

Minutes of the regular meeting of the Georgetown Township Planning Commission, held Wednesday, July 21, 2010

Meeting called to order by Chairman Honderd at 7:30 p.m.

Present: Greg Honderd, Scott Blouw, Cornelius Huizinga, Don Hebler, Del South, Brad Lyons, Rebecca VanDenBerg

Absent: none

Also present: Mannette Minier, Zoning Administrator

#100721-01 – Agenda for July 21, 2010

Moved by Scott Blouw, seconded by Del South, to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY.

#100721-02 - Minutes of the regular May 19, 2010 meeting

Moved by Scott Blouw, seconded by Del South, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#100721-03 – Unfinished Business-(SUP1003) Wellspring Church-site plan (no new information is available)

#100721-04 – Special Use Permit (SUP1001) Nylaan Body Shop, 1224 Rosewood St., is requesting to have a vehicle repair establishment under Sec. 16.3(F), in a (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-23-100-083, located at 1224 Rosewood St., Georgetown Township, Ottawa County, Michigan. ([existing site plan](#), [proposed site plan](#), [submittal materials](#)) (Hold the public hearing)

Steve Witte represented the applicant and presented the request.

The Zoning Administrator presented a review as follows.

REQUEST

On January 3, 2010 the middle building located at 1224 Rosewood was destroyed by fire. The property owner would like to reconstruct the building and continue the use of vehicle repair. The site is located in a Highway Service Commercial district and the use of vehicle repair when all activities are conducted within a wholly enclosed building is allowed with a special use permit under Sec. 16.3(B).

The determination has been made that since this is either a new special use permit application or an amendment to an existing special use permit (the site has changed due to the demolition of the middle building by fire and site plan approval is required by the ordinance for the reconstruction of a building), the applicant must seek special use and site plan approval in order to proceed with the reconstruction of the middle building. A condition of approval added by the ZBA for the recently approved variances was that the applicant must obtain special use and site plan approval from the Township Board and Planning Commission.

The Zoning Ordinance is very clear about nonconforming structures and specifically details the circumstances under which those nonconforming structures are allowed to be repaired, to be reconstructed, to be increased, or to be continued. For the most part, the ordinance strives to eliminate nonconforming elements and when nonconforming structures are removed, they lose the nonconforming status and must be constructed as per the current ordinance. Consequently, the applicant was required to obtain variances for any nonconforming elements to remain on the site; otherwise, all other elements on the site must comply with current ordinances.

HISTORY

Relevant Zoning Ordinance sections:

As per [Sec. 27.4](#), when a nonconforming structure is damaged, it could only be reconstructed if the expense of such reconstruction does not exceed 50% of the fair valuation of the entire building or structure at the time such damage occurred (elements that were approved as variances could be reconstructed as per the variance approval). By the applicant's admission, the cost of reconstruction exceeds 50% of the fair valuation of the entire building.

[Sec. 3.1](#) states that no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located.

Recent ZBA action:

The site has a lengthy and complicated history related to variances requested/granted, special use permit approvals and site plan approvals. The ZBA minutes of [February 24, 2010](#), [March 24, 2010](#) and [June 23, 2010](#) detail the history and list the variances that were granted.

Specially, the following variances were granted contingent upon the following (the variances denied are also listed):

1. **The applicant must also obtain all required amendments to the existing special land use and site plan approvals governing the property from the Planning Commission and Township Board.**
2. ***The property coming into full compliance with all conditions of approval from any variances, special land uses and site plan approvals granted in the past by the Township;***
3. ***The property coming into full compliance with all other Zoning Ordinance requirements which are applicable to the property;***
4. ***The property coming into such compliance no later than the completion of construction of the building at issue/a certificate of occupancy being issued for the completed building at issue.***

#100224-02 Variance #3 motion - **To have a front yard setback of 74 ft., a variance of 6 ft. from the 80 feet required in Chapter 24-Approved.**

#100224-02 Variance #8 motion - **To have the building constructed 41 feet from the road right-of-way, a variance of 9 feet from the 50 feet required in Sec. 20.4(AD)(3) -Approved.**

#100224-02 Variance #9 motion - **To have four drive entrances (curb openings), a variance of two from the maximum of two drive entrances permitted in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street-Denied.**

