

These are the minutes of the December 11, 2008 Salem Township Planning Commission meeting.

Chairman Shields called the meeting to order at 7:30 p.m.

Present: Myers, Heasley, Shields, Oosterink, Blakeslee. Also present Mark Sisson and Bob Jones and numerous members of the public.

Absent: Berens

Oosterink made a motion to approve the November 6, 2008 minutes as presented, Myers seconded, motion carried.

Public comment: none

Conflict of interest: none

Randy Boyles will start on the Planning Commission January 2009.

Heasley made a motion to remove the Jeff Hunter Special Use Permit from the table, Myers seconded, motion carried.

Rob Miller was present at the meeting to support applicant in the review process. Rob presented a review of the revised site plan and explained the changes. He stated that the primary changes included moving the fence off the east property line and installing a line of evergreens along the entire east line as part of Phase I. He stated that the changes have been made to address concerns raised by the Planning Commission at the last meeting.

Mark Sisson went over the requested SUP of the applicant (refer to Draft #3 attached hereto and made a part of these minutes) and the conditions if approved. Mark Sisson noted that he along with Bob Jones, Kirk Scharphorn Jr., Al Shields, Mr. Hunter, and Mr. Miller had met (December 1, 2008 at PCI offices) to discuss the proposal and the concerns raised at the November meeting. During the meeting Mr. Hunter had stated a willingness to revise his plans and to modify the operation of the proposed facility in an attempt to alloy neighborhood and Planning Commission concerns. Sisson had since revised the series of draft conditions of approval that he had prepared for the previous meeting. These are presented as part of Draft # 3 of the Hunter Enterprises vehicle storage facility findings of fact and conditions of approval as attached. Sisson noted that the proposed conditions along with the revised site plan serve as a synopsis of the proposal and a point at which to begin discussion. He went over each of the points in detail and explained that the site plan is red marked to show what would be required in the first Phase.

Referring to Item (d) He noted that the applicant had verbally agreed to install a white vinyl screen fence along the street frontage when the facility expands into Phase II.

Blakeslee – concern of vehicles parked longer than 30 days. Who and how will it be enforced?

Shields: How would zoning administrator (PCI) monitor?

Bob Jones stated PCI could periodically take pictures and compare. Neighbors can also keep an eye out and report any activity not following the permit.

Meyers questioned if PCI would inspect vehicles for oil leaks, the effectiveness of efforts to avoid leakage as indicated in the proposed conditions.

Condition (l) on draft #3 should be changed that the PC conditions of approval be sent to the operational contractors (be proactive) for them to review before awarding any contract.

Discussion on number of cars stored, how long they would be on the lot, when they go to auction. No employees will be working on site other than the drivers dropping off or picking up vehicles and snowplowing.

Public Comment:

Rob Miller – applicant would like the flexibility of planting white pines vs. spruce (or suitable substitute)

Deb Rewa – is this plan suitable for area? My impression was the PC felt it was not a good fit for the area at the November meeting. The PC went from requiring a nice looking building (SZS Fasteners building next door) to a “car yard” for viewing. This is going downhill – not up to expectations of the rezone and what their understanding was. What they envisioned is not reality, they envisioned business buildings similar to SZS.

Mark Sisson explained the zoning and the differences between permitted uses and special uses. This is one use that does not automatically come into mind for the area, but it could be allowed with a special use permit. The commission needs to identify and consider why is this business so different? As a special use, what are its characteristics and why is it so different from permitted uses that you would need to condition that it have limited hours of operation, more screening or setbacks or other limitations or that it be denied altogether? A good comparison might be a Walgreen’s; Walgreen’s is a permitted use. It also would have a lot of cars and could be open 24 hours. Is fencing the only difference here? All businesses will be required to have landscaping /berms, etc. to make presentable as required by the ordinance.

Randy Beekman: what about a slatted fence? White pines are weak; they grow fast but will break off.

Mark Sisson: proposed site plan contains chain link fence with tree plantings. The slatted fencing becomes ragged over time and is not always nice looking. Visually, if you plant the trees in front, the trees become the focal point, not the fence. This may be preferable.

John VanBonn: Doesn't feel the PC is addressing the visual from 26th and nighttime activity. He is against the permit. Also in his opinion, this type of business doesn't belong in the main artery of the township, 26th & 142nd.

Mel Stopeker – what about south side screening?

Shields answered Cris Compagner who farms to the south does not want trees, due to his farming and the crooked lot line resulting from his pivot track.

Katie Weber: the original rezone was directed towards bringing jobs in the township. This business is not bringing jobs/employees into the township.

A letter from Dennis & Barbara Roys dated 12/2/08 to the PC was read (see attached) and they voiced their concerns and objection to this request.

Blakeslee again voiced her concern of vehicles being stored for a longer time than approved. This business does not bring jobs into the community, SZS is an appropriate business for the site, and this business does not fit our view of intended uses for the site.

Oosterink: is there any intent of modification to the building? He would like to see 2 rows of trees, staggered plantings 6' centers on the east side to protect the view from 26th and also any business coming in to the east.

Myers: does not feel the business can be operated and maintained so as to be harmonious with the neighbors. There is no gain of jobs for the community; the trees will not hide all the parked cars especially RV's or trucks. There will only be two people in the community who would benefit from this and residents will have to drive by and look at it. We want the business to look nice and we can't complete that with this type of business.

Shields: By what image are you basing your comments? What we think vs. what they are going to do are two different things. Agrees with double row of trees on the east side.

Heasley: concern of number of cars potentially to be on the lot. She questioned whether this is any different than a big business coming in and having lots of cars of the employees?

