Minutes of a meeting held on December 6, 2010

A regular meeting of the Charter Township of Caledonia Planning Commission held at 7:00 p.m., on Monday, December 6, 2010, at the Township Office, 8196 Broadmoor Ave. SE, Caledonia, Michigan

1. CALL TO ORDER / ROLL CALL

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


Members Absent: M. Kelly

Staff Present: Michael Clark, AICP, Williams & Works

Others Present: Members of the media and representatives of Brann’s Restaurant

2. CONSIDERATION OF THE MEETING AGENDA

Agenda accepted as presented.

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

A. Warner opened the floor to public comment and found no comment from the audience.

4. CONSIDERATION OF MEETING MINUTES

A. Minutes of the November 1, 2010 meeting.

D. Koopmans made a motion to approve the minutes of November 1, 2010, as amended. Motion was supported by D. Gunnink.

VOICE VOTE: All ayes. Minutes of the November 1, 2010 meeting approved.

5. INQUIRY OF CONFLICT OF INTEREST

A. None.

6. UNFINISHED BUSINESS

None.

7. NEW BUSINESS
A. **Public Hearing: Special Land Use Permit** – By Diane Sevensma for a special use permit to operate a Group Child Care Home at her residence, 7720 Abby Lane SE, in the Austinridge PUD, property parcel #41-23-15-401-015.

Diane Sevensma, 7720 Abby Lane SE, “thanks” to staff for consideration, stated that her son that will assist with child care, explained that only difference to current operation is that she will have two additional children after school, will keep the same amount of children during the day.

A. Warner found from Sevensma that the application was prompted by a state licensing investigation, and the fact that Sevensma did not realize she was in not compliance because of after school children.

A. Warner opened the public hearing at 7:06 p.m.

Rory, representative for Austinridge Homeowners Association, stated support from the home owners association, not opposed to the home occupation.

A. Warner closed the public hearing at 7:10 p.m.

A. Warner found from Sevensma that she does not intend to take on additional day care children, hours of operation will be from 7:00 a.m. to 6:00 p.m. - Monday through Friday, and applicant is in compliance with all other state licensing requirements.

T. Morris found that the special use would then allow up to 12 children, but applicant would not want that many children and would need to hire additional staff for that many children, could limit the number of children that can be served.

A. Warner found that the state would regulate the requirements for home care, found from Clark that the state regulations are within the ordinance currently.

D. Koopmans found from the applicant does carry liability insurance for self coverage.

D. Gunninck found from the applicant that the children are allowed to swim with permission from parents, insurance would cover any injuries incurred while at her home.

A. Warner found that the pool is fenced separately.

T. Parent cited staff report regarding the staff comments for parking and found from Clark that the driveway does allow for double wide parking and to the west there is an area for safe turnaround.

A. Warner confirmed with the applicant that the request is for hours of operation on Monday through Friday from 7:00 a.m. to 6:00 p.m.

Rory stated that the home owners association states that daycare centers only employ persons within the home.

**ARCHIE WARNER ENTERTAINS A MOTION:**

A. Warner made a motion to approve the special land use permit to operate a Group Child Care Home with the following conditions:

1. The number of children receiving care at the residence is limited to eight children.
2. Subject to maintaining state licensing for Group Child Care Homes.
3. Hours of approved operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.
The motion was supported by R. Parent.


B. Public Hearing and Site Plan Review: Application for Special Land Use Permit – By Chad Meyer for a special land use permit to construct a 32x50 Accessory Building with a 6x50 overhang on a 2.89 acre parcel in the Wingfield Estates PUD. Property commonly known as 5311 84th St. SE, parcel #41-23-18-452-015.

Chad Meyer - applicant, 5311 84th St, farm property that has became residential, lost a building due to the weather about three weeks ago, application is to replace the accessory building that was lost with some improved aesthetics, more relaxed building.

W. Warner opened the public hearing at 7:19 p.m.

Brett Burgess, 5387 Flyby Drive, neighboring property owner, stated support for the request, Meyer has maintained the property very well, and improved the property.

Burgess submitted a letter to be entered into public record from Patrick Frederick, 5280 Fly By Dr SE, neighboring property owner, stating full support of the request.

A. Warner closed the public hearing at 7:21 p.m.

A. Warner found from Clark that the approval is needed due to the fact that the underlying zoning district requires approval.

R. Parent found that the Township Attorney has reviewed the request and is recommending approval; found from the applicant that a separate structure in question on an aerial photograph is a well house that was in place when the property was purchased.

K. Cavanaugh stated that she had spent a lot of time reviewing the request, reiterated the process for special land use, questioned if the applicant would be allowed to replace all buildings with an increase in size if they are damaged by weather, found from Clark that opinion would apply to any buildings with application and would be subject to Planning Commission approval.

