

**GAINES CHARTER TOWNSHIP**  
**PLANNING COMMISSION – REGULAR MEETING**  
Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

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**DRAFT Agenda**

**7:00 p.m. – Thursday, February 22<sup>nd</sup>, 2024**

- I. Call to Order and Roll Call**
- II. Consideration of Agenda**
- III. Consideration of Meeting Minutes**
  - a. Consideration of January 25<sup>th</sup>, 2024, Planning Commission Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Public Comment**
- VI. New Business**
  - 1. Public Hearings**
    - a. 7610 Division- Rezone Heavy Industrial to Neighborhood Commercial Request**
    - b. 2096 76<sup>th</sup> Street – Jack’s Landscaping Special Use Permit/ Site Plan Review**
    - c. 3316 68<sup>th</sup> Street - Thornapple Village PUD**
  - 2. Site Plan Review**
    - a. None.**
  - 3. Items not requiring a Public Hearing**
    - a. None.**
- VII. General Discussion**
  - a. None.**
- VIII. Adjournment**

Persons with disabilities needing special accommodations should contact Kim Triplett at (616) 698-6640 one week prior to the meeting to request mobility, visual or any other assistance.

## **DRAFT Minutes of the Gaines Charter Township Planning Commission**

**Regular Meeting held January 25, 2024, at 7 pm**

**8555 Kalamazoo Ave., SE, Caledonia, MI 49316**

**MEMBERS PRESENT:** Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema, Giarmo

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Dan Wells, Community Development Director; Dakota Swan, Assistant Planner; Jeff Gritter, Township Engineer

### **I. CALL TO ORDER AND ROLL CALL**

Chair Giarmo called the meeting to order at 7:02 PM.

### **II. CONSIDERATION OF MEETING AGENDA**

No changes to the agenda.

### **III. CONSIDERATION OF MEETING MINUTES**

*Consideration of the December 14, 2023, regular Planning Commission meeting minutes.*

**Motion:** Motion by Haagsma, supported by Giarmo to approve the minutes of December 14, 2023.

**DISCUSSION:** None.

**AYES:** Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (7-0)

### **IV. INQUIRY OF CONFLICT OF INTEREST**

None.

### **V. PUBLIC COMMENT**

No public comment was made.

### **VI. NEW BUSINESS**

#### **1. Items not requiring a Public Hearing**

**a. 7610 Division Avenue SE**

*Requesting for a rezone from Heavy Industrial (I-2) to Neighborhood Commercial (NC)*

Planner Wells explained that this request is fitting for the area and would be compatible with adjacent land uses, and meets the designated use in the Future Land Use Plan. Additionally, it was mentioned that the parcel in question is currently partially vacant, with the remainder of the parcel containing a self-storage facility. Planner Wells gave a staff recommendation to the Planning Commission for the rezone request.

**MOTION:** Motion by Haagsma, supported by Waayenberg to hold a public hearing for the rezoning.

**DISCUSSION:** Giarmo thinks it will improve the aesthetic appearance of the area.

**AYES:** Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (7-0)

**b. 3805 92<sup>nd</sup> Street**

*Request for PUD- Preliminary Review*

Paul Henderson, who is representing applicants for the PUD, stated he will be responding to recommendations made by Planner Wells and Engineer Gritter. He elaborated on details pertaining to proposed water and sewer plans for the development, which would include a Septic Tank Effluent Pumping (STEP) system for the 34 proposed units.

Planner Wells explained that this application serves as a preliminary site plan and a PUD rezoning, not a final site plan, and that if the Planning Commission granted preliminary approval, the applicant would then move onto a public hearing and move through a site plan review.

Wells confirmed that staff found submittal requirements to all be adequate for a preliminary review.

Planner Wells mentioned that this request is typical for this type of development, the only difference is that within suburban developments, lots are typically larger than what is being proposed for this type of development.

The proposed development includes sidewalks on one side of the street; Planner Wells added that typically for a development of this density, the township would require sidewalks

on both sides of the street, therefore it is undetermined if that standard is met through this application.

Planner Wells then discussed the intricacies of the proposed STEP system and concerns regarding long term management of the community septic system. Final site plans are not available at this time; consequentially, Planner Wells recommends a condition in which the Township Engineer would review and approve all site plans to ensure legitimacy regarding long-term management of the septic system and protection of the natural environment.

Planner Wells confirmed that the conditions for a Planned Unit Development-Open Space Preservation have been met since 45 acres of agricultural land will be set aside, and 2.5 acres of mature woods would be preserved under the proposed development. There aren't any significant natural features to be preserved within the parcel given that it mainly consists of agricultural land, however, requirements for an Open Space PUD are still satisfied due to the acreage of the farmland and the mature woods set to be preserved.

Staff recommends a condition in which a legal covenant acts to ensure that the proposed open space remains undeveloped open space; this would need to be submitted to the Township Attorney for review. It is recommended by Planner Wells that legal formalities are ironed out before this recommendation goes to the Township Board.

Planner Wells also explained that staff found details regarding community drain fields/detention and retention ponds to be unsatisfactory. The amount of proposed open space is subject to change depending on how much space is allocated to drain fields and ponds within the PUD; Planner Wells advises waiting for final site plans to consider this possibility.

Pertinent to the Township Non-Motorized Plan, Planner Wells discussed a proposed unapproved trail to be included in the PUD surrounding the farm area. Staff recommends the development include an ADA-compliant trail. Staff also recommended a formal agreement ensuring perpetual protection of the open space to be reified before this request is seen by the Township Board.

Planner Wells mentioned that water quality testing would need to be performed on this parcel to determine the viability of the STEP system, and the availability and quality of well water for the lots.

Chair Giarmo invited Henderson to respond to Planner Wells' review and comments, to which he clarified that through meetings with the health department and EGLE, they dropped a lot from the proposed development. Henderson mentioned that they would be using the septic system featured in the Hideaway development as reference for the proposed STEP system.

Attorney Steve Tjapkes had the chance to elaborate on the open space uses; he said that the developers are attempting to ensure that the proposed trail is a useful amenity for residents, but also that it does not incur high costs to implement.

Staff questioned the remnant parcel in the southwest corner of the PUD and inquired about whether it had undergone a perc test.

Tjapkes confirmed that the master deed for the property grants the Township authority to create a special assessment district to ensure that there is a long-term plan in place for the preservation of open space, and states he is willing to negotiate with the Township Attorney on a formal legal instrument to oversee this matter.

Henderson returned to the podium and elaborated in response to staff concerns about sidewalks; he stated that the developer is interested in keeping this development affordable, and sees this as a cost to the individual homeowner.

Planner Wells inquired about the sale price of units, Henderson stated that sale prices are currently undetermined.

