CALL TO ORDER / ROLL CALL

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


Members Absent:  None

Staff Present:  Lynee Wells, AICP, Williams & Works, Township Planner

Others Present:  Members of the media and representatives from Chuck’s Landscaping Management, Inc., Tires 2000 Caledonia, and Milestones Child Development Center

CONSIDERATION OF THE MEETING AGENDA

Agenda accepted as presented.

PUBLIC COMMENTS (BRIEF – UP TO 2 MINUTES)

A. Warner opened the floor to public comment at 7:01, and closed it at the same time, finding no public comment.

CONSIDERATION OF MEETING MINUTES

A. Minutes of the September 19, 2011 meeting.

D. Koopmans made a motion to approve the minutes of September 19, 2011, as submitted. Motion was supported by R. Parent.

VOICE VOTE:  All ayes. Minutes of the September 19, 2011 meeting approved.

INQUIRY OF CONFLICT OF INTEREST

None declared.
6. **NEW BUSINESS**

A. **Public Hearing – Special Use Permit:** Submitted by Chuck’s Landscaping Management, Inc., for a Special Use Permit to operate a Home Based Business at 8280 & 8300 Patterson Ave. SE, as allowed for in Chapter 16, Section 21 of the Zoning Ordinance.

Chuck Koll and Eric Koll, of Chuck’s Landscaping, gave a brief overview of the request. They are seeking approval to operate a home-based business at said property, as a 2nd location, with 2 or 3 crews operating out of this location.

A. Warner opened the floor for public comment at 7:02; closed it at the same time, finding no public comment.

A. Warner inquired how many non-family members would be working there; C. Koll responded probably 2 right now. He doesn’t want to be capped or limited to only 2; commented that Ken Yonker has been operating a similar business at this location for the past 20 years, and another landscaping business was there before him. If the business grows, they would like to be allowed to expand. A. Warner commented that the previous business never had a permit; according to ordinance for home-based business, only one non-family member is allowed to work from that property.

M. Kelly asked about the house; C. Koll’s son and daughter-in-law will be living there.

A. Warner is not opposed to the business, but it has to be a legal use, and he is not convinced that a home based business permit is the way to go about it. The ordinance does not allow for outdoor storage, no mechanical equipment can be installed, only 1,200 sq. ft. building is allowed for home based business, with only 50% of that allowed to be used for business; the current building is 3,600 sq. ft. In Section 16.15 of the ordinance, Contractor Yard, all operations and storage shall take place in an enclosed building or be fully enclosed by a 6 ft. fence; this plan indicates there will be outdoor storage and it is not fenced in.

R. Parent asked what services the business provides; C. Koll responded landscaping and management, possibly a little inventory stored for management, but no on-site retail sales. They also provide snowplowing in winter.

K. Cavanaugh asked when the previous business ceased; non-conforming use is allowed to continue if not abandoned for more than a 12 month period. C. Koll responded the previous business closed on May 1, 2011.

A. Warner feels it really isn’t a home based business, allowing it to continue as a non-conforming use may be a better way to handle the request. K. Cavanaugh questioned whether it was a legal non-conforming use; L. Wells doesn’t believe it was a legal non-conforming use, would need to research it for building permits and what the zoning ordinance specified at the time the business began.

A. Warner asked about a previous issue of water running off to Vanlaan’s, a neighboring property; was that ever corrected? Ken Yonker, 8300 Patterson, came forward and responded it has been graded down, issue has been resolved.

T. Morris asked about growing the business, wondered how many people C. Koll would
foresee working there; C. Koll answered probably 2 crews, four men. T. Morris questioned if there would be storage of combustible materials, C. Koll responded there would be none.

D. Koopmans inquired about the storage of equipment outside; C. Koll replied it is more than adequate as drawn on this site plan, doesn’t see needing more than that. C. Koll clarified the reason he is asking for a home based business permit is because that is how he was directed to proceed by township staff.

A. Warner asked about brush removal; as of now being burned in Byron Center with permit.

D. Gunnink inquired if they were planning improvements or changes; C. Koll answered there are none planned.

R. Parent commented that the size of the business far exceeds the intent of home based business ordinance. Limitations were stated when ordinance was written; once a business exceeds these limitations, it should be relocated to appropriate commercial property.

A. Warner also feels it exceeds a home based business; need to find a different way to get approval to operate the business from this location. He also stipulated there should be no combustible storage on property, would like to make sure there is no burning of brush allowed on property, in fairness to neighboring residents.

M. Kelly inquired how the business evolved there over time. K. Yonker responded that he had purchased it from a landscaping business 24 years ago; came to the township then and was told he didn’t need a variance, and the township wanted to keep this area rural. K. Yonker feels this is within property rights, under Ag zoning it was permitted and legal 20 years ago. No neighbors have a problem with it; it bothers him that there is so much regulation and red tape.