#100224-02 Variance #5 motion: - **Partially approved as follows**: To require 6 inch curbing around all paved and landscaped areas north of all the buildings, including defining the driveways and along the roadway, and to have the 6 inch curbing along both sides of the four foot raised island (which must be landscaped with vegetation as per Ottawa County Road Commission recommendations), and to have the 6 inch curbing from the raised island connect to the Road Commission curbing at the intersection, to have 6 inch curbing in the area at the northeast corner of the “L” shaped buildings tie to the curbing to the north; and to grant a variance to waive the curbing requirement in the other areas to the south of the north faces of the buildings, a partial variance from Sec. 20.4(AD)(7) which states a raised curb of 6 inches in height shall be constructed along the perimeter of all paved and landscaped areas (with landscaped areas to be determined by the ZBA), based on the finding that the request (only in the areas noted as granted for the variance) meets the seven standards of the ordinance (as outlined in the Zoning Administrator’s report and findings).

#100324-03 – Variance motion #10: - To have a drive or curb opening closer than 75 feet to any intersection and to have driveways located closer than 50 feet from another driveway, a variance from Sec. 20.4(AD) which states no drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic, based on the finding that the request does not meet the seven standards of the ordinance as outlined by the Zoning Administrator-**Denied**.

#100324-03 – Variance motion #4 and #6 (landscaping/setback)-**Approved for the following**:

- 1) Eastern portion of the site (in front of the eastern building) - to have a 0 setback, a variance of 30 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the condition that the space within the curbed four foot area (within the road right-of-way) shall have low vegetation meeting Ottawa County Road Commission recommendations.
- 2) Middle portion of the site (in front of the middle building) - to have a 5 foot setback, a variance of 25 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the condition that the space within the curbed road right-of-way area shall have low vegetation meeting Ottawa County Road Commission recommendations.
- 3) Western portion of the site (in front of the western building including the area along the western property line) - to have a 12 foot setback, a variance of 18 feet from the 30 foot setback required in Chapter 24 footnote (k) which states except for necessary drives and walks the required front yard for a depth of thirty feet shall be landscaped and shall not be used for parking, loading or accessory structures, with the condition that the space within the curbed road right-of-way area shall have low vegetation meeting Ottawa County Road Commission standards.
- 4) To have 10 trees in the front setback landscaped area with the types and sizes of the trees to meet ordinance requirements (trees may be clustered), a variance of 11 trees from the 21 trees required in Sec. 3.11 which states that one tree shall be provided for each 25 feet of frontage or fraction and the frontage is 511 feet.

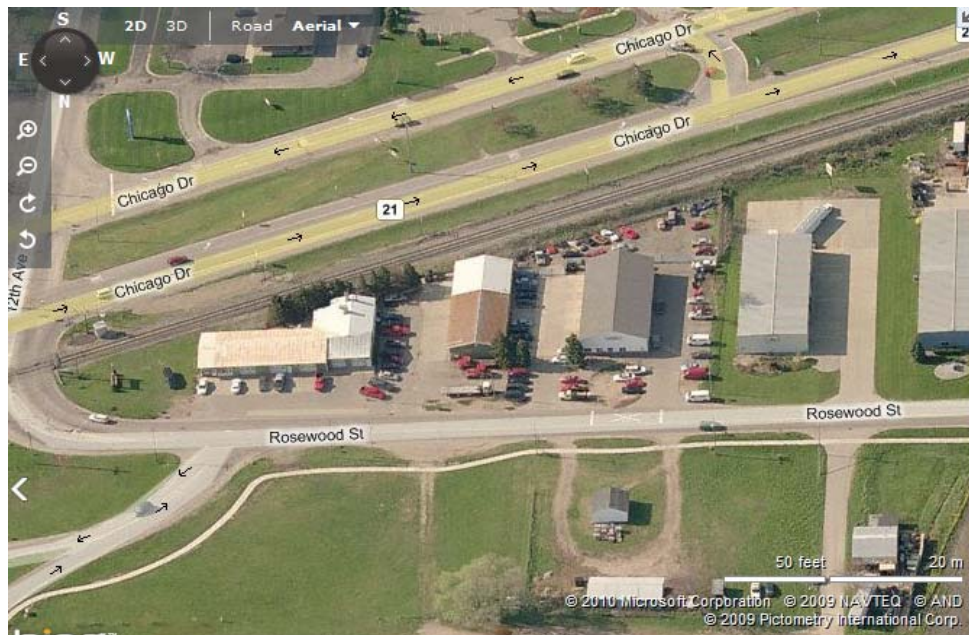
#100324-03 – Variance motion #7 (parking spaces) - **To have 60 parking spaces with some which may not be considered to be “legal” as per the requirements in the ordinance, a variance from the previously approved variance VAR9812 approved in 1998 for the site to have 60 legal parking spaces-Denied.**