Giarmo inquired about intricacies of the private sewer system with Engineer Gritter; he claims that it is quite early in the development process for intricate design details, but we do know that retention is a risky idea in this area of the Township due to the clay deposits in the ground and subsequent inability to perc. Additionally, a Special Assessment District was recommended up front with the Hideaway development, and Engineer Gritter is hopeful it would be applied here too.

Planner Wells inquired about consultation with Kent County Health Department regarding the preliminary review.

Engineer Gritter responded that there are details to work out given what they proposed, and that some variance may be required, but that the health department preliminarily said this proposal could hypothetically work, based on testing done in the area and the discovery of some sand.

Chair Giarmo inquired about potential concerns from hideaway residents, Planner Wells responded that there haven't been many since not many houses have been put up yet.

Waayenberg echoed staff review points dealing with sidewalks on both sides of the development for the sake of accessibility and expressed concern regarding stormwater retention on behalf of the clay soils in the area.

Chair Giarmo and Member Wiersma also expressed a desire for sidewalks on either side of the development, and Wiersma inquired about access points to the development for the sake of emergency services since there is only one proposed. Fire Chief Ken VanHall weighed

in and confirmed that a second access point will need to be included in the development due to the number of houses.

Member Wiersma also inquired about the open lot towards the front of the development in front of lot 1, Henderson affirmed that nothing is planned for that lot.

Member Rober expressed concerns regarding the long-term preservation of the allocated open space; Tjapkes reassured her that the open space in question is intended to be part of the site condo plan. Commissioner Rober also inquired about risks associated with the proposed sewer/ sanitation plan, Henderson confirmed that there will be more conversations and steps to be taken with the health department and EGLE. Planner Wells added that a thorough review by the Township Engineer will also be a necessary step in this process.

Commissioners Thomas and Billips echoed prior concerns in lieu of sidewalks and access points.

Member Haagsma expressed agreement with staff comments and sought clarification regarding ownership of two adjacent parcels located southwest of the proposed development.

Planner Wells inquired about an easement on the property, Henderson confirmed it is a drainage easement.

Chair Giarmo encouraged the inclusion of trail maintenance in master deed and inquired about the Township Attorneys role in that process, to which Planner Wells confirmed the Township Attorney would be included in that discussion and offered to provide Chair Giarmo with further details as needed. Chair Giarmo also expressed the importance of preserving wooded lots in the township, such as the 2.5 acres included in this property.

**MOTION:** Motion by Waayenberg, supported by Thomas to approve the preliminary rezoning, with the staff recommendations and fire department requirements being considered.

**DISCUSSION:** None

**AYES:** Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (7-0)

## C. 3316 68<sup>th</sup> Street – Thornapple Village

### *Request for PUD – Preliminary Review*

The applicant is seeking to rezone a portion of a parcel to a PUD called Thornapple Village to implement a residential development. Dan Larabel of Allen Edwin Homes discussed the design overview and explained that they are aiming to develop 114 single-family homes within the area, including 52 detached homes, 11 4-unit townhomes, and 18 “terrace” homes.

Tom Larabel of Allen Edwin Homes addressed their plan to mitigate stormwater retention and discussed the details of a proposed detention pond in the northeast corner of the property. Their goal is to minimize the footprint of the detention pond as much as possible.

Larabel then discussed the staff report and expressed how the developer feels as though the proposed development is contingent with the future land use plan. He touched on each of the standards for both the Dutton master plan and the designated future land use category, village residential, and how the proposed development fits those standards.

Planner Wells mentioned that the density and housing variety standards included in the plan for Dutton seem to be satisfied through this proposed development, however, he explained that the Future Land Use Plan for mixed-use development, and current Neighborhood Commercial zoning in this area are left unsatisfied. Planner Wells also voiced concerns about the proposed location of the detention pond and the way in which it would eliminate the possibility of connectivity to adjacent arterial streets in the area and inquired with Member Haagsma about KCRC’s findings regarding this matter.

Planner Wells expressed concerns about the number of residents and subsequent traffic that would be added to the area and inquired about the need for conducting a traffic study.

Wells also elaborated on open space requirements and how there is flexibility within those standards for a PUD; the proposed development currently allocates 0.85 acres as open space and features a park within the site plan. Wells encouraged the Planning Commission to consider whether this amount of open space would be sufficient for the number of units planned to be included in this development.

Planner Wells then discussed the non-motorized network within the PUD and highlighted the cyclist-friendly element of roads within this proposal. Wells also spoke on the possibility of connecting to the Paul Henry trail.

Planner Wells encouraged the Planning Commission to consider this PUD and if it is aiming to reach the intended village center goals that are outlined in the Master Plan for Dutton. Staff recommended conditions to reach all outside agency approvals, including approval from the Township Engineer.

Commissioner Wiersma elaborated on the importance of sidewalks and how critical they are in this area. Wiersma then voiced concern regarding accessibility within the area and the village residential intent for this parcel of land. He commented on the lack of connectivity proposed within the area and the bifurcated feel of the neighborhood. Wiersma inquired about the

distinction between porches and stoops, and how the proposed porches on these units do not emulate a walkable, pedestrian-friendly aesthetic.

Commissioner Billips echoed Wiersma's porch concern, and added that aesthetically, the units appear bland to her. She expressed an interest in seeing more variation amongst the products given the large number of them that would be built so close together.

Secretary Thomas highlighted the number of families projected to be moving in as a primary concern regarding sidewalks and connectivity. Thomas echoed earlier concerns about stoops and spoke in favor of porches instead.

Commissioner Waayenberg voiced uncertainty on whether the proposed PUD meets the village center requirements; Waayenberg added that it feels as though the developer pushing faster than what the township is ready for. Waayenberg expressed discontent towards having only one entrance and exit point into the development as it discourages connectivity. He also voiced support for a traffic study being conducted in the area.

Commissioner Haagsma offered insight into the details of traffic that would be added to the area, and stated that this area will see about 2600 more automobile trips a day; subsequently, he voiced the need for a traffic study. Haagsma referenced Section 10.1 under the sections for review and expressed that this PUD doesn't enhance the creativity or distinctiveness of the area. He believes there is little flexibility within the design, and it would not necessarily benefit the community. Haagsma said that it doesn't seem as though this PUD would integrate any of the village residential elements together for this area as the Planning Commission had envisioned, other than offering a variety of housing types.

Commissioner Rober chimed in and reiterated earlier concerns about the stoops on the front of homes. Rober expressed a distaste for the "cookie cutter" nature of the product, and she spoke on a desire to do this development right.

Chair Giarmo highlighted the amount of time spent on crafting a vision for the Dutton area and the desire to bring it to life, and how this PUD is in stark contrast to what has been envisioned; Giarmo stated that this PUD doesn't offer the Planning Commission any comfort and doesn't make her believe that the developer understands the intentions for this area.

