

JAMESTOWN CHARTER TOWNSHIP
PLANNING COMMISSION

REGULAR MEETING
JANUARY 21, 2014
7:00 PM

**UNAPPROVED
MINUTES**

CALL TO ORDER –

Meeting was called to order at 7:00 pm by Chairperson Larabel.

ROLL CALL -

Keppel, Webster, Larabel, Woltjer, and Tacoma were present.

Dykstra was absent with notice.

Also present were: Planner Ransford, and Attorneys Mark Nettleton and Scott Hughes.

INVOCATION – Webster gave the invocation.

APPROVAL OF THE DECEMBER 17, 2013 MINUTES -

Motion made by Webster and supported by Keppel that the December 17, 2013 minutes be approved, with the changes recommended by Planner Ransford.

MOTION CARRIED – UNANIMOUSLY.

APPROVAL OF DECEMBER 17, 2013 AGENDA -

Motion made by Keppel and supported by Webster that the January 21, 2014 agenda be approved.

MOTION CARRIED – UNANIMOUSLY.

GENERAL CITIZEN COMMENTS REGARDING NON-AGENDA ITEMS -

None.

NEW BUSINESS -

*Map Amendment (Rezoning) Application and Special Use Application

*Mark Pater – 70-18-09-200-012, 70-18-09-200-034, and 70-18-09-200-033

*Rezone property from R-2 to B-1

*Operate Rental Storage (warehouse) Facilities

Chairperson Larabel asked Planner Ransford for an overview.

Ransford briefly reviewed the memorandum sent to the commissioners regarding Mark Pater's Conditional Map Amendment (rezoning) Application & Special Use Request, highlighting the comments given by the Township's attorney, Mark Nettleton.

Steve Witte, of 217 Grandville, and representing Mark Pater, commented that Ransford had given an excellent overview. He then went on to present to two large poster board illustrations of the proposed site and businesses, showing the entry drives, location and position of storage buildings, landscaping, etc., going into even further detail.

Larabel asked for a motion for a Public Hearing.

Motion made by Webster and supported by Keppel to open the Public Hearing.

MOTION CARRIED – UNANIMOUSLY.

Ron Koroleski, of 2967 8th Avenue, asked why a waiver is needed, if these are uncommon

materials, what the negatives of the project are, and if a variance for outside storage is needed. He also expressed concern about future neighbors and the amount of money spent per acre.

Nick Ceglarek, Superintendent of Hudsonville Public Schools, and of 2845 Jamison Ct., reiterated the three concerns mentioned in a letter sent to Jamestown Charter Township from the school: when the District considered the location of South Elementary the residential zoning was most appealing for future student growth; concerns of how the rezoning would impact student safety as well as the increased pedestrian traffic the school's plans to build a bike path connecting Riley Middle School, Jamestown Elementary, and South Elementary will cause; and a new precedent for the future regarding residential properties requesting rezoning near our schools. (Copy of letter attached.)

Dean Smith, of 2801 Mason Street, reflected that this land would be very expensive for the Township to develop, that small businesses such as Mark Pater proposed helped with Township's taxes, and that, especially for life-long residents like the Paters, should be encouraged.

Ron Koroleski pointed out the need to consider what the Township would be opening the door for in the future. He also inquired about the negative impact of this rezoning and was concerned that the negative ramifications for the future had not all been carefully explored.

At this point, Larabel asked for a motion to close the Public Hearing.

Tacoma moved and Woltjer supported the motion to close the Public Hearing.

MOTION CARRIED – UNANIMOUSLY.

Larabel mentioned a possible closed session in order for the Commissioners to discuss these applications freely but asked for more clarification first.

Discussion ensued regarding times and types of traffic, the diesel fuel tanks, landscaping and screening of the property, fencing, easement, approval of the Road Commission, the position of proposed rental units, the number of employees, timing for initial demolition, and stockpiling materials.