#100324-03 – Variance motion #11 (queuing spaces) - **To have no vehicle queuing spaces in front of each service bay, a variance from Sec. 20.4(AD)(16) which states that where applicable, vehicle queuing space shall be provided in front of each service bay for at least 2 vehicles-Approved.**

#100623-02 – (number of drive entrances) - **To have three drive entrances (curb openings), a variance of one from the maximum of two allowed in Sec. 20.4(AD)(5) which states no more than one curb opening shall be permitted for every 75 feet of frontage along any street, with a maximum of two per arterial street for a special use permit for vehicle repair-Approved.**

Recent Township Board action waiving the side walk requirement:

#100208-02 – Sidewalk Waiver Request from Nylaan Body Shop - **To approve the sidewalk waiver request from Nylaan Body Shop, P.P. # 70-14-23-100-083, located at 1224 Rosewood St., as follows: The sidewalk is waived in front of the eastern building only and is to be installed in front of the two westerly buildings at such time as the Township Board requires the construction of the sidewalk on Rosewood. The reason for the partial waiver is because the requirement would result in unreasonable hardship as per Sec. 10-216 in the Code of Ordinances.**



SUMMARY

- a. The site complies with the landscaping requirements as stipulated in the variance approved by the ZBA (10 trees of 2” caliper). A note on the plan incorrectly states that the ordinance requires one 3” caliper tree per 25 ft. of frontage. The size as stipulated in the ordinance is 2” and that is what is shown to be proposed.

- b. Due to the variances that were granted (and noted above) the site complies with the site plan requirements in the ordinance.
- c. No Storm Water Drain Permit is necessary since no impervious surfaces are being added. In fact, more green area is being added.
- d. The site plan appears to meet the following special use standards due to the variances that were granted.

General Special Use Standards

- (1) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. **Appears to be met.**
- (2) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools. **Appears to be met.**
- (3) Not create excessive additional requirements at public cost for public facilities and services. **Appears to be met.**
- (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. **Appears to be met.**

Specific Special Use Standards

Sec. 20.4 (AD) Vehicle service stations and repair.

- (1) Minimum lot area shall be 15,000 square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting residentially zoned property.
- (4) Ingress and egress drives shall be designed in accordance with the standards of the Ottawa County Road Commission.
- (5) No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of two per arterial street, and one for any other street.
- (6) No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (7) A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- (8) All areas not paved or occupied by buildings or structures shall be landscaped.
- (9) All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
- (10) When the site adjoins residentially zoned property, a greenbelt or sight-obscuring fence shall be provided in accordance with Section 3.11.

- (11) In the HS and I Districts, all outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) sq. ft. Outside parking of disabled, wrecked, or partially dismantled vehicles not to exceed a maximum of five (5) such vehicles shall not be permitted for a period exceeding ten (10) days. No such outdoor storage areas or parking of disabled, wrecked, or partially dismantled vehicles shall be permitted in the CS district. (revised 12-29-1998)
- (12) The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Township Board. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Township Board.
- (13) (deleted 10/27/08).
- (14) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
- (15) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
- (16) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

Criteria used for the site plan review:

ID number	SUP1001	Date	7/1/2010
Name	Nylaan Body Shop		
Address	1224 Rosewood St.		
Use	Vehicle Repair	SUP required	Yes-Sec. 16.3(R)
REQUIREMENT		PROVIDED	Needs or Comments
Date, north arrow, scale		X	
Name, address of preparer		X	
Name, address of property owner or petitioner		X	
Location sketch		X	
Legal description		X	
Size in acres of the property		X	
Property lines and required setbacks shown and dimensioned		X	
Location of existing structures, drives, parking areas within 100 ft of boundary		X	
Location and dimensions of existing and proposed structures		X	
Location of existing and proposed drives (dimensions and radii), circulation		X	
Sidewalks, non-motorized paths-select streets, accel, decel lanes		X	
Signs, exterior lighting		X	
Curbing, parking areas, dimensions of typical space, number of parking spaces		X	
Calculations of parking spaces, unloading areas		X	

Location, pavement width, ROW of all abutting roads, easements	X	
Existing zoning, and zoning and use of abutting property	X	
Location of existing vegetation-parkway association	NA	
Location, type, size of proposed landscaping, streetscape, greenbelt	X	a. note change
Location, height, type of existing and proposed fences and walls	X	
Size, location of proposed, existing utilities, connections to water/sewer	X	
Location, size of surface water drainage facilities	X	
Existing, proposed topo contours, max 5 ft intervals	X	
Rec/common areas, floodplain areas	X	
Special Use Standards, general and specific	X	
Residential development extra requirements-attached garages	NA	

Rebecca VanDenBerg asked the applicant if they were okay with the requirements.

