

Minutes of the regular meeting of the Georgetown Township Planning Commission, held Wednesday, October 6, 2010

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

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

Absent: none

Also present: Mannede Minier, Zoning Administrator

#101006-01 – Agenda for October 6, 2010

Moved by Rebecca VanDenBerg, seconded by Del South, to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY.

#101006-02 - Minutes of the regular September 15, 2010 meeting

Moved by Don Hebler, seconded by Brad Lyons, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#101006-03 – Unfinished Business-Special Use Permit (SUP1004) PBM Wireless LLC, 28602 CR 50 Nappanee, IN, is requesting to have a commercial wireless communication tower under Sec. 8.3(O) and Sec. 7.3(B), in a (RR) Rural Residential district, on a parcel of land described at P.P. # 70-14-05-200-021, located at 3334 Filmore St., Georgetown Township, Ottawa County, Michigan. ([application](#), no site plan, [request](#) to postpone until October 6, 2010)

Judd Chaille, represented the applicant and presented the request. He stated that he had submitted a current revised set of drawings.

The zoning administrator clarified that the Township had not received any revised drawing since the ZBA denied the variance request for a gravel driveway and parking spaces, and since the applicant sent an emailed message prior to the September 15 Planning Commission requesting to have action postponed on the application until October 6 because the site plans had not been amended yet.

Judd Chaille said that he wanted to present information as to how his application met the standards of the ordinance.

Greg Honderd said that the Planning Commission typically did not review or act on applications that were not complete and when they had no site plans. The consensus of the Planning Commission was to here the presentation even though they did not have site plans.

Judd Chaille said that he would like to continue with the process and present his information. He said that his plans were current since the only item missing was the note that the access driveway and parking spaces would be paved.

The zoning administrator again stated that no review had been prepared since the Township did not receive revised plans. She stated that there had been ample communications with the applicant on the phone, with emails and with meetings, and that the applicant had been given all the pertinent information regarding what was needed for his application. She said that no revised site plans had been submitted.

Greg Honderd said that the past practice of the Planning Commission was that when an engineer came in after the deadline and the submittal materials were not complete, a review was not done by the Planning Commission and that the planner would not even look at the materials if they were not complete or turned in late. He said that in the past they had only acted on site plans that were missing information when the item that was missing or incomplete was small.

Judd Chaille said that there is only one simple change and a note was not revised to label the access driveway and parking as paved rather than gravel. He said that Greg Honderd had seen the plans at the ZBA.

Del South said that he has dealt in details and would like to see everything completed and if not completed, he did not want to act on the application.

Rebecca VanDenBerg asked if the review had been complete for the special use permit request on the September 15 agenda.

The zoning administrator said that it had been a brief synopsis.

Rebecca VanDenBerg said that she was not comfortable taking action without all the facts.

Scott Blouw agreed.

Cornelius Huizinga said that it was difficult to review and act on an application without a site plan.

Don Hebelier agreed.

Brad Lyons asked if the only issue was the pavement of the access driveway and parking. He said that it could be a condition of approval and he had witnessed such action when something was needed from the Drain or Road Commission.

Judd Chaille assured the Planning Commission that he could have plans here in two days and that AT&T was a national company that farms out to different places. He said that the last set of revised plans was not sent out.

Greg Honderd said to Judd Chaille to go ahead with the presentation.

Judd Chaille stated the following in regard to meeting ordinance requirements:

- (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.

He said that this standard was upheld and the intention of the ordinance was upheld because there was not detriment to the public since there were no public outdoor spaces and there was nothing hazardous.

- (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.

He said that the site was served adequately and would not put a burden on the Township. It would not require police or drainage and there would be no refuse or waste, no water and sewer and no school needed.

- (3) Not create excessive additional requirements at public cost for public facilities and services.

He said that there would be no cost to the public because this was self-contained and monitored by AT&T. There would be infrequent visits and it was a stand-alone structure.

- (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.