Giarmo inquired about the developers history with designing mixed use area plans, and Larabel responded that they have previously been peripheral to commercial elements, but never to this extent.

Giarmo reiterated the disconnect between the proposed project and the envisioned plans for the Dutton area and expressed a distaste for the detention pond on 68t Street. Giarmo encouraged Larabel to rethink the village neighborhood characteristics that are being envisioned for this area, and to come back to the Planning Commission with something more fitting.

**MOTION:** Motion by Haagsma, support by Rober to table the preliminary decision.

**DISCUSSION:** None

**AYES:** Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (7-0)

**c. 1160/ 1188/ 1190 76<sup>th</sup> Street – Cooks Crossing Enclave**

*Preliminary Site Condominium Plan*

Planner Wells started the discussion by offering some insight into the content of the development; this is a request for a site condominium that would be adjacent to the Cooks Crossing PUD.

Mike McGraw of Eastbrook Homes spoke on behalf of this preliminary site condo plan and offered some opening comments. He stated that the addition of a property to their parcel was very beneficial, and these homes will be bigger than any other projects they've developed.

Planner Wells offered more context for the long-term implications of the development and said that there is an easement for water service that heads into an adjacent parcel, so there is potential for future water service. Wells clarified that there is no need for a public hearing with site condominiums, and that if this is approved, Eastbrook Homes will have two years to finalize site plans based on the preliminary plan presented to the Planning Commission.

Regarding development standards, Wells stated that all aspects are compliant with requirements for the RL-14 zone. Wells feels confident that Eastbrook Homes will provide a variety of housing types for this development, and that there will need to be a streetlight assessment in addition to a review of the utilities plan by the Township Engineer.

Wells stated that staff gives a positive recommendation to the Planning Commission with the conditions that the four house models meet the requirements for the development, sidewalks would be included on both sides of the street, a streetlight assessment district would be implemented, and that street tree requirements would be met. Additionally, it is necessary to undergo review by the Township Engineer.

Commissioner Haagsma inquired about the water easement, and Wells provided clarification on the dimensions and location.

**MOTION:** Motion by Waayenberg, support by Wiersma to make a positive resolution and move this to the township board.

**DISCUSSION:** None

**AYES:** Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema  
**NAYS:** None  
**ABSTAIN:** None  
**DECISION:** Motion Carried (6-0)

#### **d. 2023 Planning & Zoning Report**

Staff compiled a 2023 summary of the planning and zoning department, which was provided for the Planning Commission's review and questions as necessary.

Chair Giarmo inquired about how many units of housing were built in the township last year, Wells responded that it was approximately 1600 units, including developments from November and December of the year prior. Wells also commented that we're seeing a variety of homes and getting a range of products in the township to suit a range of people.

Planner Wells took some time to address big plans on the docket for the Planning and Zoning department in 2024, and what the department accomplished last year. In 2023, an upgrade to the master plan was complete, alongside a parks and recreation plan, and now the township is undertaking an update to the Zoning Ordinance. Within the next few years, Planner Wells is hoping to update the non-motorized transportation plan, specifically by means of identifying and marking shared pathways for cycling. Wells also wants to get the Planning and Zoning department working on developing a public park (referred to as Codys Mill) within the township, and he plans to initiate a discussion with the DNR about grants to help connect this new park to Prairie Wolf Park. Planner Wells also highlighted the importance of protecting critical wetlands, woodlands and creeks as time goes on and as development carries on within the township.

#### **e . Election of Officers**

The Planning Commission needed to reelect their officers, including the Chair of the commission (Giarmo), the Vice Chair (Rober), and the Secretary (Thomas).

**MOTION:** Motion by Haagsma, support by Waayenberg to keep the same officers for 2024.

**DISCUSSION:** None

**AYES:** Giarmo, Billips, Haagsma, Rober, Thomas, Waayenberg, Wiersema

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (7-0)

**VII. GENERAL DISCUSSION**

Planner Wells explained that the next Planning Commission meeting is looking like it will be light; in February the Planning Commission will hear an application for site plan review from Jack's Landscaping.

Wells also mentioned that the standards for the R-3 zoning category were reviewed by the township board but will likely be coming back to the Planning Commission for further consideration, given some concerns about affordability and flexibility.

Tangentially, Wells mentioned that setback requirements near the M-6 corridor might see some exceptions in the Zoning Ordinance update and apartment developments may be subject to more gracious standards eventually.

**VIII. ADJOURNMENT**

The meeting adjourned at 9:19 PM.

# Gaines Charter Township

## Planning Commission Memo

Meeting Date: February 22<sup>nd</sup>, 2024

AGENDA ITEM: VI.1.a

FILE NUMBER: 231113BD

PROPOSED REQUEST: Rezone from Heavy Industrial to Neighborhood Commercial

PROPERTY ZONING DISTRICT: Heavy Industrial

ADDRESSES: 7610 Division Avenue SE

PROPERTY SIZE: Approximately 2.3 acres

PARCEL NUMBER: 41-22-18-101-020

REPORT BY: Dan Wells, Community Development Director

APPLICANT: Brian DeSmit, Apex Realty, for Jon & Sandra Good Trust.