The applicant stated that they had no choice and were required to comply with ordinance provisions.

Cornelius Huizinga stated that this was a difficult situation and that the site would be improved as presented in the site plan.

Brad Lyons stated the following. The site works mathematically and geometrically; however, he wondered if it would work for the business. The site plan, as proposed, is more restrictive than what is currently on the site. He has concerns because it looks like they are currently operating detrimentally. He was not sure that the business could function as shown on the site plan.

Greg Honderd asked if he could recommend a solution.

Brad Lyons stated that he was just asking questions and notes that there will be a challenge with relocating the power pole that currently is located in the drive aisle. He wondered if they could still provide the service and if the Nylaans understand the cost. He just wanted it to be functional.

Steve Witte stated the following. There were only 60 parking spaces shown on the previously approved site plan and now there were 62. By reconfiguring the site, two spaces were gained. The Township would be sure that the improvements were completed prior to issuing a Certificate of Occupancy. They have spoken with the utility company and the power pole can be relocated, though the expense will be \$1,500. They are adding curbing that is required by the Township, but it will be detrimental to the business. Will it work? Yes. However, it will not be ideal. The Nylaans just wanted to get a building permit to rebuild the building that was destroyed by fire and they did not want to go through this process. Whatever is shown on the site plan will be done.

Brad Lyons asked if the Road Commission approved the layout.

Steve Witte said that he had a letter from the Road Commission and they approved the layout with some minor revisions. He said that 10 or 11 years ago the Road Commission approved what is currently there.

Brad Lyons asked what would happen if the street is widened and improved because some parking is shown in the right-of-way.

Del South said that the Road Commission conducted a traffic study in 1999 and this street has less traffic now that 18th Ave. has been constructed.

Steve Witte said that a corridor study was completed and it talked specifically about this area.

The zoning administrator stated the following. The Township has been in constant contact with the Road Commission since January when this whole issue came to light. The Township met with and discussed the Road Commission's recommendations for this area. In addition, MDOT conducted a study called CAMP and gave specific recommendations for this area. All of this information had been provided in the review and in the previous minutes. The layout as presented incorporated the MDOT and Road Commission recommendations for the site. In addition, the Nylaans mentioned that they did not know that they were supposed to install curbing as per their approved site plan in 1999. It is not known how the inspections were conducted at that time; but now there would be a site inspection prior to the issuance of the Certificate of Occupancy. It is guaranteed that the site would be constructed as approved or else the Certificate would not be issued and enforcement measures would be pursued.

Brad Lyons said that if Rosewood was widened, some parking spots would be invalidated.

Greg Honderd said that if the road was widened, there was an opportunity to use property to the north because this was already a tight corner and it would be more practical to get property from the north.

The zoning administrator said that the Township already owns the property to the north.

Steve Witte said that there had been conversations with the Road Commission about making Rosewood a "T" intersection with 12th Ave.

Greg Honderd said that originally it had been a "T" intersection many years ago and was changed to its current configuration.

The chairman opened the public hearing.

Mr. Nylaan said that this was a hardship. He said that he had a fire and now he had to but curbs in.

Mrs. Nylaan said that business is bad and they don't know where they are going to get the money to make the improvements.

The chairman closed the public hearing.

Moved by Del South, seconded by Cornelius Huizinga, to recommend to the Township Board to approve Special Use Permit (SUP1001) Nylaan Body Shop, 1224 Rosewood St., to have a vehicle repair establishment under Sec. 17.3(F), in a (HS) Highway Service Commercial district, on a parcel of land described as P.P. # 70-14-23-100-083, located at 1224 Rosewood St., Georgetown Township, Ottawa County, Michigan, based on the findings that all applicable standards of the ordinance have been met including the general special use standards in Sec. 20.3 and the specific special use standards in Sec. 20.4(AD), with the following conditions:

- 1. Written approval from the Ottawa County Road Commission is submitted to the Township for the drive entrances at the time a building permit/zoning compliance permit is submitted to the Township (verbal approval has already been obtained, but must be in writing).**
- 2. The 3 ft. curbed area in front of the eastern building and the other landscaping areas in the front of the other two buildings shall have grass or other low level ground cover (plant material) in addition to the trees that are shown on the site plan (and all plant/living material must be maintained).**
- 3. No truck rental is approved.**
- 4. The property coming into full compliance with all conditions of approval from any variances, special land uses and site plan approvals granted in the past by the Township.**
- 5. The property coming into full compliance with all other Zoning Ordinance requirements which are applicable to the property.**
- 6. The property coming into such compliance no later than the completion of construction of the building at issue/a certificate of occupancy being issued for the completed building at issue.**

Rebecca VanDenBerg asked about the driveway layout and if it could be revised for better circulation.

The zoning administrator stated the following. There have been many hours of discussion regarding the layout of the site and many different options reviewed and researched. The Road Commission and MDOT want the driveway to the east closed because of its proximity to the intersection. This layout has the best options that meet Road Commission and MDOT recommendations.

Greg Honderd said that the Road Commission and MDOT requested the elimination of the open area and driveway close to the intersection for safety reasons.

Del South said that having a driveway close to the intersection was not good for traffic.

MOTION CARRIED UNANIMOUSLY.

Brad Lyons asked if building plans would be submitted.

The zoning administrator said that building plans were required to be submitted with the building permit application.

Moved by Del South, seconded by Rebecca VanDenBerg, to approve the site plan dated 05/19/10 PER ZBA RESUBMITTAL, as presented based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

- 1. The property coming into full compliance with all conditions of approval from any variances, special land uses and site plan approvals granted in the past by the Township;**

2. **The property coming into full compliance with all other Zoning Ordinance requirements which are applicable to the property;**
3. **The property coming into such compliance no later than the completion of construction of the building at issue/a certificate of occupancy being issued for the completed building at issue.**

MOTION CARRIED UNANIMOUSLY.

#100721-05 – Other Business-Sec. 3.17(C)

The zoning administrator presented a review as follows.

Excerpt of the June 23, 2010 ZBA meeting:

#100623-03 - Interpretation of Sec. 3.17 in the Georgetown Township Zoning Ordinance

REQUEST

The request is for the ZBA to interpret this section of the ordinance for code enforcement purposes. The Code Enforcement Officer issued a citation to a person who was violating the Zoning Ordinance by living in a travel trailer that was stored at a residence in the LDR district and by having an electrical connection with an electrical cord plugged into an electrical outlet. The citation was issued for occupying the trailer (sleeping and living in it) and for having a “fixed” connection to electricity. The Ottawa County magistrate dismissed the citation related to the connection to electricity because he said that “fixed” meant a permanent “hardwired” connection. Since the Township has determined that a “fixed” connection could mean an electrical cord plugged into an electrical outlet, the request is for the ZBA to make this interpretation. If the ZBA concurs with the Township’s interpretation, the Township will appeal the dismissal.

The ZBA could determine the intention of the ordinance and either concur with the determination or determine that the word “fixed” does indeed mean hardwired, in which case a recommendation could be made to the Planning to revise this section of the ordinance to make the intention clearer.

Sec. 3.17 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.

The outdoor storage or parking of recreational vehicles shall be prohibited in all residential districts, unless the following minimum conditions are met:

- (A) *All such vehicles shall be placed within a completely enclosed building or located behind the front face of the principal building. No vehicle shall be stored in the side yard of a corner lot which abuts a street. (revised 6-25-2001) In the rear yard of a corner lot such vehicles shall not project beyond the side of the building on the street side.*
- (B) *Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling, unless the conditions of paragraph C are met.(revised 1-28-02) The vehicle so stored or parked shall be owned or rented by the occupant of such dwelling unless located in an AG or RR district, in which case vehicles other than those owned by the occupant of the dwelling may be stored or parked, provided further that such property shall have an area of at least three (3) acres.*
- (C) *Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a **fixed connection to electricity, water, or gas**, unless the following conditions are met:*
 1. *the property is located in the AG district;*
 2. *the property shall have a minimum area of at least seven (7) acres,*
 3. *a building permit has been approved and obtained for a construction project on the property;*
 4. *a temporary use permit has been approved and obtained for the occupancy of the recreational vehicles on the property,*

5. *the property shall be in compliance with all the conditions of the temporary use permit for the duration,*
6. *a maximum of six recreational vehicles shall be allowed,*
7. *all recreational vehicles shall be hooked up to sewer, water, and electricity through the permit of the new construction. (revised 1-28-02)*

Moved by Greg Honderd, seconded by Carl DeVree, to interpret Sec. 3.17 of the Zoning Ordinance as follows, as per the authority granted to the ZBA in Sec. 28.11(B)(1): The term “fixed connection” means a “hardwired” connection which is an electrical connection wired directly into an electrical box or panel.