Further discussion of the PC revolved around white pines (not in favor of), trees to be spaced closer than 12 feet on center', parking in back of barn. It was estimated that approximately 200 vehicles could be parked on the total site. The applicant also noted that most vehicles would be gone within 15 days; some may be left up to 30 days. Sisson explained that "short term" parking was important to keep it from becoming or having the appearance of a salvage yard. The applicant attempted to assure the Commission that this

would not be the case and that unclaimed vehicles would be taken off site to auction as soon as possible. Banks do not want to hold cars. Cars being used as evidence will be stored inside and not seen. Based on applicant's estimates, there could possibly be 400 cars a month on the lot. Average 10-12 cars day going in and out. Sisson noted that for a business, 10-12 (20-24 in and out) cars a day is a very low amount of traffic and does not consider traffic generation by the use to be a major impact.

Meyers stated that a number of vehicle owners would also visit the site to retrieve belongings from the impounded vehicles.

Shields asked Jeff Hunter if he would agree to plant a double row of trees on the east side as suggested.

Hunter: agreed to what is on the site plan presented and nothing more.

After further discussion, Shields made a motion to approve the permit with conditions on draft #3 with the addition of two rows of staggered trees planted in the first phase on the east side (spruce or arborvitae) with 8' of separation and to send the conditions of the PC approval to any agency such as the Allegan County Sheriff Dept. that contracts with the facility (this to replace item (1)).

No second to motion. Sisson noted that there could now be further discussion, a different motion or a motion to table. Discussion continued.

Blakeslee: concern of oil & gas leaks from vehicles and where they will be parked. Who will monitor or check on this?

Heasley read from the zoning ordinance Sec. 9.01 the C-1 definition of "general business needs" of the community. Is this truly a business need for our community? There was no consensus.

After further discussion, Myers made a motion to deny the request. His reasons: Can't be operated and maintained and be harmonious with surrounding residential area, Oosterink seconded.

Sisson interjected that the draft findings outlined in draft #3 (attached) were stated in the positive but the commission needs to either agree or disagree with them. If the decision is to deny, the findings must be different. He urged the commission to state clear reasons why the project does not meet the standards of the ordinance.

Roll call vote:

Blakeslee –yes

Reasons: same as Myers, too many items to regulate. Buildings, appearance and overall facility standards are not comparable to SZS Fasteners next door, keeping vehicles to abide to 30-day short-term storage, is not enforceable?

Oosterink – yes

Reasons: the request doesn't flow and doesn't meet the expectations of what the PC set up to do when the property was rezoned. Doesn't conform in appearance to the residential district.

Myers – yes

Reasons: can't build a screen high enough to hide the repossessed cars behind. People will be coming in to get their personal affects, doesn't fit harmonious with surrounding residential area, won't be operated and maintained to safeguard environment and avoid visual degradation.

Shields – no

Reasons: This request fits into the zoning regulations and site plan. It is a legitimate business

Heasley – no

Reasons: While there is concern of the request being monitored and maintained. the number of cars are similar to a large permitted business coming in with multiple employees, a staggered row of trees on the east side would be an effective screen.

Requested denied 3-2.

Oosterink made a motion to approve the following dates for the 2009 regular Planning Commission meetings, Myers seconded, motion carried.

JANUARY 15, 2009

FEBRUARY 5, 2009

MARCH 5, 2009

APRIL 2, 2009

MAY 7, 2009

JUNE 4, 2009

JULY 9, 2009

AUGUST 6, 2009

SEPTEMBER 3, 2009

OCTOBER 8, 2009

NOVEMBER 5, 2009

DECEMBER 3, 2009

Oosterink made a motion to adjourn, Myers seconded, motion carried. Meeting adjourned at 9:15 p.m.

Submitted by,

Cris Heasley, Secretary
Salem Township Planning Commission

Findings of Fact

Based upon the information contained in the record, the Salem Township Planning Commission makes the following findings relative to the Discretion Standards of Section 15.03 in support of the decision to deny application of Hunter Enterprises for a vehicle storage facility and said findings are hereby incorporated into the minutes of the December 11, 2008 Salem Township Planning Commission:

- A. While the Property is included within a zoned district of the Township which may allow for the approval of contractors storage yards as special land uses the proposed vehicle storage facility is similar to contractors storage yards, the proposed use is in fact substantially different than the uses intended to occur within the subject C-1 District area.
- B. The facility does not include proper design for outdoor storage and parking of vehicles because it does not adequately provide for protection from potential ground water contamination from oil leaks, offers insufficient screening of parked vehicles from neighboring properties and from the roadway, particularly from the east and southeast. The site plan as revised and proposed does not satisfy the surfacing, landscaping and screening requirements of Sections 9.05(d) and 9.06(c), Section 12.05, Sections 14.06(14), 14.06 (b) (1) and 14.07,
- C. The applicant has verbally stated an unwillingness to agree to additional screening stipulations as may be required by the Planning Commission under Section 26.12. In the absence of screening measures greater than those now proposed on the site plan it is therefore concluded that the facility would not be designed, and will not be constructed, operated and maintained so as to be harmonious with the character and conditions of adjacent property in the surrounding area.
- D. The facility will involve activities and conditions of operation that will be detrimental to adjacent property and the general public through the creation of periodic late night and early morning noise and potentially uncontained spillage and leakage of hazardous vehicle lubricants and fluids.
- E. The outdoor storage facility is not consistent with the primary intent and purpose of the C-1 zoning districts and the other uses allowed therein and will set a precedent for development which could adversely affect the long term plans and policies of the Township for this area.

Moved by: ____Myers_____

Supported by: __Oosterink, motion carried.
