

JAMESTOWN CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
October 20, 2020, 7:00 p.m.

CALL TO ORDER: Chairman Smith called the meeting to order at 7:00 p.m.

ROLL CALL: Commissioners Jeff Dykstra, Randy Zomerlei, Dean Smith, Diane Pater, Kevin Gilliam and Tim Tacoma were present. Also present was Planner Greg Ransford. Commissioner Dave Kronemeyer was absent.

INVOCATION: Commissioner Tacoma opened with the invocation.

APPROVAL OF MINUTES: A motion was made by Commissioner Dykstra, supported by Commissioner Pater to approve the minutes of the October 06, 2020 Special Planning Commission Meeting. Motion carried unanimously.

APPROVAL OF AGENDA: A motion was made by Commissioner Dykstra, supported by Commissioner Gilliam to approve the agenda. Motion carried unanimously.

GENERAL COMMENTS REGARDING NON-AGENDA ITEMS: Melvin Van Rhee, 3885 Byron Rd. requested a clarification as to whether additional property he acquired on the SE corner of 32nd Ave. and Riley St., and combined into one parcel with the previous smaller commercial parcel he owned, would be classified as commercial in its entirety, as only the original, smaller parcel was zoned Commercial. The added parcel was zoned Ag-Rural. He was advised to contact the Township Zoning Administrator. Commissioner Zomerlei stated that one parcel can be part of two separate zoning districts. Planner Ransford stated that the additional property would have to go through the process for rezoning, in which case increasing the acreage in Commercial zoning would be contrary to the Master Plan, as that area has been designated for Low-Density Residential.

NEW BUSINESS:

- PUBLIC HEARING for Chapel Charlies Cup and Cone, 2361 Riley Street; a request for a Special Use Permit for a Drive through.

A motion was made by Commissioner Pater, supported by Commissioner Gilliam to open the Public Hearing at 7:09 p.m. Motion carried unanimously.

Ken Bergwerff was present on behalf of Chapel Charlies Cup and Cone, and he provided information regarding the application for a Drive Through and the previous denial for the same use applied for in 2017. He commented that there has been no history of pedestrian injuries even when the adjacent Chapel at Noel was very busy years ago, and that the driveway serving the proposed drive through is 21.5' wide at its narrowest, wider than some private roads that serve several homes, and which he stated was adequate for 2-way traffic. Bergwerff read from an email submitted by Alyssa Boeske. He read portions of the letter in which Boeske stated that those who wish to utilize a drive through must visit franchise restaurants, and that it would be preferable to spend money to support a local business. Bergwerff also commented that the current virus concerns could last for a long time, and a drive through would be beneficial also for those who have difficulty getting out of their cars. He also did not think that a drive through would be detrimental to the character of the neighborhood, and that the tour busses that used to visit the Noel restaurant were far more disruptive.

Tina Hales, 2325 Riley Ct., stated that the drive through would reduce options for exits off Riley Ct, and leave them only one way out. There used to be four exits. While she supports their business, she opposes the drive through.

Jeff Bell, 2107 Brindle Dr., commented that he does not live nearby, but he supports the drive through and doesn't believe it will suddenly cause a flood of traffic.

Mandy Minervino, 2169 Boulderton Dr., stated that she works in healthcare, and the virus will be around a long time. Drive throughs are advocated by the CDC, and will allow those with mobility issues or those with young kids to be better served. She also stated that she doesn't think the drive through will generate so much traffic that there would be a safety issue, and that the drive through would be beneficial to the community.

Keith Pagel, 3156 Rocaway Dr., supports the drive through and believes that with proper signage and pavement markings, there would not be an issue with traffic.

Melanie Merritt, 2150 Boulderton Dr., is in favor of the drive through. Her husband is disabled and it is difficult to get him and his wheelchair out of the car.

Melvin Van Rhee, 3885 Byron Rd., stated that while the drive for the drive through may be wide enough for a residential road, he questioned whether the width is adequate for a commercial use. He also said that Riley Ct. is not an official road. It is an easement so that the people that live on Riley Ct. can access their homes. He also stated that there have been accidents there, and he doesn't feel concerns have changed since this request was voted down before. He wants the request for a drive through denied again.

Dan Powlus, 2333 Riley Ct., stated that Riley Ct. is not a road. It is a private easement, and there is not much room for more than one vehicle. He stated that the drive through is not a good idea for those who live on Riley Ct., and that Riley Ct. can't handle extra vehicles. A drive through would not be a good thing for the residents of Riley Ct., as already a number of vehicles travel to the end of Riley Ct. thinking it goes somewhere.

Tonya Soroken, 5471 McCormick dr., commented that while she doesn't live here, her kids play sports in the area, and it would be easier to use a drive through with kids, and as a teacher she thinks it is very important to follow CDC guidelines for virus protection. She has visited Chapel Charlies and has never noticed a lot of traffic, and that there appears to be plenty of space for a drive through.