MOTION CARRIED UNANIMOUSLY.

There was discussion regarding the intention of the ordinance and the possible changes to Sec. 3.17 (C) which states: Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a **fixed connection** to electricity, water, or gas.

Comments included:

1. It may be logical to remove the word “fixed.”
2. What about weekend use.
3. The Township sends letters and gives 10 days for such uses to end. So weekend use would be over before any enforcement action began. Plus the Township only reacts to complaints.
4. If a person is issued a ticket for residing or occupying a travel trailer, a second ticket for an electrical connection is not necessary.
5. It would be okay for someone to use a trailer for a weekend, but not for six months.
6. The Township uses discretion with the enforcement of ordinance provisions and would not send a letter or issue a ticket for a weekend use.
7. It may be difficult to prove occupancy and the connection to electricity may provide that evidence.
8. The word could be changed to “continuous” rather than “fixed.”

Moved by Rebecca VanDenBerg, seconded by Cornelius Huizinga, to leave Sec. 3.17 in the Zoning Ordinance as currently written.

Scott Blouw said that if the ordinance is to be revised, it may be necessary to make more significant changes and use words like “permanent living quarters.”

Greg Honderd said that there are not enough situations to warrant changing the ordinance because it seems to be working currently and doing the job it is intended to do.

Brad Lyons said that with this economy, we may be seeing this happening more frequently.

MOTION CARRIED UNANIMOUSLY.

#100721-06 – Other Business-Policy 2010-01

The zoning administrator stated that at the recommendation of the Township Attorney, [Policy 2010-01](#)-Planning Commission Procedures for Meetings was formulated to regulate public comments at a Planning Commission meeting (similar to the Township Board policy).

Moved by Scott Blouw, seconded by Rebecca VanDenBerg, to approve [Policy 2010-01-Planning Commission Procedures for Meetings](#) and to recommend that the Township Board to adopt the policy.

Brad Lyons asked about Unfinished Business. It was explained that after an application or item was on the agenda for regular action and a public hearing or public comments taken, occasionally the Planning Commission was not ready to take action at that particular meeting or more information was needed. Then that item was placed on the next agenda as Unfinished Business.

Greg Honderd said that the Planning Commission already pretty much has conducted business according to the policy and the Planning Commission always accommodates more public comment, particularly when there is a chance for new input.

Scott Blouw said that these situations have already happened and most times there has been adequate time for additional feedback.

Rebecca VanDenBerg said that the public hearing has already been held for those items under Unfinished Business and input was not being cut off, but rather the Planning Commission was following the correct process.

Brad Lyons said that items under Other Business should be opened up for public comment because it is perception.

Scott Blouw said that an example is the Family Fare PUD when the Planning Commission opened the floor to public comments at subsequent meetings after the public hearing was held and they heard the same thing over and over, even after the chairman asked for only new comments.

Del South said that they even if they know the direction, they could still extend the opportunity to get different opinions.

Greg Honderd said that a notice was not published for items under Other Business; however, if the Planning Commission initiated an ordinance amendment resulting from a topic under Other Business, a notice would be published for a subsequent meeting and a public hearing held.

In response to a question, the zoning administrator explained that the policy was not an ordinance, but rather the standard operating procedures under which the Planning Commission conducts business, just like the policy for meetings and application submissions with the pre-application meeting.

Rebecca VanDenBerg noted that the policy had been attached to the agenda as a link and was available for the public to read.

MOTION CARRIED UNANIMOUSLY.

#100721-07 – Other Business Sec. 20.4 (K) [Daycare centers](#) (ZBA requested the Planning Commission to review)

The zoning administrator presented a request as follows.

The ZBA reviewed a variance request from Water of Life Church to have less outdoor recreation area for a daycare center because a large number of children would not go outside to play at once; rather, the children could likely be grouped by ages to go outside. The ZBA asked the Planning Commission to review the ordinance to determine if it should be changed.