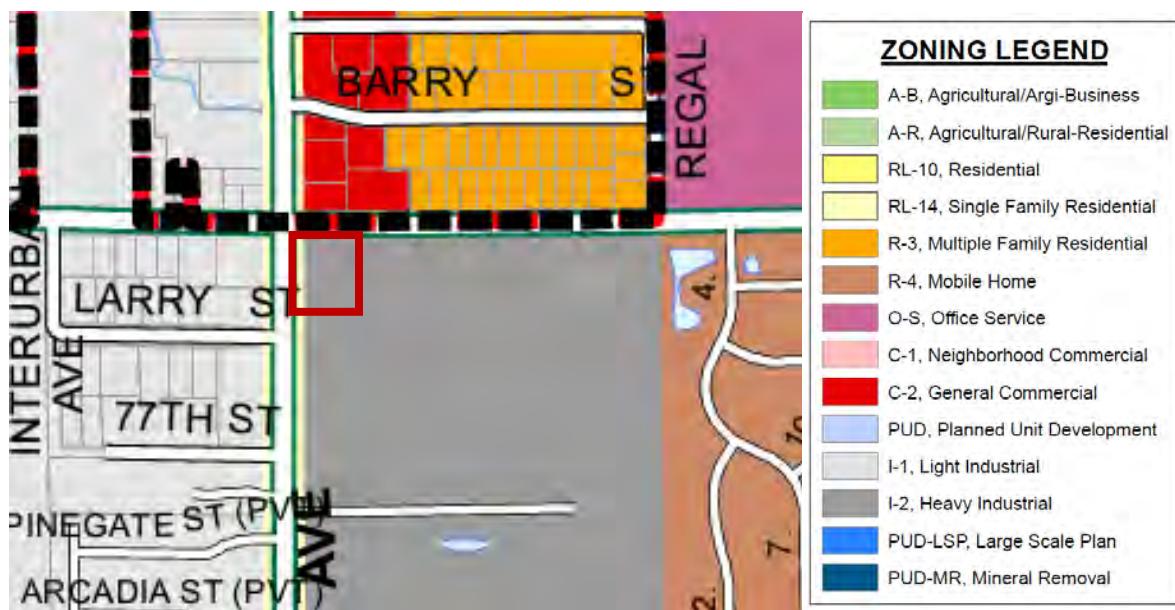
## OVERVIEW

The applicant requests the rezoning of 1.0-acre of a 2.3-acre parcel of land from Heavy Industrial (I-2) to Neighborhood Commercial (NC). The parcel will be divided into two parcels contingent on the rezoning to separate the two zoning categories.

The subject parcel is located at the intersection of 76<sup>th</sup> and Division and is currently partially vacant and partially developed with a self-storage facility. The vacant portion of the parcel is subject to rezoning request and redevelopment; the storage facility will remain in place.

Surrounding zoning:

WEST: Byron Township	NORTH: C-2; R-3 SUBJECT PARCEL SOUTH: I-2	EAST: I-2
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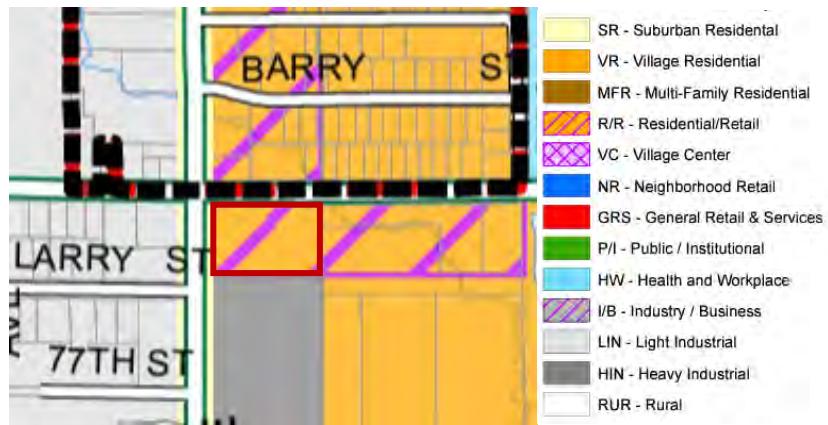
## STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Section 27.4, Review Standards for Amendments, which states:

*In reviewing an application for the rezoning of land, whether the application is made without or with an offer of conditions (as in a conditional rezoning request), factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:*

**A. Whether the proposed rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;**

**Meets Standard.** The Township's current Future Land Use Plan designates the subject area parcel as Residential/Retail which is best described as a mixed-use category combining Neighborhood Commercial with Medium density residential. The applicant is requesting a rezoning to NC, which in the Master Plan is outlined as Neighborhood Retail.



From the Master Plan regarding "Residential and Neighborhood Retail and Services":

*Neighborhood Commercial development would be allowed on main roads, in existing commercial buildings, or designated commercial areas within the overall development. The intent is to integrate the commercial with the surrounding neighborhood, not to mix the uses in a checkerboard, but to allow low intensity commercial activity adjacent to Village Residential (medium density) use.*

*Buffer areas between the two may include narrow parking lots, fencing, or landscaped areas. Pedestrian access between the two should be well integrated with sidewalks and pleasantly landscaped to promote a walkable connection. Site improvements should be included that encourage the use of alternative forms of transportation (e.g., bike racks, transit shelters).*

These lots were considered for NC designation due to this being a "gateway" into the township from US-131 to the west. The current uses of surrounding properties are not conducive to residential use, and in that sense, pure commercial use might be considered appropriate at this time.

Regarding "Neighborhood Retail and Services" in the Master Plan:

*Small scale and designed to provide goods, restaurants, and services primarily to meet the needs of the immediate neighborhood and township residents. Facilities will be developed in harmony with the area's natural features and in a scale and form to encourage pedestrian and multi-modal access and to minimize auto-pedestrian conflicts".*

The layout of the site has not been determined, but will have to adhere to all NC development standards.

**B. Whether all of the uses and structures allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;**

**Meets standard.** The parcel in question is in a transitional commercial area, with industrial to the south and east, and commercial use to the west. There are residential homes on the north side of 76<sup>th</sup> and Brookshire Meadows mobile home park ca. 725 feet to the east. Neighborhood Commercial zoning on this specific parcel would not conflict with any of the current uses on immediately surrounding properties which include self-storage, a nearly abandoned industrial building to the south, and the 76<sup>th</sup> Street/Division Avenue intersection which are four and five-lane roads.

**C. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;**

**Meets standard.** The area is served by all utilities necessary for commercial use and would not be adversely affected by development.

**D. Whether the proposed zoning would be reasonable;**

**Meets standard.** Any of the uses listed under Neighborhood Commercial would be appropriate for this parcel; development of this lot would be an improvement to the corner, and a signal of reinvestment in the Division corridor.

**E. Whether circumstances in the area have changed;**

**Meets standard.** This stretch of Division has seen very little reinvestment over the last decade. However, the Brewer Park Apartments a mile to the south were recently approved and are anticipated to be built over the next 2-3 years.

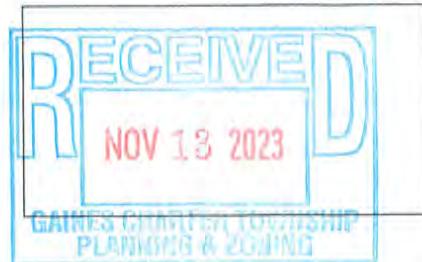
**F. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.**

**Meets standard.** Due to the limited size of the parcel and its location at a crossroad, it is better suited for commercial development than industrial. It is unlikely to attract industrial users engaging in actual manufacturing, and other industrial uses would likely be considered eyesores on this high visibility corner.

#### **STAFF RECOMMENDATION**

The Planning Commission found the request to be reasonable and met standards for rezoning on January 25<sup>th</sup>. This is the public hearing, and the Planning Commission may make a recommendation to the Board. Staff is recommending that the Planning Commission recommend approval of the rezone request.

Staff recommends that the rezoning is contingent upon division of the parcel within 60 days after Board consideration, if approved.



FILE NO.