K. Cavanaugh questioned if this request set would set a precedent for all other lots and found from Clark that this lot is “unique” within the PUD because this lot retains the original farm buildings that were in place before the PUD was established, she stated that she is struggling with the fact that this lot is unique because the buildings were already in place.

Meyer stated that the intent is to soften the look of the building with the overhang.

T. Morris found from the applicant that the lean-to area of the proposed barn would not be used as storage for equipment, instead would be a possible sitting area.

R. Parent questioned what all of the buildings are used for and found most are only to retain the rural character that is loved about the Caledonia area, only storing equipment that is used for maintaining the property and some neighboring properties.

R. Parent questioned if the applicant had any equipment stored on the property that could be considered profit based, and found from the applicant that there may be some compensation generated by the equipment, not necessarily a home occupation.
K. Cavanaugh found from Clark that the request would not set a precedent for the entire PUD.

D. Gunnink stated that the property is very nice and nicely maintained, but not convinced that the additional size is necessary, would be concerned about precedent regarding out buildings, would be in favor of replacing the building with the footprint of the prior building.

A. Warner recapped that each application is approved individually by the Planning Commission, could place conditions on approval to control building specifications.

K. Cavanaugh found from the applicant that there is not a concrete slab floor in place, nor is there one proposed for the current application.

D. Gunnink stated that he would be supportive of approval if the enclosed portion building is not used for outdoor storage of equipment.

ARCHIE WARNER ENTERTAINS A MOTION:

D. Gunnink made a motion to deny the special land use permit with the increased size of the Accessory Building.

The motion was supported by K. Cavanaugh.


A. Warner stated that he does not feel the request is unreasonable, D. Koopmans supported the statement.

A. Warner stated that the applicant can replace the accessory building within the original footprint.

C. Public Hearing – Rezoning Request: By Michael Brann, Sr., to amend the Zoning map from the C-2, General Business District, currently under enforcement of Consent Judgment to PUD, Planned Unit Development. Property commonly known as 6450 100th Street SE, parcel #41-23-33-101-013.

Jeff Parker and Michael Brann, Sr., Representatives of Brann’s Steakhouse, would like to purchase the strip mall and put in a Brann’s Restaurant in the old Big Boy Restaurant space, reviewed the site plans, stated the objective is to purchase and place a restaurant at the location, would like reassurance the use will be allowed before purchasing, would employ 50-60 employees.

A. Warner found from Clark that there are several factors that made it require rezoning to PUD, per the staff report.

Parker stated that the request will require additional parking, would like to have additional parking to support peak business times.

A. Warner questioned if the parking would be shared and found from Parker that the additional parking is not required but applicant thought that the replacement of part of the building with additional parking would work better for the parcel.

Brann stated that they are excited about the area, would like to have a business in the area.

A. Warner opened the public hearing at 7:52 p.m.

Dar Vander Ark, Representative for T & M Partners, stated that T & M Partners is supportive of the use/request,
reviewed some of the development that has occurred in the area, cited letter that was turned in to the Clark at the start of the meeting, have had some concession given to other use/applications in the area, T & M Partners will be submitting a request in the future to rezone remaining parcels to PUD.

A. Warner found that Mercantile Bank is the current owner of the property.

Vander Ark stated that it will be a good thing for all area developments.

Clark reviewed zoning ordinance requirements for parking.

A. Warner closed the public hearing at 7:58 p.m.

A. Warner found from Clark the requirements for PUD lot size and the clarified that the rezoning would be for the entire development.

Parker stated that the applicant is not interested in purchasing the parcel if they are not able to use the property in the capacity intended.

A. Warner stated that other parcels that were part of the Consent Judgment worked within the parameters dictated by the Judgment would need to see if a judge would sign off on any concessions, and there would need to be a collaborative effort between Brann’s, the Township and the court.

Parker questioned what process Advantage Health followed to gain approval.

A. Warner stated that the property could be purchased but the court would need to approve proposed changes.

D. Koopmans expressed confusion regarding the expansion of the PUD, wondering how the request will interrelate with the Consent Judgment, not sure that the Consent Judgment has received the proper level of review, how this request can be sorted out based on the Judgment.

A. Warner found from Vander Ark that there was an initial belief that there would be some additional parking required, but currently the Judgment states that construction would need to be compliant with C-2 standards. The standards, would require 21 residential buildings per the Consent Judgment and found that there are 21 substantial complete units.

D. Gunnink questioned why the applicant would not just work within the C-2 requirements and found that the applicant does not want to end up maintaining more than what they intended to purchase.

Parker stated that the request was actually a product of requirements generated by Clark/Vander Ark/Brann’s Civil Engineer, based on the zoning ordinance.