Attachments: [Minutes of the March 24, 2010 ZBA meeting](#); [Minutes of the April 28, 2010 ZBA meeting](#)

Greg Honderd said that the Appletree Daycare Center in the PUD on Port Sheldon had been approved with less outdoor recreation area than required for a special use permit and they should be consistent. He said that the ZBA had requested the provision to be reviewed.

There was discussion regarding the ordinance requirement.

Moved by Del South, seconded by Cornelius Huizinga, to initiate a Zoning Ordinance amendment (with the notice to be published at a time when another notice is published) as follows:

(K) Day care centers.

- 1) There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility **up to a total of 20 clients. Further, there shall be provided a minimum of an additional fifty (50) square feet of usable outdoor recreation for each client over the first 20 clients.**
- 2) The outdoor recreation area shall be fenced and screened from any abutting residential district by a greenbelt, in accordance with the requirements of Section 3.11.
- 3) In addition to required off-street parking, off-street pick-up and drop-off areas shall also be provided.
- 4) The facility shall comply with all applicable State licensing requirements.

MOTION CARRIED UNANIMOUSLY.

#100721-08 – Other Business – Signs

The zoning administrator presented a review as follows.

In May, Sunnybrook Country Club requested a sign permit for a new additional freestanding pole sign to advertise for the new ownership of the restaurant and to let the people know that it was open to the public. The permit application listed the sign as being located on the **Sunnybrook Country Club property** on the south side of 44th St. The golf course is located on the north side of 44th St. and owns additional property on the south side of 44th St. where an accessory building is located, as well as fairways for the golf course. The properties on the north and south side are separate parcels.

After discussion in the Building/Zoning Department, the determination was to approve the sign permit because it was to be located on a separate parcel, though still part of the golf course. Sec.

25.6(A)(4) allows on-site freestanding signs in a residential district for principal uses other than dwellings.

After an inspection was conducted, the discovery was made that the company had installed the sign on the north side of the 44th St. (even though the permit specifically said the south side as per the application and as per the map provided by the applicant). The Township began getting multiple complaints since the sign (which had an arrow on it indicating a turn north onto 8th Ave. to access the restaurant) was located by a driveway to a house, causing motorists to turn into the residential driveway to try to access the restaurant. The sign had also been installed within the road right-of-way. After this was discovered, the applicants were told to immediately remove the sign.

Due to these unusual circumstances, there were discussions in the office about this sign, including with the Township Manager. At his recommendation, the following standard operating procedure was drafted to interpret the language of the ordinance so that a sign would not be allowed to advertise for a business or service that was located on a parcel other than the parcel where the sign was located because then it would meet the definition of a billboard (although in this instance, the property did belong to the golf course and was a part of the business, albeit a different parcel). Prior to this time, the interpretation was that the content of any sign was irrelevant as long as the rest of the sign ordinance requirements were met in regard to amount, size, height, square footage, and location on a parcel.

SOP for the administration of the sign ordinance:

Chapter 25 regulates signs.

Sec. 25.2(A) defines a billboard as a sign directing attention to a use, activity, message, product or service which is not conducted on or related to the lot or parcel upon which the sign is located.

Sec. 25.2(I) defines an off-site sign as any sign relating to matter off the premises in question.

Sec. 25.2(J) defines an on-site sign as a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Since the only off-site sign allowed to advertise for matters off the premises is a billboard, all signs other than billboards must only advertise for subject matter relating to the premises on which it is located.

An exception to this would be a reader board which could, for instance, comment on the parade or event.

Recently it has come to light that some businesses have obtained portable sign permits to locate signs at houses in residential districts to advertise for the business. Since this practice is contrary to the determination made in the SOP, the determination was made to stop this practice and to not approve those permits (determining that they violated the ordinance because they met the definition of a billboard which is for a sign to advertise for a business not conducted on the parcel where the sign is located).

However, this raises other issues, such as schools advertizing bazaars or festivals, or such as the Little League advertising for sign-ups, where the signs would be located in central areas to inform the general public about these events and be located on parcels other than where the event would occur.

This determination also resulted in contact from a sign company that rents signs who is afraid that this interpretation would affect his business.

While it is totally understandable that the Township would NOT want portable signs located on many residential parcels advertising for businesses, it seems that the Township would not want to restrict those situations such as the schools or Little League.

The decision was made to present this to the Planning Commission to determine the intention of the sign ordinance and to determine if language should be drafted to clarify the intention.