He said that no use was detrimental or hazardous and all equipment would be contained in the leased area. There would be no noise, traffic, smoke, fumes or other nuisances and it would not add to traffic.

He addressed the specific criteria as follows:

(AB) Radio, television, and wireless communication towers {excluding towers which meet the criteria of Sec. 3.27(B)}.

- (1) The minimum lot size shall be the same as that of the district in which the tower is located.

He said that the site is 5.88 acres which meets the ordinance requirement for the district and a legal description was provided.

- (2) The tower shall be set back from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the Zoning District.

He said that the proposals meets setbacks in excess of the requirements.

- (3) In Residential Districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
 - a. Existing commercial wireless communication towers established prior to the adoption of the Wireless Communication Tower Ordinance in November 1997, located in residentially zoned districts may be rebuilt to a height not to exceed 195 feet for the sole purpose of accommodating co-location. (revised 11-27-2000)

He said that the tower is proposed to be 100 feet in height since in a residential district, which they are, the tower cannot exceed 100 feet in height. They are proposing a 100 foot monopole

that can support co-location which will cut down on the proliferation and they are required by FCC rules to allow co-location. The tower can support 3 or 4 additional antennas.

- (3) A security fence at least six (6) feet in height shall be constructed around the tower and supports.

He said there is a 6 foot high security fence as shown in the drawings.

- (4) Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.

He said that joint usage would be a required condition of approval and they could accommodate a minimum of 3 users.

- (5) Unless located on the same site or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower.

He said that they measured the towers and were outside the two mile radius.

- (7) Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the Township Board may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodations of amateur radio communications. (Revised 11-97)

He said that this would not prevent the operation of amateur radio antennas.

Scott Blouw asked about the feedback from the public hearing. It was noted that the minutes include the comments and only the property owner was present at the public hearing and spoke.

Brad Lyons said that there was an option for AT&T to co-locate on the water tower and he asked what AT&T's response was.

Judd Chaille stated the following. The water tower does not exist at this time and he was not told about it until after he made application. There is no firm completion date and it is just a generalization at this time. The height is known at this time. As of this time he is not sure of the Township's intentions for the water tower or if it is completely budgeted or funded or if it is designed and ready to be built.

Brad Lyons said that he understood and if the water tower was a done deal, they would have the option. He wondered if it would make sense to hold off for a little while to wait for the water tower. The water tower will have the potential for at least three to four services. The companies would likely pick the higher of the two options, which would be the water tower, for a larger coverage area. It seems that they would want to go with the water tower rather than constructing a new tower. He understood that the applicant had already submitted an application. However, if they slow down, someone should make sure and check with AT&T to find out their position.

Judd Chaille stated the following. The positioning of the tower is quite exact for radio frequency. They have examined the area, determined where the tower should be located, decided on this area, and formed GPS coordinate to find a site. They really even needed to be east of this site. They picked this area solely because they need the coverage and they were forced to out outside, but wanted to stay as close as possible. They looked at houses at the top and bottom of the hill. Nile Thompson agreed and the lease was signed by both parties. The water tank may work, but AT&T has objections because they are already outside of the area. If they had to go another 2000 feet to the west, it would hamper them. The whole objective is to bring coverage up to and slightly over lap. If they used the water tower, they would leave a thin chunk with no coverage. The water tower is not an option.

Brad Lyons stated the following. Horizontal was just as important as vertical and that the elevation was eroded by moving further away. Part of the design of the tower is the anticipated weight and he asked if they have the foundation design and if they have all the way thought this through. He was concerned that AT&T may not have submitted what they needed to. There is the zoning application process to complete, as well as soil borings every 25 to 30 feet to check the soil. They are not done and the data must be given to the Township and the company. They are not done and time will lapse after the zoning approval before it would be time to start the construction. There would still be work to do. There also would be the building permit process.

Del South said that there would be less work for AT&T if they looked at the water tower.

The zoning administrator said that the engineering had already been approved by the Township Board and it has already begun. She said that the Township already approved proceeding with the construction of the water tower and has the money to fund it.

