

These are the minutes of the October 6, 2005 Planning Commission meeting.

Meeting called to order at 7:30 p.m.

Inasmuch as this was a joint PC and ZBA public hearing for the Nate & Patti Weber rezone/variance request, the following members were present:

PC: Shields, Heasley, Parmelee, Myers, Immink, Davis and Coffey

ZBA: Shields, Heasley, Sebright, Oosterink, Blakeslee and Demaray

Also present was Mark Sisson.

Davis made a motion to approve the September 1, 2005 PC minutes, Parmelee seconded, motion carried.

Davis then made a motion to open the public hearing on behalf of the PC, Immink seconded, motion carried.

Sebright made a motion to open the public hearing on behalf of the ZBA, Demaray seconded, motion carried.

Nate & Patti Weber are requesting a rezone of property located at 3028 Newell St. in Burnips from V-R to C-1 and also a variance that would allow the splitting of the property into two non-conforming lots. The variance, if approved, would reestablished each lot as independent parcels. The requested rezone change is for Lot 23 only and if approved, would allow for it to be used for commercial purposes. Parcel #0319-700-022-00 and the legal:

Lots 22 and 23, Village of Burnips, Section 16, T4N, R13W.

Mark Sisson opened the public hearing by explaining to the PC and ZBA what the request entailed. The zoning rules say that if owner owns two substandard lots they are to be combined and considered as one lot. Lot 22 contains an existing house, Lot 23 contains an existing pole barn and each is considered a non-conforming lot.

It is the Webers intent to operate a tent/rental operation and balloon advertising business on Lot 23 which they are requesting be rezoned to C-1. They will have a couple of employees, sewing machines, and they do not foresee any noise to disturb the neighborhood. They also would like the option of opening a real estate office as well. It was noted that on Lot 23 that there is an existing pole barn (32' x 64') which they would use to house their rental/real estate business. This will be a delivery only business, no customers will be coming in to pick up items and only standard delivery trucks (UPS, etc) would be coming into the driveway. Nate intends to have 2 or 3 pickups and a small trailer on site for deliveries. It is his intent to park next to the building at the North or East side or else at their home on 26th St. Counting the vehicles of 2 or 3 employees plus business vehicles, there is the potential of having 7-8 vehicles parked on the lot at one time. Delivery hours would be 8:00 a.m. - 5:00 p.m.

Mark noted that the ordinance requires 10' x 20' parking spaces in C-1. He also questioned the applicant on the well & septic for the building. The location of the parking area would ultimately depend on where the septic is placed.

Shields questioned why not use the house for office space.

The Webers answered that the main reason for this request on the pole barn lot is they can easily construct the tents and balloons in that building because it has the needed area. They do not need the house for office space. They plan on remodeling the house and selling it. They feel that there is enough room in back for the septic, and the well should be placed up front. The house well is on the south side of the house. There would be approximately 75' between the well for the house and the well for the building.

The PC/ZBA had concerns of the septic/well for the house and the septic/well for the building being too close together.

Public comment:

Leslie White - lives across the street from the pole barn (lot 23). She has a concern of the applicant pulling in her driveway to back into his drive. This is a quiet neighborhood and they would like it to remain that way. Concern of safety and driving, Newell St. Is quite narrow. Also if the applicant is not living in the house on lot 22, then they have no concern of what's going on.

Mel Wolfrine - lives across the street. If this lot is rezoned and the business fails, what uses could be put on the rezoned property? Are there sign size restrictions?

Mark Sisson explained to the public about contract zoning for this request. The applicant has to present an offer and a statement and then should the business fail, it would revert back to its original zoning.

Rob Miller - What was the original use of the pole barn?

Storage for trucks, poles.

Nate Weber noted that if a sign is an issue, he can change and go smaller. He intends on a full size dodge, and two smaller pickups. He again stated that noise should not be a factor.

Mary Strickfaden - Splitting this property into two non-conforming lots would set a precedence. What about future requests for the people in Burnips wanting to do the same thing. This is a residential area, leave it alone

Davis and Sebright questioned if we can require a site plan before making a decision. The parking, septic and well are major issues.

Parmelee stated he has a concern of spreading commercial into residential zoning.

Mark questioned also if this request is really commercial or industrial.

Shields also noted a concern of the driveway issue. The side yard setbacks adjacent to neighboring homes. Once split, they will not meet the requirements. What do you do to protect the property next door?

After further discussion, Parmelee made a motion to close the public hearing, Sebright seconded, motion carried.

Parmelee then made a motion to reconvene the PC meeting, Myers seconded, motion carried.

Mark stated that the applicant has the ability to amend the application; the PC can make comments to direct him.

The following concerns were re-emphasized by the PC members:

Shields - negative to put commercial use in residential area

Davis - same issues

Parmelee - too many red flags; well, septic, parking, paving, run offs, not good fit

Coffey - same issue, not enough room.

Nate Weber will look into the health department issues regarding the well & septic and also the driveway being paved.

Parmelee made a motion to table the request to allow applicant time to amend the application if he desires. Myers seconded, motion carried.

Next request:

Robert Miller is requesting a special use permit to open an archery range on property located near 4506 27th St. This parcel is 80 acres, zoned A-2. It was noted that the original application by Mr. Miller included a request for a shotgun/shooting range as well. This request has been rescinded; he is requesting an archery range only.