There was discussion regarding the fact that some people take advantage of the system by finding a loophole and do not conduct business ethically. However, the Planning Commission did not want to become too restrictive.

The consensus of the Planning Commission was to leave the ordinance as written and to leave the enforcement to the discretion of Township staff. The suggestion was made to bring the ordinance to the ZBA for an interpretation if necessary or to investigate whether or not the provisions could be different for non-profit organizations.

#100721-09 – Other Business – Chapter 24-Rosewood

The zoning administrator presented a review as follows.

Chapter 24, footnote (b) lists the extra required setbacks on the main streets within the Township for street improvements.

However, some portions of these streets possibly should not be included. This was recently brought to the attention of the Township when a property owner on Rosewood south of Chicago Dr. submitted a building permit for an addition that did not meet setback requirements.

Should the following areas be exempt from these requirements? Rosewood **(except for south of Chicago Dr.)**

Chapter 24

(b) Additional front setback requirements for certain streets.

i. In all districts, required setbacks along any of the following streets shall be measured from a point 50 ft. from the centerline of the street, if the public right-of-way measures 50 ft. or less from such centerline. Streets upon which this requirement applies include the following: (revised 7/25/95) (revised 4-10-2000)

Cottonwood (Port Sheldon to Baldwin)

Jackson

Kenowa

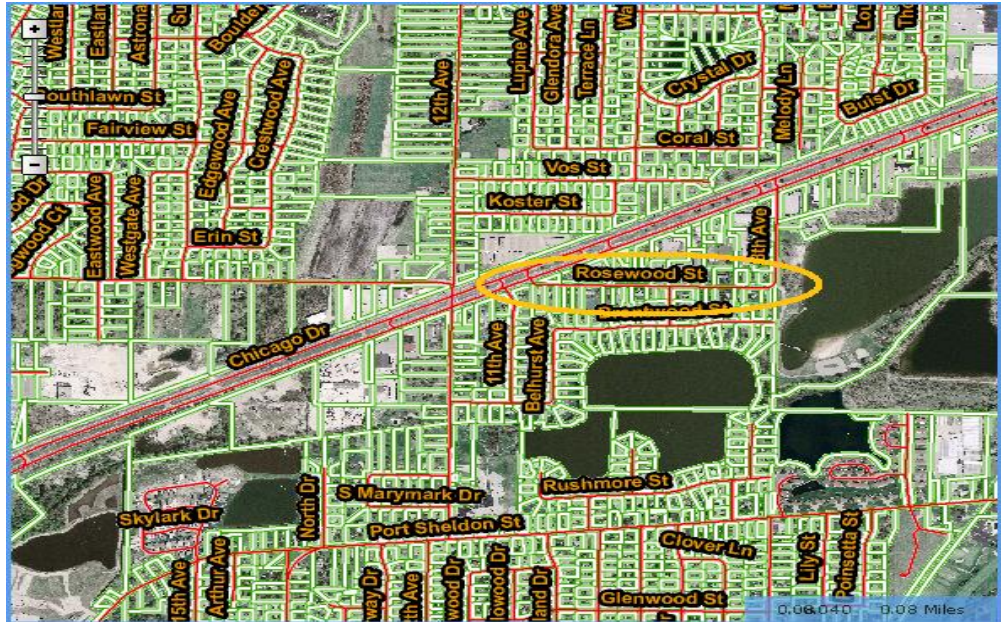
Main

Pt. Sheldon (Main to 44th St.)

Rosewood

School (*name changed to Cottonwood Dr.*)

- 8th (Pt. Sheldon to 44th St.)
- 12th (Pt. Sheldon to Baldwin)
- 14th (Pt. Sheldon to Van Buren)
- 22nd (Edson to Jackson)
- 40th
- 42nd
- VanBuren



Moved by Scott Blouw, seconded by Cornelius Huizinga, to initiate a Zoning Ordinance amendment (with the notice to be published at a time when another notice is published) with language as follows:

Chapter 24, footnote bi
 Rosewood (except for south of Chicago Dr.)

MOTION CARRIED UNANIMOUSLY.

#100721-10 – Other Business - Wind Turbines

There was discussion on the Ottawa County [Model Ordinance](#) and the [Proposed Draft](#) for Georgetown Township. The consensus was to further review at the next meeting.

#100721-11 – Adjournment

Moved by Rebecca VanDenBerg, seconded by Scott Blouw, to adjourn the meeting at 8:55 p.m.

MOTION CARRIED UNANIMOUSLY.