231113BD

8555 Kalamazoo Avenue SE • Caledonia MI 49316  
Ph: 616 698-6640 • Fax: 616 698-2490  
www.gainestownship.org

## Application for Zoning Ordinance Amendment/Rezoning

Project Address	7610 DIVISION AVE SE	
Owner Name	JON SANDRA GOOD TRUST	
Owner Address	Street Address 7610 DIVISION AVE	City, State, Zip
Parcel Number(s):	41-22-18-101-020	41-22-
Description of Proposed Project/Use	Rezone from A1N to NC REZONE AND LAND DIVISION - 2 Step 2 APPLICATIONS	

Applicant/Contact	BRIAN DESMIT	
Applicant/Contact Address	Street Address 8375 RIDESTONE DR.	City, State, Zip Byron Center MI 49315
Contact Info	Home / Office / Cell 616.813.3402	E-Mail BRIAN@SOLOBYAHEY.COM

"I" hereby certify to the correctness and knowledge of the information submitted and hereby agree to comply with the terms and requirements of all applicable Township ordinances. I also grant Township staff permission to enter onto the subject property in review of this application.

Signature		
Please complete the appropriate Worksheet as part of your application packet (see Staff for more information) for: Planning Commission, Zoning Board of Appeals requests, Land Divisions, Combinations or Lot Line Adjustments.		

### Township Use Only

Current Zoning District:	RL-14	RL-10	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	A-B
One / Two Family Construction	<input type="checkbox"/>	Zoning Board of Appeals	<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Land Combination	<input type="checkbox"/>					
Site Plan Review	<input type="checkbox"/>	Rezoning / PUD Rezoning	<input checked="" type="checkbox"/>	PUD Amendment	<input type="checkbox"/>	Land Division	<input type="checkbox"/>					
Subdivision / Site Condo Review	<input type="checkbox"/>			Special Use Permit	<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>					
Other:												
Approved	<input type="checkbox"/>	Approved with Conditions	<input type="checkbox"/>	Denied				Withdrawn		<input type="checkbox"/>		
Zoning Administrator:						Date:						

## Rezoning/ Ordinance Amendment Applicant Worksheet

File No. \_\_\_\_\_

For all rezoning requests, submit a fully dimensioned map showing:

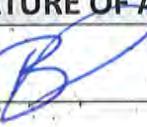
- Legal description
- Parcel numbers
- Present Zoning District
- Zoning District of abutting properties
- All public and private right of ways, easements bounding and intersecting the land to be rezoned.

Text or Zoning Map Amendment  
 Current Zoning District I2  
 Proposed Zoning District C2

Planned Unit Development (PUD) Rezoning  
 Conditional Rezoning

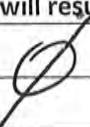
*For PUD and Conditional Rezoning's refer to the applicable section of the Zoning Ordinance for specific submittal requirements.*

### **SIGNATURE OF ALL OWNERS (proof of ownership required)**

Signature 	Date <u>10-21-23</u>	Signature	Date
Signature	Date	Signature	Date

### **General Rezoning Review Standards**

1. If the request to rezone is to correct an error, state the circumstances and how the proposed amendment will result in a correction.



2. Explain changed or changing conditions that make the proposed amendment reasonably necessary to the promotion of public health, safety and general welfare.

THE AREA HAS CHANGED AND SO HAS MASTER PLAN. NO LONGER  
A DESIRE TO HAVE I3 ZONING ON THIS CORNER. IT  
MAKES MORE SENSE TO HAVE General Commercial

3. List circumstances, factors and reasons supporting the proposed amendment.

AREA AND VISION FOR TOWNSHIP GROWTH HAS  
CHANGED WITH NEW ZONING PLAN

4. Indicate the section and reason for text amendments to the current Zoning Ordinance.

General Commercial Allows for MANY DIFFERENT  
SUITABLE USES FOR THIS PROMINENT CORNER LOT  
IN GAINES TOWNSHIP

# Gaines Charter Township

## Planning Commission Memo

Meeting Date: February 22<sup>nd</sup>, 2024

AGENDA ITEM: VI.1.b

FILE NUMBERs: 231128BV & 231129BV

PROPOSED REQUEST: Two Special Use Permits  
and Site Plan Review

PROPERTY ZONING DISTRICT: A-R

ADDRESS: 2096 76<sup>th</sup> Street

PROPERTY SIZE: 37.2 acres

PARCEL NUMBER: 41-22-16-200-002

REPORT BY: Dan Wells, Community  
Development Director

APPLICANT: Bruce VanderVennen



## OVERVIEW

The applicant applied for approval of a proposed site plan, and two Special Use Permits (SUP); for a new oversized accessory building, and landscaping business on the subject site. In the subject A-R zoning district, combined accessory building square footage over 2,400 square feet in size is subject to special land use review and approval, and landscaping businesses are classified as special land uses and are intended to be allowed if subordinate to a single-family residential use of the property.

For the purposes of this review, this memo includes a collective review of the proposal against all applicable requirements. A single motion for approval, approval with conditions, or denial, may reference the accessory building square footage, landscaping business, and associated site plan together.

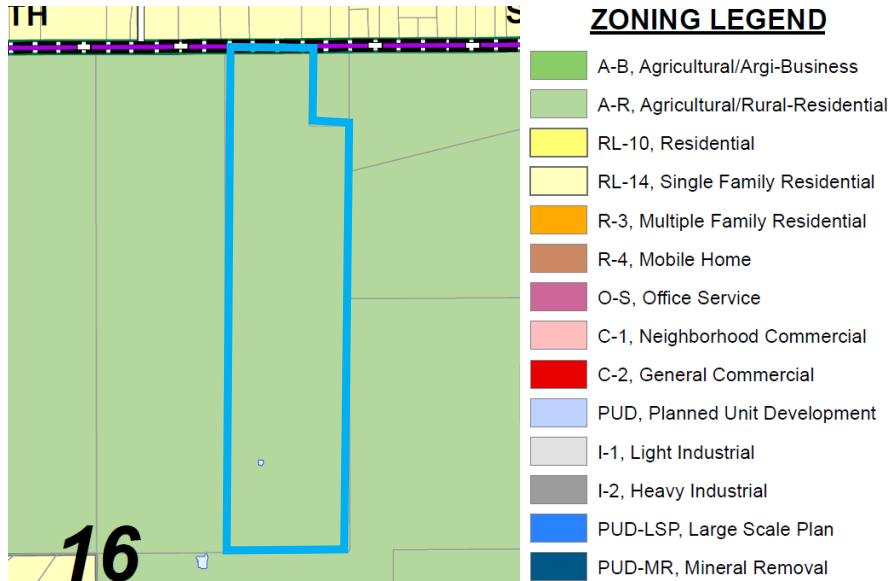
The Planning Commission denied a request for the two SUPs in March of 2022 (see attached). The applicant is permitted to reapply once a year after the denial was issued. The site plan is the same as presented in March of 2022. The applicant's attorney has prepared a letter (attached) with his interpretation of the standards for reconsideration. Staff addresses some of those points below.