Moved by Del South, seconded by Rebecca VanDenBerg, to open the floor to public comments.

MOTION CARRIED UNANIMOUSLY.

Chad Ebel, 9980 Bend Dr., said they don't have a home phone and would appreciate the coverage as soon as possible because they have had to switch carriers.

Jim VanGeest, 8953 Victor, asked about taking a soil test before this.

Greg Honderd answered that there is a two-part process, first the zoning and then the soil. He said that it is the same for other elements too where applicants first get zoning approval and then get drain approval.

Jim VanGeest stated that going further west doesn't make sense and they may still need more coverage and may still need to go further west if they need more coverage.

Mrs. VanGeest, 3145 Fillmore, said there was no problem on the part of the neighborhood.

The chairman closed the floor to public comments.

Judd Chaille said that he didn't hear the comments from the Planning Commission and feels that the site plan and way they adhere to the ordinance are two separate issues. He said that they do

adhere to the ordinance and he respectfully requested the Planning Commission to look at this as two separate issues.

The zoning administrator stated the following. The Planning Commission could postpone any action because they did not have a revised site plan. This was consistent with past practices of the Planning Commission. There had been several communications between the application and the Township, including by phone, email and in person. The applicant had insisted that he was able to turn around revised site plans within a couple days of the ZBA meeting on August 25 and then sent an email on September 2 asking for action to be postponed because the plans were not ready. The applicant was totally aware that new revised plans were needed, as demonstrated by the email he sent to the Township, and he failed to submit them or even call to see if they were submitted. It would not be a good idea to take any action until the Township had plans to review because other elements could be changed and the Planning Commission should not approve something they have not seen or don't have.

Brad Lyons stated the following. He would not expect the soil borings to be a horse race and the engineering on the water tower has already started. The applicant was in the same boat with the time for the process to take place. It will be a parallel track, but the water tank may take longer. If there are reasons other than related to vertical, this is not correct and this could be ready when the elevated tank is not. If the applicant can get the plans to the Township in two days, the Township could review the plans for the next meeting.

Judd Chaille said that there is only one change to one note.

Moved by Rebecca VanDenBerg, seconded by Cornelius Huizinga, to table the application.

MOTION CARRIED UNANIMOUSLY.

#101006-04 – Special Use Permit (SUP1005) 358 Baldwin LLC, 169 Monroe Ave., is requesting to have a drive-in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, Georgetown Township, Ottawa County, Michigan. ([survey](#), [layout](#), [grading](#), [utilities](#), [landscape plan](#), [elevations](#), [application](#)) (**hold the public hearing**)

Pete Buurstra, Land Development Solutions, represented the applicant and presented the request. He said that nothing has changed from the previous plans other than the previous approvals expired.

The zoning administrator presented a review as follows

REQUEST

The proposal is to construct a 5,312 square foot building with four units at 348 and 358 Baldwin for the use of commercial/retail and a drive-in restaurant. The previously existing nonconforming residential structure used for a barber shop and the Pools Plus building have been demolished. Variances were granted for the third time for the front yard setbacks, to have parking and drives within the front yard setback and for the sign setback. This is the third time the application is coming before the Planning Commission and Township Board because the previous approvals all expired. The proposal is the same that was approved a year ago and two years ago.