Woltjer expressed the difficulty of making a decision without all the information, mentioning concern about this property being a prime location for a future Fire Station and the Township's plans to use it as such, as well as the extreme importance of looking at the Township's "Big Picture".

Keppel pointed out concerns as well, including: the need for larger setbacks, the poorly maintained state of this property, and the need to think of setting a new precedent for rezoning residential property to business/industrial.

Webster asserted the importance of considering how the Township would benefit and how this decision would serve the residents of Jamestown Charter Township.

Larabel noted that the dilapidated buildings were a Township blight and this plan appeared to help resolve this problem, but also thought this should be weighed carefully to assure it was the best solution.

Woltjer reminded the other Commissioners that the property had, for many years, been intended for the Township's Fire Barn, and that although the millage was turned down five to six years ago, there had never been a contention that the Fire Barn was not needed. He also pointed out that it was the Township's responsibility to maintain and improve this property.

Discussion of the cost for the Township to improve the property, concerns regarding the new South Elementary School and its potential for a new residential area, the possibility of de-valuing the surrounding property, keeping this property looking clean and uncluttered, the importance but possible impracticality of following the Master Plan in this instance, and, most importantly, weighing whether this is the best decision for Jamestown Charter Township, proceeded in depth.

Chairperson Larabel then directed the Commissioners back to the Conditional Rezoning Agreement and asked the Township's Attorney about other conditions that could be considered or included in the proposed Amendment.

Mark Nettleton, of Mika Meyers Beckett & Jones, explained that Conditional Rezoning can be a bit of a dance, but clearly stated that this must be driven by the applicant.

Woltjer suggested that the potential challenges in this Conditional Rezoning Application warranted being addressed separately, one by one. He remarked that he had researched the internet, at length, and was still unsure he had a feel for this process, as this was the first time the Planning Commission had dealt with a Conditional Rezoning Application.

Larabel observed that he had been through this process before and that it could go “on and on”, then suggested addressing some of the Commissioner's concerns, such as reducing the Site Plan to only one drive to help with the potential traffic problem.

Mark Nettleton, the Township's attorney, asked Mark Pater if he was willing to consider some changes, reiterating that this process must be Applicant driven, as the Township cannot require a landowner to offer conditions as a requirement to rezoning.

Mark Pater assured the Commissioners that he was open to suggestions and evaluating terms.

Mark Nettleton brought up the three “Bullet Points” - **Recommendations/Considerations for Planning Commission re: Mark Pater Conditional Rezoning (to be added to Conditional Rezoning Agreement):**

- Recommend deletion of the concluding sentence found on page 2, Section 3, paragraph 3, which provides, “and that the use and development of the Property as proposed would be equally or better suited to the surrounding area than the uses allowed under the current zoning of the Property.”
- Revise Section 2 to read in its entirety as follows:
The rezoning of the identified portions of the Property to the B/I Business and Industrial Zoning District shall be conditioned upon the Applicant, and any subsequent owner of the Property, complying with (a) the conditions set forth in the conditional zoning request from the Applicant (attached as Exhibit B), which conditions are incorporated into this Agreement by reference; and (b) the related site plan sheets, photos, storm water calculations, application and documents and etcetera to provide an accurate recording of the proposed.
- Add provisions that provide:
“The permitted land uses on and for the Property shall be only those stated in the Ordinance (i.e., mini-warehouses and rental storage facilities and, if special use granted, storage yards for equipment). Other permitted uses and special land uses otherwise included in the B/I District under the terms of the Township Zoning Ordinance shall not be available or permitted, in whole or in part, so long as the Ordinance remains effective.”

“The permitted land uses, having been voluntarily offered by the applicant and accepted by the Township, shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the applicant. No subsequent owner of the lands or any part thereof shall conduct any other uses on or for the land, so long as the Ordinance remains in effect.”

Commissioners discussed concerns again, going over proposed driveways, right-of-way, etc.

Larabel then asked if they could consent verbally today to make a recommendation the Township Board.