Approval of the request would authorize the following:

- 12,012 square foot commercial building (accessory to the residence and counted as residential accessory square footage) for a total of 16,973 square feet of accessory buildings
- Commercial landscaping contractor operations
- 21-car parking lot
- Paved driveway access and drive aisles
- Outdoor storage bins for mulch and topsoil (no retail sales)
- Landscaping, lighting, stormwater, and utilities

Surrounding zoning:

	NORTH: RL-14 Single Family Residential	
WEST: A-R Agricultural/Rural-Residential	SUBJECT PARCEL	EAST: A-R Agricultural/Rural-Residential
	SOUTH: A-R Agricultural/Rural-Residential	



## STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Section 19.8 General Standards for All Special Land Uses, Section 19.9 (K) Landscaping Businesses, Section 20.2(D).4 Accessory Buildings – Standards for Increasing Maximum Floor Area, and Section 25.6 Site Plan Standards of Review.

## SECTION 19.8 GENERAL STANDARDS FOR ALL SPECIAL LAND USES

The Planning Commission shall review the particular circumstances and facts of each proposed special use and in addition to the specific standards of consideration stated for each special use type within the Zoning Ordinance and shall be guided in rendering a decision by the following general standards:

A. *The proposed special use shall be sufficiently designed to maintain adequate provision for the protection of the health, safety, conveniences, and social and economic welfare of those who will use the special use, residents and landowners adjacent to the special use, and the community as a whole.*

**Undetermined.** Landscaping businesses and oversized accessory buildings are viewed as appropriate in A-R zoned areas based on the existence of large parcels of land and dispersed residential development. As long as the business operates in accordance with Township requirements and standards, public health, safety, and welfare will be maintained.

The size of the proposed building and paved area are not typical for A-R. However, they are not without precedent as pointed out by Attorney Caldon. D&N Landscaping is approximately 1.8 miles east. They use barn structures approximately 19,600 SF that were originally used for livestock operations and they are now partially reused for equipment storage. Staff notes that in that example, D&N does have a SUP to operate, and is a smaller operation with fewer employees and does not run snow removal equipment out of this location. The other landscaping operation referenced at 8757 Hanna Lake utilizes 7,200 SF of accessory buildings. McDonald Plumbing on Eastern is a non-conforming use and does not have a SUP for additional accessory buildings that total about 13,900 SF.

Staff requests that the Planning Commission make a determination whether the size of the building is appropriate.

B. *The proposed special use shall be consistent with the intent of this Ordinance and the intent of the Master Plan.*

**Undetermined.** The current zoning of the parcel is Agricultural-Residential; larger buildings and accessory landscaping contractors are possibilities in Ag-Rural Residential areas. A landscaping operation of this size may be considered commercial and detract from the desirability of future development to the west in Section 16, as this area has been planned for single family residential development.

From the Master Plan regarding Rural areas:

*“Natural woodlots, open fields, and agricultural land uses such as field crops, family farm livestock operations and hobby farms growing a variety of vegetables may be anticipated in these areas. This area is intended to function as an area where only limited residential development can or should occur. This area is not intended to be served with public utility systems that would promote greater housing densities.”* (Master Plan, pg. 49)

The area is future planned for suburban residential uses:

*“The Suburban Residential area is intended primarily for single family home development, both platted and unplatte, and minimum lot size should continue in the traditional scale of about 1-5 homes per acre. Accessory dwelling units may be allowed with a special use permit.”* (Master Plan, pg. 50).

It should be noted that the current Future Land Use Map classifies this parcel and lands to the north and west as Low Density Residential.

Staff requests that the Planning Commission make a determination whether the size of the building, and the scale of the use is commercial, and therefore appropriate or not.

C. *The special use shall not create or substantially add to traffic hazards in the area.*

**Meets standard.** While there will be a noticeable increase in employee and delivery traffic, it is not anticipated to be problematic or beyond what the roadway can accommodate. Peak traffic will occur at around 7:00 am and 5:00 pm as employees arrive and subsequently leave for the day or evening. It is likely that the development of the property as an RL-14 residential subdivision would have a more significant impact if rezoned, than as a landscaping contractor business.

D. *Public services and facilities such as roads, police and fire protection, drainage structures, water and sewage facilities or schools, shall be sufficiently extended to the proposed special use such that load capacities are not exceeded.*

**Meet standard, condition recommended.** The proposed building square footage, land use, and site improvements will have no impact on public facilities and schools. Stormwater and utility plans are subject to review and approval by the Township Engineer. All site plans and measures for fire protection are subject to review and approval by the Fire Inspector.

E. *The proposed special use shall not set precedents for development which could adversely affect the long-term plans or policies of the Township.*

**Undetermined.** Approval of the use and building square footage would not set a precedent, as larger buildings and accessory commercial landscaping contractors are possible in rural areas. While there is a

concern with the size and scale of the operation, the subject parcel is very large and in a primarily rural area. However, as previously stated, a commercial operation of this size may detract from the desirability of future development to the west in Section 16, as this area has been planned for single family residential development.

If the proposed development is considered a commercial use, then it could be considered adverse to the surrounding properties.

- F. *The proposed special use shall not have significant adverse environmental, ecological or natural resource impacts.*

**Meets standard.** The site plan will be reviewed by the Township Engineer as it relates to stormwater management and water quality. Additionally, the total area disturbed is approximately eight percent of the site, which allows for most of the site to remain undeveloped open space or farmland.

- G. *The proposed special use shall not have significant adverse impacts upon adjoining properties or uses.*

**Undetermined.** As previously mentioned, the current Future Land Use Map classifies this parcel and lands to the north and west as Low Density Residential. A commercial operation of this size may impact the attractiveness of future development to the west in Section 16, as this area has been planned for expanded single family residential development.

Since this request was denied in March of 2022, several residential projects have been under consideration. Prairie Wolf Station will begin in 2024, Alexander Trails will be reinitiated in the coming months, and Treeline Trails has come in for preliminary consideration. It is likely that this area will be a focus of residential growth in the Township over the next five to ten years once utilities are extended along 76<sup>th</sup> Street. Locating a facility of this nature in the center of all this may not be consistent with future growth.

## SECTION 19.9 (K) LANDSCAPING BUSINESSES

Landscaping businesses are subject to the following requirements:

- 1. *The use must be subordinate to the single-family residential dwelling.*

**Undetermined.** While there is a single-family dwelling on the property, it is difficult to argue that the proposed landscaping facility is “subordinate” to the residential land use. The size and scale of the buildings and land use proposed could be considered the principal land use.