SUMMARY of the review

- a. **A letter requesting the combination of the parcels must be submitted to the Township at the time a building permit application is submitted and both parcels must be under single ownership in order to be combined.** No building permit will be issued until the parcels have been combined. **Variations were obtained for the front yard setback and sign location at the September 22, 2010 ZBA meeting.** The proposal meets the side and rear yard setback requirements.
- b. FYI-the reason the numbers for the building area appears to be inconsistent with the parking calculations is due to the fact that the dimensions of the building on the plan are of the OUTSIDE walls and the calculations for parking follow the definition in Sec. 2.44 which defines gross floor area as the area measured from the interior faces of the exterior walls.
- c. Signage was provided defining the one-way traffic and to stop vehicles from traveling south on the eastern side of the building. The sign notes that additional parking is available in the rear. Variations were obtained for the proposed sign location and setback at the September 22, 2010 ZBA meeting.
- d. Sidewalks are shown and dimensioned. **The sidewalk location does not appear to meet Ottawa County Road Commission specifications since it is shown outside of the right-of-way. Approval must be obtained from the Road Commission in writing for the location and submitted to the Township at the time a building permit application is submitted to the Township. If the sidewalk will be on the developer's property, an easement must be given either to the Township or to the Road Commission for the sidewalk.**
- e. **A variance was obtained for the sign location.** A note indicates that the sign will meet ordinance requirements for height and area. A note was added to the plan stating that the lighting would be downward directing to prevent light from spilling onto adjacent properties.
- f. Parking calculations are shown correctly. An easement was provided for the parking spaces shown on the Ronda Tire site. **At the previous meetings, the Planning Commission determined to waive 25% (15 spaces),** in accordance with the ordinance standards. Parking calculations are shown correctly (2,012 SF of retail-1/200 SF of GFA=11 spaces; 3,300 SF of drive-in restaurant-1/75 SF of GFA=44 spaces). A total of 55 spaces are required. The plan shows 46 spaces to be constructed at the time of development (no deferred). The plan now shows a need for a parking waiver of 17% or 9 spaces. On the adjacent Rhonda Tire site the parking to be constructed at the time of development has been revised from the previously proposed angled parking to 16 perpendicular parking spaces. The applicant has indicated that the plan is for employees to park in the rear of the building to keep the front spaces open for customers. The applicant provided documentation at previous Planning Commission meetings that the parking needs of the proposed building have been met. An easement was provided for the parking spaces shown on the Ronda Tire site. **The Planning Commission already previously approved a waiver of 25% (15 spaces)** in accordance with the ordinance standards in Sec. 26.9(J). **The Planning Commission may want to consider again approving the previously approved 25% (15 spaces) waiver to allow for flexibility in the future and to state that the building may be three or four units as long as the use of a drive-in restaurant does not exceed 4,000 square feet.**
- g. A Storm Water Drain Permit (written approval from the Drain Commissioner's Office) is required to be submitted at the time a building permit application is submitted to the Township.
- h. The elevations show a brick building with four doors. This is the same elevation that was approved in 2008 and 2009. The architectural elements appear to be harmonious with the neighborhood.
- i. Special use standards

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. **Met.**
- (3) Not create excessive additional requirements at public cost for public facilities and services. **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

(L) Drive-in restaurant.

- (1) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line. **Met.**
- (2) Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access. **Met.**
- (3) Where the site abuts residentially zoned property, a greenbelt shall be provided along such property line, in accordance with Section 3.11. **NA.**
- (4) The site shall be so designed as to provide adequate stacking space for drive-through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site. **Appears to be met.**
- (5) Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses. **Appears to be met.**

HISTORY

In 2008 and in 2009, the same variances and special use permits were granted to have the lesser front yard setback, to have the lesser sign setback and to have parking and a drive aisle in the front yard setback. In April 2008 the Township Board approved a special use permit for a drive-in restaurant. In May 2008, the Planning Commission approved a site plan for the development. As per Sec. 28.9, each variance granted shall become null and void unless the construction authorized by such variance has been commenced within one year after the granting. As per Sec. 20.2(C), a special use permit shall be valid for one year from the date of approval unless such time is extended by the Township Board prior to the expiration. As per Sec.19.5(E), each development shall be under construction within one year after the date of approval unless time is extended by the Planning Commission prior to the expiration.

Since no construction was commenced in over one year (and no extensions were request or granted) the variances, as well as the approvals for the special use permit and site plan, all expired and become null and void. In 2009, the developer made the determination to proceed with construction and the whole process was completed again, only to have all approvals expire again since no construction commenced within a year (and no extensions were requested or granted). At this time, the developer has again determined to proceed and the whole process has begun again.

