J. Johnson for coming in and following the process.

ARCHIE WARNER ENTERTAINS A MOTION:

D. Gunnink motioned to deny the Special Use Permit for Joshua Johnson for the construction of an additional 30’ x 40’ Accessory Building at 7910 McCords Ave. SE.

The motion was supported by D. Koopmans.


C. Update from the Planner:

Planner L. Wells informed the commission there are meetings scheduled for November 19th and December 3rd. Spirit of Life Lutheran Church is applying for a Special Use Permit for a church at the SE corner of 76th and Broadmoor, zoned RR, also in the overlay district. L. Wells is working with applicant on site plan, especially on their parking.
For the December 3rd meeting, L. Wells is waiting for a submittal from Don Miesen, who wants to open a consignment shop at the house at Kraft & Broadmoor. She is currently working with staff (Building Inspector, Zoning Administrator, Fire Chief, Engineer) on internal reviews, developing this as a process for submittals before Planning Commission review.

Also in December, there will be a site plan review for Bigby Coffee, coming to the Crossroads PUD. L. Wells requested sidewalk along 100th St., to connect to the Rails to Trails; also some parking issues to discuss.

R. Parent, having been absent from the September 17th meeting, asked about the Crossroads PUD discussion item; how was service drive placed along the front of those parcels, was this an error, and whose? Found it was intentional, built as planned, no error.

7. UNFINISHED BUSINESS

None.

8. PUBLIC COMMENTS (EXTENDED – UP TO 5 MINUTES)

A. Warner opened the floor to public comment at 7:41p.m. and closed it at the same time, finding no comment.

9. COMMISSIONER’S COMMENTS

R. Parent commented that the Zoning Ordinance should be changed if they want to have the authority to grant additional buildings; L. Wells agreed, she will be talking to staff about following the ordinance until such time as there is a request from the commission to modify it.

D. Gunnink stated that this request belonged at the ZBA.

T. Morris feels it is the job of the commission to look at requests like this.

K. Cavanaugh stated there should be an ordinance amendment if the Planning Commission wants this authority; in her experience, requests of this kind would be handled by the ZBA. This commission is unique in having some variance authority.

L. Wells commented that allowing an additional building could be considered a use issue not a variance issue.

A. Warner commented it needs to be addressed in the ordinance to give them the authority to grant an additional building; commended R. Parent for recognizing that they don’t currently have that authority in the ordinance.

R. Parent stated he doesn’t want the decision making power to deviate from the ordinance; that is what the ZBA is for. He doesn’t want to get the Township in any legal trouble. He hopes to see everyone at the polls the next day.
10. **ADJOURNMENT**

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

**VOICE VOTE** – all ayes – Meeting adjourned at 7:51 p.m.

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**CALEDONIA TOWNSHIP PLANNING COMMISSION**

Duane Gunnink, Secretary  
Approved: November 19, 2012

Sincerely,

Angela Burnside  
Recorder