A. Warner commented that the township has never told K. Yonker that he couldn’t operate there; they are looking to the future.

T. Morris clarified that other businesses are held to the ordinance; no one is personally trying to make this difficult, but they are upholding the ordinance.

M. Kelly commented that he agrees this is not a home based business, wondered if approving it as a non-conforming use could work. C. Koll asked if there was an application for that, he already paid $350 for the home based business permit; that’s what he was told to do.

K. Cavanaugh also feels this doesn’t fit home based business, can look at the non-conforming use section to address situations that exist as land use, and it is still within the 12 months so the allowed use hasn’t expired. L. Wells indicated that would be an administrative approval.

A. Warner commented that home based business permits expire every 3 years, and cessation of business for more than 90 days voids the permit, so approving as non-conforming would be more secure for applicant. K. Cavanaugh clarified that as long as the buildings didn’t expand, the use could expand and still be legal.

M. Kelly feels approving under non-conforming use is a better fit. The applicant asked what he was supposed to do next. A. Warner agreed; would not be setting precedent by expanding
the home based business permit.

L. Wells agreed that continuing the use could fall under non-conforming and it would become an administrative approval, if it is a legal non-conforming use. L. Wells would have to research to see if it was a permitted use under the ordinance at the time. L. Wells asked if the request should be tabled; A. Warner replied table or withdraw request.

A. Warner commented that the township has known of this business for many years; feels that is tacit agreement that this is a legal non-conforming use. C. Koll asked if he should withdraw the application since it isn’t a fit for home based business. L. Wells will research it; D. Gunnink suggested tabling to keep his options open.

R. Parent asked about ownership of the business; C. Koll answered that it is an S-Corp, and that his son is not currently an owner but he plans to make him part owner very soon.

ARCHIE WARNER ENTERTAINS A MOTION:

M. Kelly motioned to table the request. Motion was supported by D. Koopmans.

VOICE VOTE: All ayes. Motion carried.

B. Site Plan Review: Submitted by Tires 2000 Caledonia; to operate retail, and automobile repair and servicing businesses at 9860 Cherry Valley Ave. SE.

Doug Stalsonburg of Excel Engineering, representing Jon Raymond of Tires 2000 gave an overview of the proposed project. They are purchasing the building at 9860 Cherry Valley to relocate an existing auto repair business. Modifications include adding parking in front where stormwater detention pond is, and relocating that pond to the back of the property. Currently the property is a 6-unit condominium; the building they are looking at is a 5 unit condo, with Cobblestone Bistro next door as unit 6. Their desire is to create 2 parcels separating the two buildings and to do away with the condominium agreement. Legal issues are being worked out with the bank; they would like to move forward as soon as possible.

D. Stalsonburg has seen Planner Wells’ report and Wilcox Engineering’s report; additional issues to work through concerning landscaping, parking, and signage.

A. Warner asked what they would do if they can’t purchase the whole building, J. Raymond indicated they would go ahead anyway.

D. Stalsonburg noted they are in the overlay district, and as such the required frontage for each proposed parcel should be 200 feet, but there is not enough frontage for that. A. Warner feels that because this is existing, and they were previously 2 separate parcels, dividing them again wouldn’t be an issue.

M. Kelly questioned D. Stalsonburg about current easements, for storm sewer and ingress and egress. D. Stalsonburg indicated that those are shown on the new site plan (not provided to
commissioners or staff); it doesn’t show them on the plan submitted to the commissioners. They are willing to grant easements when parcels are split, and for a connecting drive to Dollar General to the south. M. Kelly asked about agreement of shared parking with Cobblestone Bistro. D. Stalsonburg responded that the restaurant owner has a lease agreement with property to the north for parking, for 129 spaces, so they have plenty of parking available.

A. Warner asked about the location of the retention pond; located to the south, designed for both properties. They are relocating the pond to the back of the property, will have easement agreement for relocating the pond. 19 current parking spaces will be removed, but still enough parking.

C. Koopmans inquired if the planned pond has to be as large as shown on site plan; D. Stalsonburg replied that it does according to Wilcox’s calculations.

D. Gunnink inquired if there were any wetland issues with relocating the current pond; D. Stalsonburg responded that they had not yet contacted anyone regarding that issue.

A. Warner referenced Planner Wells’ report; landscaping under overlay district requires them to have 5 evergreens, 3 shade trees, and 12 shrubs per 100 ft. If they can go ahead with the land division, the site plan proposes just 16 shrubs, waiving the evergreens and shade trees. They are already to plant 1 shade tree in each of the 2 required parking islands. They are asking for shrubs not trees because of the current problem at Dollar General; overgrown trees are causing vision problems to the signage. Also, the front of property is 25 ft easement for water and utilities. Shrubs can be moved, but trees can become a problem near water and utilities.