Excerpts of previous related minutes:

Second approvals in 2009:

The following motion #090624-02 is an excerpt of the June 24, 2009 ZBA minutes when the variances were approved for the second time for the front yard setback and to have parking and a drive aisle within the front yard setback, and for sign location.

#090624-02 – (VAR0908)

Moved by D. Dale Mohr, seconded by John Fanthorpe, to approve (VAR0908) 348 Baldwin LLC, 169 Monroe Ave., Grand Rapids, to have a front yard setback of 49 feet from the centerline of Baldwin, a variance of 41 feet from the 90 feet required in Chapter 24; and to have parking and drives in the required front yard, a variance from Chapter 24 footnote (I) that requires that except for necessary drives and walks, the required front yard shall be landscaped and not used for parking, loading or accessory structures; and to have a ground mounted sign located 54 feet from the centerline of Baldwin, a variance of 21 feet from the 75 feet from the centerline of Baldwin required in Sec. 26.6(B)(2), in a (CS) Community Service Commercial district, on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., Georgetown Township, Ottawa County, Michigan, based on the findings that the requests conform with the seven standards of the ordinance, based on the following reasons:

- 1) The request meets the spirit of the ordinance since it is to provide sufficient setbacks for any future road improvements and Baldwin St. has already been improved to five lanes. Most of the businesses in the area have the same or less setbacks for signs and for parking. The proposal is a retro-fit to be consistent with the layout of the current area and will actually decrease the nonconformity of the current site by providing a greater setback than exists for the buildings and by providing landscaping in an amount as required in the ordinance where currently NO landscaping exists. Plus sidewalks would be provided.
- 2) The uses are permitted.
- 3) The practical difficulties relate to the fact that this area was constructed many years ago prior to the adoption of the ordinance that requires the extra setbacks on the main streets and the front yard setbacks to be landscaped without parking and drives. Consequently, the whole area has lesser setback, along with parking and drives within the front setback area with cross access to all the businesses along the street. The applicant is proposing to develop the site consistent with the surrounding area.
- 4) All the businesses in the vicinity have about the same or less setbacks than currently proposed. It would, in fact, be detrimental for the adjacent properties in the vicinity if the applicant was required to meet the current ordinance because it would not be possible to have the cross access all the businesses in the area rely upon for access to the sites.
- 5) All the neighboring business have the property right of a cross access that allows for curb cuts to provide entrances and exits for all the businesses. It seems appropriate that this business should have the same right as the adjacent sites.
- 6) Nothing nonconforming will be increased; rather, the nonconforming situation would decrease.
- 7) The request is not necessitated by action or inaction of the applicant. The businesses in the area all were constructed years ago and the applicants are requesting to construct a new building with parking and drives consistent with the surrounding area, which would result in cross access up and down this area of Baldwin St. The request is, therefore, necessitated as a result of the development of the surrounding area and because the proposal is basically a retrofit.

MOTION CARRIED.

The following is an excerpt of the July 27, 2009 Township Board meeting when the special use permit was approved for a drive-in restaurant for the easterly unit for the second time.

#090727-16 - Special Use Permit (SUP0906) 348 Baldwin LLC, 348 and 358 Baldwin St.

Moved by Chad Tuttle, seconded by Carol Scholma, to approve Special Use Permit (SUP0906)348 Baldwin LLC, 169 Monroe Ave., to have a drive-in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, 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(L).

Note: The Planning Commission recommended approval.

MOTION CARRIED.