Mark Pater stated that he was willing to accept the three “Bullet Points”.

Commissioners took time to, once again, look over the submitted agreement carefully.

Larabel asked for a motion and stipulated a roll call vote.

Motion made by Webster, and supported by Keppel to recommend for approval by the Township Board the conditional rezoning of certain property located at the northwest corner of the intersection of Greenly Street and 24th Avenue (Permanent Parcel No(s). 18-70-09-200-012, 70-18-09-200-034 and 70-18-09-200-033), from the R-2 Residential District to the B/I Industrial District, in accordance with and subject to the written conditions offered by the applicant with his application for conditional rezoning, as amended by the additional written conditions voluntarily offered by the applicant at the Planning Commission meeting held on January 21, 2014, as follows:

Recommendations/Considerations for Planning Commission

re: Mark Pater Conditional Rezoning (to be added to Conditional Rezoning Agreement)

- Recommend deletion of the concluding sentence found on page 2, Section 3, paragraph 3, which provides, “and that the use and development of the Property as proposed would be equally or better suited to the surrounding area than the uses allowed under the current zoning of the Property.”
- Revise Section 2 to read in its entirety as follows:
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The permitted land uses, having been voluntarily offered by the applicant and accepted by the Township, shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the applicant. No subsequent owner of the lands or any part thereof shall conduct any other uses on or for the land, so long as the Ordinance remains in effect.

MOTION CARRIED –

Aye: Keppel, Webster, Larabel, and Tacoma

Nay: Woltjer

***DISCUSSION ITEMS -**

-Section 22.9 – Limits of Power

Planner Ransford summarized the memorandum sent to the Commissioners, dated January 6, 2014, explaining the direction of Supervisor Bergwerff to bring Section 22.9 of the JCTZO to the Planning Commission's attention, and why.

Larabel remarked that the current language was difficult.

Consensus of the Commissioners was to schedule a Public Hearing in order to address this issue, at next month's meeting.

-Section 26.3 Minimum Landscaping within Required Buffer Yards, Table 26.1

Commissioners saw no issues in remedying the error pointed out by Planner Ransford in this section of the JCTZO. Larabel directed Ransford to schedule this concern for next month's Public Hearing, as well.

***ELECTION OF OFFICERS -**

Motion made by Keppel and supported by Webster to elect Tom Larabel as Chairperson for 2014.

MOTION CARRIED – UNANIMOUSLY.

Motion made by Larabel and supported by Keppel to elect Christine Webster as Vice-Chairperson for 2014.

MOTION CARRIED – UNANIMOUSLY.

Motion made by Webster and supported by Larabel to elect Tim Tacoma as Secretary for 2014.

MOTION CARRIED – UNANIMOUSLY.

OLD BUSINESS -

None.

EXTENDED PUBLIC COMMENTS REGARDING AGENDA ITEMS ONLY -

Ron Koroleski reflected that he believes the government has too many regulations, but noted that he was still concerned about the precedent set regarding conditional rezoning and stated his opinion that it might be unfair to future residents.

CORRESPONDENCE -

None that needed attention.

Chairperson Larabel mentioned the letter from Hudsonville Public Schools regarding the conditional rezoning.

PLANNING COMMISSION MEMBER COMMENT -

Commissioner Tacoma mentioned the procedure for correcting the Planning Commission Minutes. He commented that perhaps Ransford was overly involved, and was concerned that there had been some confusion and distress caused.

Discussion ensued and Commissioners determined that since Tacoma was now the Planning Commission's Secretary, he would be personally responsible for the proper procedure and correction of the Minutes and this concern would be taken care of.

Mark Nettleton introduced his associate, Scott A. Hughes.

ADJOURNMENT -

Motion made by Tacoma and supported by Webster that the meeting be adjourned.

Time was 9:15 pm.

MOTION CARRIED – UNANIMOUSLY.

MINUTES SUBMITTED BY -

Sandy VanAntwerp