Attorney Caldon has made the point that the residence will remain and will be the primary use, with the landscaping facility subordinate to it. The Planning Commission will need to make a determination which use would be subordinate.

- 2. *Retail and Wholesale Sales: The Planning Commission must specifically approve on-site retail and wholesale activities. The retail and wholesale activities are limited to products used by the operator in carrying out the trade.*

**Meets standard.** The site plan notes that mulch and topsoil will be stored in bins on the site but will not be available for sale.

3. *Lighting: No freestanding light poles shall be erected or lights placed on buildings unless specifically approved by the Planning Commission. Light poles shall not exceed 20 feet in height. Light shall be directed downward and shall not reflect off the premises. The Planning Commission may prescribe time limits for lighting.*

**Meets standard, conditions recommended.** The parking area lighting is proposed to be building-mounted. However, the mounting-style, fixture type, and color temperature are not indicated. For a rural area we recommend that color temperature is no more than 2,700 Kelvin, and lighting should be down-lit and cutoff (zero up-light on a LED B.U.G. rating).

4. *Buffers: The Planning Commission may require complete or partial screening of buildings and outside storage, activity and display areas. Required screening can include fencing, berming, a landscape buffer, or a combination of these elements.*

**Meets standard.** The building, storage area, and parking areas are shifted to the west-central portion of the site. As such, it is separated from north, south, and eastern land uses by approximately 300-500 feet. Additionally, existing trees will be preserved along the east and south areas of the parcel. Along the west property line, existing trees will be preserved, and a row of evergreen arborvitae will be installed for buffering. The existing and proposed buffering appears to be adequate.

5. *Equipment Storage: All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building unless expressly approved by the Planning Commission.*

**Meets standard.** No outdoor equipment storage is proposed, only bins for mulch and topsoil. If this operation is approved, all machinery and equipment must be stored indoors.

6. *Refuse: Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.*

**Unknown.** It is unknown if a dumpster will be located on the site. If so, it must be screened in accordance with Section 16.11.

7. *Outdoor Storage and Activity: The applicant must clearly indicate all outdoor storage, display, or activity areas on a site plan. These areas must meet the following requirements:*

- a. *Motor Vehicles, trailers, and stockpiled materials shall be stored a minimum of 100 feet from the front property line and 60 feet from any side or rear property line, in locations that minimize visual impacts of such materials on adjoining properties and public roads. The only activities that can occur within the required setback are employee/customer parking and growing of plants.*
- b. *Surface areas on which the outdoor storage or activity is to take place shall be reviewed for adequacy of drainage and dust control measures. The Planning Commission may require that areas be paved depending on the level of activity and or type of material or product involved.*
- c. *The storage of any fertilizer, chemical or loosely packed material shall be maintained and contained so as to prevent adverse effects upon adjacent properties. The Planning Commission shall consider whether other agencies' requirements are met, such as those of the Michigan Department of Environmental Quality and the U.S. Department of Agriculture.*

**Meets standard.** All setbacks as proposed on the site plan are compliant.

8. Minimum Lot and Setback dimensions:
  - a. Front Yard: 100 feet
  - b. Side Yards: 60 feet limited to privately owned commercial/industrial fleet sales.
  - c. Rear Yards: 100 feet Product sales are restricted to only fuels and motor oils.
  - d. Lot Width: 300 feet
  - e. Lot Area: 3 acres

**Meets standard.** All setbacks as proposed on the site plan are compliant, and the lot qualifies for a landscaping business based on its size and width.

#### SECTION 20.2(D).4: ACCESSORY BUILDINGS – STANDARDS FOR INCREASING MAXIMUM FLOOR AREA

In considering a special use permit for an accessory building exceeding the maximum floor area, the Planning Commission shall consider the standards stated in Chapter 19 and the following additional standards:

A. *The intended use for the Building.*

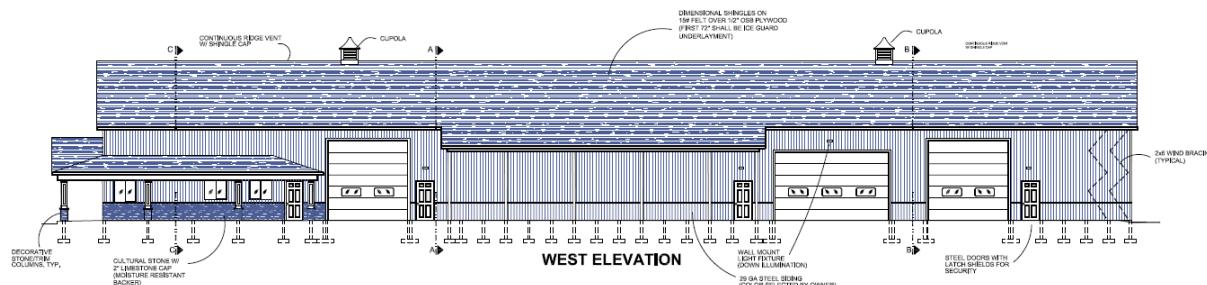
**Meets standard.** The proposed 12,012 square foot building is intended for a landscaping contractor. Additionally, there exists an additional 4,961 square feet of accessory building space in two separate structures. The use of the existing buildings is unknown.

B. *The size, proposed location, type and kind of construction and general architectural character of the Building.*

**Meets requirement, condition recommended.** The proposed setbacks of the proposed building conform to the standards for landscaping businesses, which far exceed the setbacks for residential accessory buildings. However, the applicant must confirm building height compliance (20 feet as measured at the roof mid-point).

C. *The type and kind of principal and Accessory Buildings and Structures located on properties in the same neighborhood.*

**Undetermined.** Larger accessory buildings are common in rural areas of the Township. Given the character of the area and the number of larger agricultural and residential storage buildings, oversized accessory buildings are generally considered appropriate. However, it is unknown if the Planning Commission has approved a building of this size and scale for a landscaping contractor in the A-R zoning district. However, it should be noted that the building is designed to be consistent with agricultural buildings in the area, so it may be considered more visually appropriate for the area and zoning district.



D. *Whether the Building will affect the light and air circulation or views of any adjoining properties.*

**Meets standard.** The proposed building will not affect light or air circulation on surrounding properties. Building setbacks range from 100 feet to several hundred feet, and the height is limited due to accessory building requirements (20-foot maximum height).

E. *The reason why the applicant has requested an Accessory Building in excess of the maximum floor area.*

**Meets standard.** The applicant requests a larger building to accommodate a commercial landscaping contractor business. The size of the building will allow for indoor storage of equipment and vehicles.

F. *The extent the Building absorbs required yards and other open spaces.*

**Meets standard.** The overall area of disturbance is approximately eight percent, and the setbacks range from 100 feet to several hundred feet.