The following motion #090805-05 is an excerpt of the August 5, 2009 Planning Commission meeting when the REVISED site plan was approved for the development

#090805-05 - (ST0905) Revised Site Plan-358 Baldwin LLC, 348/358 Baldwin

Moved by Huizinga, seconded by Stasiak, to approve the revised site plan packet with five sheets all dated 07/07/09 and the elevation sheet dated March 12, 2008 as presented based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

1. A Zoning Compliance Certificate application is submitted to the Township and approved prior to any tenants occupying space within the building;
2. A letter must be submitted to the Township at the time a building permit application is submitted requesting to combine the parcels (the parcels must be in the same name);
3. A Storm Water Drain Permit (written approval from the Drain Commissioner's Office) is to be submitted at the time a building permit application is submitted to the Township;
4. Written approval from the Ottawa County Road Commission must be obtained and submitted to the Township at the time a building permit application is submitted to the Township if the sidewalk is to be located in any area other than according to the Road Commission specifications and an easement for the sidewalk must be given to the Township and/or Road Commission;
5. That up to a 25% (15 spaces) parking waiver is approved since it does not appear to cause unreasonable negative impacts to the surrounding properties, to allow for flexibility in the future, contingent upon the recalculations of the parking requirements if the site or uses change in any way;
6. To allow the building to be three or four units as long as the use of a drive-in restaurant does not exceed 4,000 square feet or that the parking needs (minus up to a 25% waiver) do not exceed the amount provided.

MOTION CARRIED.

The following motion #080428-03 is an excerpt of the April 28, 2008 Township Board meeting when the special use permit was approved for the development.

#080428-07 - Special Use Permit (SUP0802) 348 Baldwin LLC, 348 and 358 Baldwin St.

Moved by Del South, seconded by Daniel Carlton, to approve (SUP0802) 348 Baldwin LLC, 169 Monroe Ave., to have a drive-in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, 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(L), **with the condition that the special use permit is approved only for the easterly 1540 square feet of the building.** (site plan)

Note: The Planning Commission recommended approval

MOTION CARRIED.

The following motion #080507-03 is an excerpt of the May 7, 2008 Planning Commission meeting when the site plan was approved for the development.

#080507-03 – Unfinished Business (SUP0802) 348 Baldwin LLC-Site Plan

Moved by Pearson, seconded by Stasiak, to approve the site plan, grading, utility, and landscaping plan all dated "SITE PLAN REVIEW COMMENTS 4/22/08" as presented, based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

1. A Zoning Compliance Certificate application is submitted to the Township and approved prior to any tenants occupying space within the building;
2. A letter must be submitted to the Township at the time a building permit application is submitted requesting to combine the parcels (the parcels must be in the same name);
3. A Storm Water Drain Permit (written approval from the Drain Commissioner's Office) is to be submitted at the time a building permit application is submitted to the Township;
4. Written approval from the Ottawa County Road Commission must be obtained and submitted to the Township at the time a building permit application is submitted to the Township if the sidewalk is to be located in any area other than according to the Road Commission specifications and an easement for the sidewalk must be given to the Township and/or Road Commission.
5. That the four proposed deferred parking spaces on the Ronda Tire site meet the standards of the ordinance and may be deferred as per Sec. 26.9(J).

MOTION CARRIED.

The following details compliance with ordinance requirements.

ID number	SUP1005	Date	9-22-10
Name	348 Baldwin LLC		
Address	348, 358 Baldwin St		
Use	Retail/drive-in restaurant	SUP required	Yes-obtained
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			a. parcels combined
Location of existing structures, drives, parking areas within 100 ft of boundary		X	
Location and dimensions of existing and proposed structures		X	b. note
Location of existing and proposed drives (dimensions and radii), circulation		X	c. signage <i>ok</i>
Sidewalks, non-motorized paths-select streets, accel, decel lanes		X	d. easement
Signs, exterior lighting		X	e. variance/note <i>ok</i>
Curbing, parking areas, dimensions of typical space, number of parking spaces			f. waiver requested
Calculations of parking spaces, unloading areas			f. waiver
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		X	
Location, type, size of proposed landscaping, streetscape, greenbelt		X	
Location, height, type of existing and proposed fences and walls		X	
Size, location of proposed, existing utilities, connections to water/sewer		X	g. permit
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	

Scott Blouw asked why the applicant requested a 25% parking waiver for 15 spaces.