Ronald Dugdale, 4191 Blair St. stated that at one time he lived with the Bergwerffs and worked at Chapel Charlies. He thinks the drive through would be a great idea, and that the speedbumps that were installed slow down traffic through there.

Cliff Westendorp, 3236 24th Ave., stated that what is called Riley Ct. is not a road or a private drive. It is an easement that provides access for homes. He also stated that there were three other drives off Riley when the easement was written, and now there is only one drive and an increasing amount of traffic through the easement. He owns a business there, and has been hit once and has had many close calls. He suggested that the Bergwerffs open the driveway that was alongside the Holly House so that those visiting Chapel Charlies could enter off Riley, circle around the Bergwerff property and exit onto Riley. Then they would not be interfering with people who live behind, and it would be safer. He said people go through there too fast, and increasing the traffic increases the chance of an accident.

John Cremer, 2654 Thrush Dr., Jenison, commented that his grandparents were the first couple to be married in the Noel restaurant, and he is a frequent visitor to the area. He had not heard of using Riley Ct. as part of the drive through. He has operated restaurants, and he does not think that a local ice cream shop drive through would increase traffic. He stated that it would be helpful to the business to have a drive through, and it had already been designed for a drive through. He asked Bergwerff if his intent was to use Riley Ct., and Bergwerff stated that it is their preference not to use Riley Ct.

Ross Dejong, 2330 Riley St., stated that there has been increased traffic also on Riley St., and he questioned why they were here again as this request was rejected previously, and not much has changed in the new proposal. He said there is a rumor that the owners are looking to sell the properties, and that a drive through would make the property more valuable. He wanted everyone to remember that once a drive through is authorized, it stays forever with the property, making it nearly impossible to control what the next owner might wish to use the drive through for. He requested that the Commissioners deny the request for a special use, primarily because there is already not enough parking. He also commented on the shared use agreements for offsite parking, and asked what would happen to the parking agreements if the properties were sold to different entities.

Mark Bolthouse, 2340 Riley St., was not opposed to a drive through, but as the owner of the Little Dipper ice cream shop, felt that he would also need to apply for and be granted permission for a drive through in order to remain competitive. He wanted more in-depth knowledge as far as what the township wants Jamestown itself to be and look like.

Sonya Dejong, 2330 Riley St., stated that this would not be a short-term decision, and that they should plan for the future of Jamestown. The drive through would stay with the property forever. Many people walk in the community at night on Riley, the virus will not last forever, and disabled persons can be accommodated without a drive through. They could park in a parking space and have their food brought out to their car.

Melvin Van Rhee spoke again to express concerns regarding the safety of bicyclists and walkers, and the potential for the extra traffic to cause accidents.

Jim Buchanan, 2304 Riley St., expressed concern regarding traffic for the drive through that would cross the sidewalk, and stated that this would cause a safety issue for kids using the sidewalk on foot and riding bikes.

Brenda Vanloo, 3061 Stonewood Lane, stated that she has worked at Chapel Charlies, and that she had never been on Riley Ct., and was confused about traffic concerns. She didn't think the drive through would bring in that much more traffic so that it would become dangerous for people. She also commented that Covid has changed things and created the need for drive throughs.

A motion was made by Commissioner Dykstra, supported by Commissioner Gilliam to close the Public Hearing at 8:01 p.m. Motion carried unanimously.

PLANNING COMMISSION DISCUSSION:

Bergwerff was asked to provide the hours of operation for Chapel Charlies. The establishment is open from 12:30 p.m.-8:00 p.m. Monday through Friday, 3:00 p.m.-9:00 p.m. on Saturday, and 3:00 p.m.-8:00 p.m. on Sunday. Peak summer hours are from 12:00 p.m.-9:00 p.m., and the business is closed for five months of the year.

Commissioner Gilliam asked if there would be a speaker box, will they be taking away the walk-up window, and is it correct that according to the plan an entrance is not advertised off 24th Ave.? Ken answered that there would not be a speaker box, they are not taking away the walk-up window, and an entrance off 24th Ave. is not indicated to be used on the plan.

Commissioner Dykstra asked Bergwerff to confirm that he is planning to have potential two-way traffic off Riley St. and would not send people down Riley Ct. Bergwerff replied affirmatively.

Commissioner Zomerlei commented that people want a village feel but also want drive throughs to accommodate a faster-paced lifestyle. He also feels that the residents on Riley Ct. shouldn't have to deal with the extra traffic with only one way out.

Commissioner Pater asked if they have investigated making another entrance off Riley St. to funnel traffic around the business. She is a resident on Riley Ct., and she said she has encountered a lot of traffic from Chapel Charlies. Bergwerff replied that they have contacted the Ottawa County Road Commission, which has expressed strong opposition to creating a lot of egress and ingress off the main road. Pater noted that there was another drive off Riley at one time, and that could solve the problem of people using Riley Ct. She also had concerns regarding the proximity of the drive-up window to the walk-up window.