A. Warner agreed. D. Stalsonburg will submit a new landscaping plan if the Planning Commission is in agreement with their proposal.

The site currently has a pole sign, they plan to take it down and convert it to a monument sign, overall height 6-8 ft. A. Warner clarified there is a moratorium on signs right now; the Planning Commission can approve plan for now, but they will have to come in later for the signage. The bottom part of existing sign at Cobblestone Bistro has to be removed, currently empty. L. Wells says signage component could be removed from request and applicant can come back when the moratorium is lifted.

Wall signage currently at the existing Napa and Tires 2000 locations is proposed to be relocated to this building. Napa’s wall sign is 60 sq. ft., and the Tires 2000 wall sign is approximately 50 sq. ft. L. Wells again clarified the sign ordinance has not been approved, so the safest bet at this point would be to withdraw signage request and come back for signage approval from the Zoning Administrator.

The wall pac lights currently on building will be left there; there is no new lighting proposed. A. Warner asked L. Wells about the lighting plan, she will work with D. Stalsonburg. A. Warner proposed installing cut-off fixtures where existing fixtures are, then no new photometric plan would be needed since it is an existing use; must comply with Section 3.50 of the ordinance.
The parking calculations were changed to comply with Planner Well’s report. Cobblestone needed 175 spaces, plan provides 227 spaces. The south building will include Napa and Tires 2000. Napa’s parking was calculated all as retail space to simplify. Tires 2000 was calculated as part retail/part service bay. For the future lease spaces shown, since it is unknown what will be located there, calculations were based on ½ as warehouse, ½ as retail, came up with 44 more spaces. D. Gunnink commented that there is plenty of land for additional parking in the back.

A. Warner commented on the width of maneuvering lane on south side of building. The new site plan (not provided to commissioners or staff) shows paving all the way to the building, now 35 feet wide. It is intended to be a one-way drive, intent is for cars to drive thru the bay and exit from other side. A. Warner asked how often cars are stacked, J. Raymond answered 4-5 cars at a time. A. Warner inquired about cross access to Dollar General, easement suggested on site plan, but not currently in place. Dollar General would have to grant easement and do some paving. Dollar General may not want to do it, they would lose 3 parking spaces. D. Gunnink feels they are increasing use but still only one driveway; would like to see them work with Dollar General.

A. Warner found the dumpster will be placed on north side, in place of two parking spaces. A. Warner questioned if all requirements of Wilcox Engineering’s letter dated October 10, 2011 will be complied with; D. Stalsenburg responded yes.

D. Gunnink asked about swimming pool on east side of south building; applicant responded that it is part of Unit 5 that they don’t yet have. If they can purchase it, they intend to fill it in.

**ARCHIE WARNER ENTERTAINS A MOTION:**

K. Cavanaugh motioned to approve the site plan, with the following conditions:

1. Compliance with requirements of Wilcox Engineering’s letter dated October 10, 2011.
2. Compliance with requirements of Planner Well’s staff report dated October 12, 2011.
3. Landscaping approved as 16 shrubs in frontage and 2 shade trees in parking islands.
4. Sign approval by Zoning Administrator after moratorium on signage expires.
5. New wall pac lights must comply with Section 3.50 of the ordinance.
6. Applicant must meet with Dollar General regarding connectivity easement.
7. A storm sewer easement must be in place.
8. A maintenance agreement for shared drive and storm sewer must be in place.

Motion was supported by A. Warner.


**7. OLD BUSINESS**

A. **PUD Amendment:** Submitted by Valley Point Industrial Park LLC for an amendment to the Valley Point South Industrial Park PUD, to allow/include C-1 permitted uses to Parcel #8. Request previously tabled at July 18, 2011 Planning Commission Meeting.

Tim Fredricks of Valley Point Industrial Park is back to talk about required traffic study.
Township Supervisor Harrison met with M-DOT, they are trying to free up money for a traffic study. T. Fredricks is willing to put $3,000 in escrow toward a traffic study, and $15,000 in escrow for a right in, right out at Wendy’s. They know M-DOT won’t move too quickly, but with 6 months of construction for the Milestones Building, hopefully something can be in place by completion. They can direct their clients to certain entrances/exits. Kelly Russell, owner of Milestones Child Development Center, commented on the comparative traffic counts they submitted to the commission. She feels they can direct their clients to the Cherry Valley exit for safety.

D. Koopmans commented that counts don’t seem too heavy, not much mid-day traffic. K. Russell feels this data is reliable, concurs with all her centers. A. Warner feels it is the role of government to supply the infrastructure needed for our development. M. Kelly disagreed, feels developers bear some responsibility for the added impact; but appreciated seeing the car count, and that T. Fredricks is willing to put money aside towards the solution.