The zoning administrator explained that for the last approval, the Planning Commission approved the waiver for flexibility for the number of units to help the developer have options for tenants.

The applicant said that it also provided flexibility for tenant and use changes.

Scott Blouw said that this was a busy area and there was a driveway in front of Penzoil and he wondered if it was a right-in/right-out.

Don Hebler asked if there was access to Church St. and was told yes.

Brad Lyons wondered with the two drive-in windows on the east and west, how would someone understand where to go.

The applicant explained that there would be speaker boxes and it would stand to reason to go to the one a person wanted.

Brad Lyons said that it did not necessarily stand to reason and he wondered if any other buildings had two drive-ins.

Don Hebler thought that a Bigby Coffee business did.

Rebecca VanDenBerg said that there was an unusual setup for a building in Grandville.

Brad Lyons said that this was a rectangle-shaped building and he wondered how a person would know to keep going to get to the second drive-in window. He said that although the math works, it seems to be stuffing far too much in the space.

Cornelius Huizinga said that this was a smaller proposal than what was initially submitted and this was a scaled-down version.

The applicant said that directional signage would come into play.

Greg Honderd said that they are looking to be as flexible as possible and the Township wanted to see the site cleaned up.

The applicant said that there are some spaces for snow or else it could be trucked off the site.

Don Hebler said the south area would be curbed.

Brad Lyons asked if the developer owned both parcels.

The zoning administrator said that yes, the developer owns both parcels because he was responsible to demolish the previously existing buildings.

Del South asked if the driveway connected to Church St. and was told yes.

The chairman opened the public hearing. No one was present to speak on this topic. The chairman closed the public hearing.

Moved by Del South, seconded by Don Hebler, to recommend to the Township Board to approve (SUP0906) 348 Baldwin LLC, 169 Monroe Ave., to have a drive-in restaurant, under Sec. 15.3(A), on a parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, 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(L) with the condition that the property maintenance issues be addressed immediate: 1. the old sign removed; 2. the site graded; and 3. the open septic tank be removed or repaired.

MOTION CARRIED UNANIMOUSLY.

Moved by Don Hebler, seconded by Rebecca VanDenBerg, to approve the site plan packet with sheets C2, C3, C4 and L1 sheets all dated 07/07/09 and C1 dated 8/23/10 and the elevation sheet dated March 12, 2008 as presented based on the findings that all applicable standards of the ordinance have been met, and with the following conditions:

- 1. A Zoning Compliance Certificate application is submitted to the Township and approved prior to any tenants occupying space within the building;**
- 2. A letter must be submitted to the Township at the time a building permit application is submitted requesting to combine the parcels (the parcels must be in the same name);**
- 3. A Storm Water Drain Permit (written approval from the Drain Commissioner's Office) is to be submitted at the time a building permit application is submitted to the Township;**
- 4. Written approval from the Ottawa County Road Commission must be obtained and submitted to the Township at the time a building permit application is submitted to the Township if the sidewalk is to be located in any area other than according to the Road Commission specifications and an easement for the sidewalk must be given to the Township and/or Road Commission;**
- 5. That up to a 25% (15 spaces) parking waiver is approved since it does not appear to cause unreasonable negative impacts to the surrounding properties, to allow for flexibility in the future, contingent upon the recalculations of the parking requirements if the site or uses change in any way;**
- 6. To allow the building to be three or four units as long as the use of a drive-in restaurant does not exceed 4,000 square feet or that the parking needs (minus up to a 25% waiver) do not exceed the amount provided.**

Brad Lyons asked why they were approving a waiver of 25% of the parking spaces.

The zoning administrator said that the Planning Commission had discussed the issue and decided to grant the waiver in order to provide flexibility for the developer for tenants with the number of units and the uses.

MOTION CARRIED UNANIMOUSLY.

#101006-05 – Adjournment

The chairman adjourned the meeting at 8:55 p.m.