Commissioner Smith asked if there would be room to put another entrance off Riley to the east, and Ken responded that it would remove landscaping and lawns. Smith commented that it would alleviate the issue of the Riley Ct. easement, and that it would be better to approach the road commission to make a case for another exit onto Riley St.

Commissioner Tacoma defined the legal term easement as a legal right to use another person's property for a specific purpose. He further stated that an easement is not meant as a public use, and that use of the easement by the business would violate the rights of the residents on Riley Ct. He also referenced one of the standards to be considered: The Purpose of the JCTZO, among other identified items, is to promote the public health and safety, and there were a number of people saying this was an accident waiting to happen. He also said that the location was not set up for a drive through, and that there is also a visibility issue coming out of the business.

There was further discussion regarding the possibility of erecting barriers to separate the business from Riley Ct., the width of the drive, and whether the parking agreements would be sufficient. There was also discussion of whether a special land use could be attached to the owner of the business only, and Planner Ranford stated that a special use would go with the property.

A motion was made by Commissioner Tacoma, supported by Commissioner Pater to deny the request for a special use permit for Chapel Charlies Cup and Cone, 2361 Riley Street, for a drive through, as it doesn't meet the special use standards of the JCTZO Section 18.4, especially (7) Not involving uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors. The motion carried with four ayes, and two opposed. The Chairman declared that the special use application was denied.

- PRELIMINARY SITE PLAN REVIEW for Ransom Street Site Condominiums.

Kelly Kuiper from Nederveld was present to represent the applicants, Mr. Kosten and Mr. Smith, who were also in attendance. They are requesting a site condominium along Ransom St. It will be a six- unit site condo, and all of the units will front directly onto the street, so there will not be any internal roadways. An item for discussion would be the construction of a non-motorized pathway along Ransom St. or payment in-lieu of construction. They also need to obtain approval for septic systems and drain fields on the lots, and they still need to work through approvals for private water wells on the lots.

In response to Commissioner questions, Kuiper stated that there would be six duplexes, each on a 1.1- acre lot including the ROW area, and that the difference between a condo and a duplex is in how the property is divided. A site condo is type of sub-division in which a property is owned by an individual with a two-family home on top of it. Each lot is 120' wide with 10' side yard setbacks. They are still working with the road commission on driveway permits.

It was determined by the Commissioners that there are no sidewalks on Ransom St., and Kuiper wanted to clarify whether a sidewalk or bike path would be required on the frontage along Ransom St. Kuiper stated that they would prefer to install a bike path or sidewalk at the end of the project due to construction traffic, rather than payment in-lieu of construction. It was determined that a bike path would be preferable, and there was discussion of requiring a bond or a letter of credit to ensure that the bike path is constructed when the project is completed. Planner Ransford recommended a letter of credit. Commissioners discussed requiring a letter of credit with a timeframe of completing the bike path along Ransom Street within five years of project approval.

There was discussion regarding a waiver for street lighting. Kuiper stated that while street lighting is useful in a neighborhood with sidewalks and internal drives winding through a larger piece of property, it is not necessary on a bike path that is not part of a neighborhood. Commissioners agreed that street lighting is not essential in a rural area.

Kuiper addressed storm water management, and stated they would work with the Water Resource Commissioner, but as there are no internal roads or impervious surfaces other than the houses themselves, there is really no storm water to manage.

A motion was made by Zomerlei, supported by Dykstra, to approve the Resolution for Preliminary Site Condominium approval with the following conditions:

1. A bike path shall be required along the property frontages on Ransom St. with a letter of credit to be completed within five years of final project approval or the last occupancy, whichever is sooner.
2. Approval of the requested waiver from Section 5.3(j)(1) regarding the installation of sidewalks on one side of the private roads.
3. Approval of the requested waiver from Section 5.3(k) regarding the installation of street lighting.
4. A draft of the Master Deed and Restrictive Covenants shall be submitted and found satisfactory by Township Legal Counsel prior to Final Plan review by the Planning Commission.
5. The applicant shall satisfy all contents of the October 5, 2020 review letter from the Township Engineer prior to the Final Plan review by the Planning Commission.
6. These conditions shall be binding on the Applicant and all successor owners or parties in interest in the Development, or any portion of the Development.
7. Any violation of these conditions shall constitute a violation of the Zoning Ordinance and, in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permits applicable to the Development.

Motion carried unanimously.

OLD BUSINESS: None.

EXTENDED PUBLIC COMMENTS REGARDING AGENA ITEMS ONLY: None.

CORRESPONDENCE: None.

PLANNING COMMISSION MEMBER COMMENT: Discussion of who would be absent in November.

ADJOURN: Commissioner Tacoma made a motion, supported by Commissioner Gilliam to adjourn the meeting at 8:57 p.m. Motion carried unanimously.

Respectfully submitted by,

Maureen Carmody, Recording Secretary
Planning Commission

Minutes approved on _____ by _____
(chair)