L. Wells clarified there are 2 requests; first to allow the commercial use, second for the site plan review for the building. Both requests were tabled; no site plan review was conducted.

M. Kelly motioned to untable the PUD amendment and site plan review requests. Motion was supported by D. Koopmans.

**VOICE VOTE: All ayes.**

M. Kelly would like to cap the number of children to curb traffic. K. Russell clarified that there are 150 to 160 children allowed, according to state licensing based on square footage of building; they are not allowed more. Tracy DeRuyter, manager of Milestones, commented that many of their children are siblings, so it’s not one child per car coming to the center. She is a resident of Caledonia, feels many people will come from east and west, so they wouldn’t be traveling M-37. She also commented that they can specify using the Cherry Valley entrance and exit to their clients from a safety perspective, and feels most will comply.

T. Morris asked about number of staff, typically 30 on staff, shifts include 15 on at a time.

R. Parent repeated his concern about using industrial space for commercial operations. M. Kelly agreed, but feels this park has been out of industrial use for some time already.

K. Cavanaugh questioned moving forward without hearing anything definite from M-DOT. D. Koopmans responded M-DOT has indicated they know there is a problem and are going to be addressing it. K. Cavanaugh feels it may be premature to move forward not knowing the results of M-DOT’s study. M. Kelly agreed.

L. Wells commented that M-DOT is in holding pattern, waiting for announcement from the Governor, currently no funds available. Kent County Road Commission and M-DOT are aware of problems at this intersection and are discussing solutions, but as far as next steps, they have no timeframe. K. Cavanaugh feels it is important that they plan ahead, in case M-DOT would come back with changes would require more from the applicant.

A. Warner feels the problem isn’t going to change by holding this project hostage; this is a business that wants to build here and employ people here, and he supports it. He asked if Wendy’s was supportive of a right in right out island; T. Fredricks doesn’t know.
ARCHIE WARNER ENTERTAINS A MOTION:

T. Morris motioned to recommend approval to the Township Board to amend the Valley Point Industrial Park PUD to allow C-1 uses on parcel #8, 8270 Broadmoor Ave. SE. Motion was supported by D. Gunnink.


B. Site Plan Review: For Milestones Child Development Center, to construct a day care facility at 8270 Broadmoor Ave. SE, in the Valley Point South Industrial Park PUD. Request previously tabled at July 18, 2011 Planning Commission Meeting.

M. Kelly motioned that this be a preliminary approval only, as the commissioners did not have the site plans with them.
Motion was supported by A. Warner.

VOICE VOTE: All ayes.

A. Warner found from L. Wells that proposed landscaping complies with ordinance. One issue she had was stipulation for sidewalks. If this area is more commercial, is it time to require sidewalks and connections? A. Warner clarified the only parcel they can require it of is this one, not a lot of walking outside for these clients, not a reasonable requirement. L. Wells inquired about directional signage for 84th and Cherry Valley, something with their logo to direct people that way; inside the park perhaps signs “slow, children present”. A. Warner found the children are fenced in, so no need for fence around pond.

L. Wells required any exposed equipment to be screened. There is no street light at Cherry Valley Ave. and Valley Point Drive; the center isn’t open in the evening but T. Morris pointed out that it can be dark in the morning and winter evenings. K. Cavanaugh commented that others use the intersection also. Requiring T. Fredricks to install a light there would mean coordinating with Kent County, a possible special assessment district; not sure they want to require that. L. Wells suggested something that would serve the purpose of identifying the intersection, could be decorative.

A. Warner asked if this project is in the overlay district, L. Wells responded that it is, and the proposed building meets requirements. The parking requirements are exceeded by 4 spaces. There are water and utilities to the site. Signage will have to come back for approval because of the current moratorium on signs. A. Warner clarified this approval is contingent on engineering review, and some form of lighting/reflectors, something to identify the intersection.

M. Kelly asked about school buses, where kids would be picked up or dropped off. He feels site plan needs review for turning radius for bus, may need to be flared out more.

ARCHIE WARNER ENTERTAINS A MOTION:

D. Koopmans motioned to grant preliminary site plan approval for Milestones Child Development Center, subject to engineering review, fire chief’s review, and Valley Point
Industrial Park’s PUD amendment approval from the Township Board.
Motion was supported by D. Gunnink.


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

   A. Warner opened public comment at 9:05 and closed it at the same time, seeing none.

9. COMMISSIONER’S COMMENTS

   A. Warner thanked everyone for their time and effort.

10. ADJOURNMENT

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

    VOICE VOTE – all ayes – Meeting adjourned at 9:06 p.m.

CALEDONIA TOWNSHIP PLANNING COMMISSION

Duane Gunnink, Secretary
Approved: November 21, 2011

Sincerely,

Angela Burnside
Recorder