Paul Henderson, Rossien & Associates, Civil Engineer representing Brann’s Steakhouse, met with Clark/Vander Ark to determine a plan, felt that it made sense to submit the request for rezoning to PUD, total rezoning based on future use of entire parcel.

ARCHIE WARNER ENTERTAINS A MOTION:

A. Warner made a motion to postpone the rezoning request until site plan review approval has been granted.

The motion was supported by D. Gunnink.

D. Site Plan Review: By Michael Brann, Sr., to occupy the vacant restaurant space in the existing retail center, to enclose the canopy area at the front of the building, and add a 3-season room to the south end of the building. The remainder of the undeveloped portion of the parcel will be utilized for parking.

Bill Busse, Collier & Associates, Representative for Brann’s Steakhouse, cited observation that the building is currently set far back off the street - 537 feet exactly, distributed pictures of signage located at Brann’s Steakhouse on 28th Street at different setback footages for comparison, feels the pictures lend perspective for signage request.

A. Warner found from Clark a review of the allowable square footage for signage and the requested signage size per the application.

K. Cavanaugh questioned if the request needs to meet C-2 requirements and the Planning Commission’s to approve based on the Consent Judgment, found from Clark the requirements per the Consent Judgment.

A. Warner questioned if approval would be setting precedent for future applicants.

Busse stated that he feels signage will be very important to the livelihood of any business that comes in to that area.

D. Gunnink stated that there is a pylon signage available near M-37, may want to go that route instead of wall signage.

A. Warner found from Vander Ark that signage would be better served closer to 100th Street; intent is to increase the signage for “Crossroads” development and other applicants in that development.

Vander Ark cited the signage requirements - per the Consent Judgment, could be solely approved by the Planning Commission.

K. Cavanaugh questioned if the Planning Commission has the right to increase the size of the signage and found from Clark that the question would require further review of the Consent Judgment.

A. Warner found from Clark that per the Consent Judgment the request would need Planning Commission and Township Board approval.

R. Parent stated recognition that Brann’s Steakhouse is a well known establishment in the area, feels the reputation of the restaurant will speak for itself.

Busse likened Brann’s to Art Van Furniture, have increased signage for Art Van Furniture, feels signage is important for any business regardless of reputation.

D. Gunnink stated that there will be opportunities for three signs, feels the combination of the three signage opportunities would be sufficient.

A. Warner stated the he is support of signage and filling vacant store fronts. Applicant needs to have some assurance that Planning Commission will be supportive.

T. Morris stated that he would be supportive of the increased signage.

D. Gunnink stated some opposition to the additional parking that would eliminate the greenbelt that is currently in the front of the originally proposed plan, would like to keep the area green, found from Vander Ark that the proposed site plan does not currently incorporate the additional parking.
Vander Ark stated that it is intended in the future to beautify the entire parcel and expects to have additional building in the future.

Parker stated that the additional parking is planned for as part of the proposed development, but will actually be utilized by the future occupants of the parcel, can be eliminated if it is a “deal breaker”.

Parker reviewed the lighting plan.

Clark reviewed the allowable light spillage requirement, lighting should be approved as part of the future PUD, feels the proposed lighting enhances security in the area.

D. Gunnink stated that he does not feel that the lighting will be an issue.

A. Warner found that lighting was not reviewed by Township Engineer and site plan approval could be contingent upon fire/safety and Engineering approval.

A. Warner found from Brann that he would like to move forward with the purchase if reassured that a partnership could be formed with the Township.

Planning Commissioners discussed eliminating two signs on the south side of the building.

Clark stated that he would suggest that approval be granted as part of a joint approval for the entire development to reduce fees, application time, etc.

**ARCHIE WARNER ENTERTAINS A MOTION:**

D. Gunnink made a motion to approve preliminary site plan with the following conditions:

1. Subject to the amending of the Consent Judgment/PUD.
2. Subject to review and approval of signage by Township Engineer
3. Subject to further review and approval by Township Engineer.

The motion was supported by D. Koopmans.


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

Debbie Meyer, 5311 84th Street SE, husband was an earlier applicant, requested clarification from the Planning Commission regarding special land use request.

A. Warner clarified that the Accessory Building could be replaced in its original footprint, without an increase in size.

9. **COMMISSIONER’S COMMENTS**

K. Cavanaugh stated excitement to see a Brann’s Steakhouse coming to the area, will be a nice addition of variety to the Caledonia area.

10. **ADJOURNMENT**

D. Koopmans made a motion to adjourn. Motion was supported by R. Parent
VOICE VOTE – all ayes – Meeting adjourned at 9:02 p.m.

CADEDONIA TOWNSHIP PLANNING COMMISSION

Duane Gunnink, Secretary
Approved: January 17, 2011

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Sincerely,

Jennifer Lamb
Recorder