The meeting started with Mr. Miller presenting an overview to the PC on what he intends to do. He has been operating an archery range for the last 3 years and given the current development, etc. in the area, he wants to obtain a permit to make this legal. He has small groups come in to use the archery range, requests donations for the targets, but does not charge a fee. This is considered a service/hobby type activity for the community. The most members shooting at the range is approximately 70+ shooters from spring to fall. The maximum people at a time would be 20 (school group, etc.) He changes targets every year but has no plans to expand it into a business. Stray arrows are not an issue. He does not have the outside of the course posted. He does not want it to be noticed from

the road - invitation only to use the course. Parking is not an issue; there is plenty of room to park as well as across the road on his property.

It was noted by the applicant and other neighbors at the meeting that there has never been any problems in the past with the archery activity. The Millers are always there when someone is using the range. Gun shooting on the property was brought up. He reserves the right to use guns on his own personal property. He will not allow/tolerate people coming in to the archery range to use guns. There would be conflicts if this happened as you cannot do both at once.

South Kent Gun Club does not have an archery range anymore.

Shields questioned why he needs a SUP. Inviting people to archery on his own land is legal.

Mark explained that the frequent, organized use of the premises by outsiders, including youth groups etc. over time turns the activity into a club or quasi public use, e.g. something more than a private use. The PC/Township regulates shooting ranges.

Public comment:

Paul Van Wagoner - lives 3 houses down. Has only positive things to say. No stray bullets or arrows ever. What he has set up is a safe zone.

Joe Mollette - As a hunter, for someone to open this up is a good opportunity for the community.

Bruce Breuker - just started to build on 27th St. An archery range is fine, but he is opposed to a rifle/shotgun range.

Terry Hyde- are there any plans for future expansion? Archery is fine, but doesn't want gun range.

Bruce Weber - you can legally shoot in your own backyard for target practice, how is this any different.

Rachael Harig - concern of non-stop shooting.

Mary Marker - archery is ok, but if bow hunters stay, who is invited to site their guns?

B. Harmsen - has no problem with the request. He has proven to be a good neighbor.

Jesse Demaray - he respects Robert Miller for bringing this into the community. It's a good thing.

Doug Grotenhous - positive for the community

Ross Vogt - lives two houses down. It's never been a problem in the past, only positive.

Jim Grotenhuis, Dave DeBoer and Anita Lenhart - never any problems in the past, good neighbors who have a good thing.

PC comments:

Myers - he has been operating for the last 3 years with no complaints so unless he requests a gun/shooting range, this is ok.

Coffey - this is a good thing for the community

Parmelee - this is ok, it seems pretty safe.

Shields - would prefer that Mr. Miller follow the guidelines for archery safety

After further discussion, Davis made a motion to approve the request to with the following conditions:

1. Approval of the application with the amended statement to operate an archery range only
2. If an event is held with more than 70 people, the zoning administrator must be notified a minimum of 2 weeks prior to the event to review the plans and to ensure adequate measures for safety, sanitation and parking.

Myers seconded, motion carried.

Triple K Development Contract Zoning request: Shields made a motion to take it off the table, Heasley seconded, motion carried.

Ron Van Singel of Nederveld Associates presented an overview of the development proposed. (See attached letter of condition) The applicant wants to take the current rezone application and add these amendments to it. He explained to the PC that this is a better site plan all around than going with a conservation subdivision. They are saving the wooded area in the back and providing 1+ acre lots. There will be an association that governs the rules that the township sets.

Mark Sisson questioned if there really is any difference in the number of lots achieved by going this route vs a conservation subdivision. We're talking maybe 3 or 4 lots difference.

He then questioned under what circumstances would the PC allow contract/conditional zoning?

Indirectly is this a way to get exactly what the PC wants? Mark has a concern of consistency should more requests come in.

Mark questioned Ron if they have attempted to draw up the development plan under the conservation subdivision provisions? Approximately 43 lots can be obtained under this section.

Ron didn't see that under conservation subdivision it would be a feasible layout.

After general discussion among the PC, it was agreed that there is a concern of consistency for future requests. Is contract/condition zoning for a development really necessary if we have conservation subdivision as an option.

Shields stated he would like more guidelines and specifics of the site plan - i.e. type of housing and size, specs on sprinkling systems, specs on type of trees, lawn landscape establishments, etc.

Parmelee made a motion to table the request in order for the applicant to obtain more information on the issues raised at the meeting tonight, Davis seconded, motion carried.

Zoning Ordinance Changes:

Tonight was the public hearing on the proposed zoning ordinance amendments relating to the conditional zoning provisions of the zoning statute, adding Section 18.04 and Chapter 24.

After discussion, Coffey made a motion to approve the Amendments, Myers seconded, motion carried.

Other business:

Parmelee - no township update. The gun club visits are to be decided yet.

Fred Harmsen - has concern of a neighbor who has a small trailer on their lot that doesn't meet the minimum standards set by the township. Bob will contact PCI on this issue.

Bob Jones - had a complaint of someone starting a junkyard/salvage yard. He has written a letter to the person and will keep us updated.

A special planning commission meeting is scheduled for October 10 @ 7:00 to work on the master plan. Shields encouraged all members to attend.

There being no further business, Coffey made a motion to adjourn, Davis seconded, motion carried. Meeting adjourned at 9:53 p.m.

Submitted by,

Cris Heasley, Secretary
Salem Township Planning Commission