## SECTION 25.6 SITE PLAN STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Section 25.6 Site Plan Review Standards. Additional information is included on the following pages concerning site plan review considerations and standards.

A. *Adequacy of Information: Whether the required information has been furnished in sufficiently complete and understandable form so as to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.*

**Meets standard, conditions recommended.** The proposed site plan meets most zoning requirements; however, general comments and compliance issues are outlined in the following paragraphs.

Section 5.4 and 19.9 K Dimensional Standards. All setbacks and dimensional standards are met.

Chapter 15 Parking and Loading Regulations. Parking calculations were provided, and a sufficient number of parking spaces is proposed. Additionally, all parking spaces and drive aisles comply with the dimensional requirements of the Zoning Ordinance (widths and setbacks). However, the western parking row must include wheel or bumper guards, or other appropriate means located so that no part of parked vehicles will extend beyond the parking area (Section 15.8 D).

Chapter 16 Landscaping Regulations. The landscaping plan is not entirely compliant. The following must be addressed:

- Section 16.7: The applicant has not indicated minimum installation sizes.
- Section 16.9: The applicant has not provided calculations for compliant front yard landscaping.
- Section 16.11: The applicant has not provided information concerning dumpster use or screening.

Chapter 17 Signage Regulations. No signage is requested or shown on the plan. Signage that conforms to Agricultural-Residential zoning may be approved administratively.

Chapter 18 Lighting Regulations. The parking area lighting is proposed to be building-mounted. However, the mounting-style, fixture type, and color temperature are not indicated. For a rural area, we recommend that color temperature is no more than 2,700 Kelvin, and lighting should be down-lit and cutoff (zero up-light on a LED B.U.G. rating). Limited lighting hours may be appropriate if the Planning Commission desires greater dark skies compliance.

B. *Compliance with Township Master Plan: The site plan must comply with the Township Master Plan and its goals and objectives and any secondary plans that may have been adopted by the Township for the area containing the site.*

**Undetermined.** As mentioned earlier, larger buildings and accessory commercial landscaping contractors are envisioned in rural areas. It should be noted that the current Future Land Use Map classifies this parcel and lands to the north and west Low Density Residential. A commercial operation of this size may impact the attractiveness of future development to the west in Section 16, as this area has been planned for expanded single family residential development.

C. *Compliance with all Township Ordinances and Other Laws: The site plan must comply with the standards of this Ordinance and all other applicable Township ordinances, as well as all county, state, and federal regulations and laws.*

**Condition recommended.** The applicant is required to secure all applicable Township and outside agency approvals prior to site development, including Township Engineering/BGUA, Fire Department, Kent County Road Commission, and Kent County Drain Commission, as applicable.

D. *Configuration of Uses: Whether there are ways in which the configuration of uses and structures could be changed that would improve the effect of the development on adjoining and nearby properties, persons, activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and the proposed use and structures.*

**Meets standard.** The proposed site development plan sets aside acres of open space and setbacks that exceed requirements ranging from 100 to several hundred feet. A heavy western buffer is proposed where the setback is 100 feet, while vegetation to the south and east of the building area will be preserved.

E. *Preservation of Natural Features: The landscape, natural features, and topography shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and alteration of natural features, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

**Meets standard.** The total area disturbed is approximately eight percent of the site, which allows for most of the site to remain undeveloped open space or farmland.

F. *Privacy: The site design must provide reasonable visual and sound screening and privacy for dwelling units on the site and on adjacent properties using fences, buffers, berms, and other measures, as appropriate.*

**Meets standard.** There are very few residences in the area, and setbacks are significant based on the location of the building and the size of the parcel.

G. *Safety: Buildings and uses shall be arranged and designed to provide emergency vehicle access. Site plans shall conform to all applicable fire codes.*

**Condition recommended.** All site plans, along with measures for fire protection, are subject to review and approval by the Fire Inspector.

H. *Vehicular Circulation: The site design shall provide safe, convenient, and well defined vehicular and pedestrian circulation within and to/from the site. Access to/from the site shall be designed to minimize conflicts with traffic on adjacent streets. Shared curb cuts and service drives shall be utilized as necessary to reduce traffic conflicts and improve the functionality of the site.*

**Meets standard.** Improvement to a single existing driveway is proposed.

I. *Pedestrian Circulation: The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system for safety and convenience.*

**Not applicable.** There are no pedestrian facilities in the area, and the proposed land use is not pedestrian-oriented. No sidewalks are required in areas that are not served by sewer and water utilities.

J. *Drainage: Site plans shall conform with the Kent County Drain Commission's surface water drainage standards and to the Township Stormwater Ordinance (and other applicable Township ordinances) with special attention given to proper site drainage so that removal of storm water will not adversely affect neighboring property owners. Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible.*

**Condition recommended.** Stormwater plans are subject to review and approval by the Township Engineer.

K. *Traffic Impact: Measures must be taken to reduce any adverse effects on existing roads, circulation patterns on the roads, or access to the site from the expected volume of traffic to be generated by the proposed use.*

**Meets standard.** Traffic generation will not increase significantly, and the use of the property will not impact conditions along 76<sup>th</sup> Street. No changes to site access are planned, except for the paving of the existing driveway.

L. *Hazardous Materials: Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Each site shall be designed to meet all applicable state and federal regulations.*

**Condition recommended.** All site plans, along with measures for fire protection, are subject to review and approval by the Fire Inspector.

*M. Public Health, Safety, or Welfare: The site plan must be adequate to provide for the health, safety, and general welfare of the persons and property on this site and in the neighboring community. The site plan and proposed buildings and uses must be reasonable and promote the goals and intent of this Ordinance. All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot involved, the character of the adjoining properties, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted in this Ordinance. The site plan must be harmonious with and not injurious to existing and projected uses in the immediate area.*

**Meets standard.** So long as the business operates in accordance with Township requirements and standards, public health, safety, and welfare will be maintained.

#### STAFF RECOMMENDATION

The primary staff concern is the size and scale of the operation and square footage as it relates to consistency with future single-family development. However, significant setbacks and buffering will help to mitigate the impact. Additionally, the Planning Commission must determine if the landscaping contractor business is commercial or not, and subordinate to the residential use of the property if so.

If the Planning Commission is open to approving of the oversized accessory building square footage, landscaping business, and the site plan, the following conditions are recommended:

1. No outdoor storage is permitted beyond the material bins noted on the plan, and trailers or other heavy equipment shall be stored indoors.
2. No retail sales are permitted.
3. Building height shall be confirmed and shall not exceed 20 feet at the midpoint of the ridgeline and eave.
4. Provide wheel or bumper guards along the west parking row (Section 15.8 D).
5. Update exterior lighting plan to include:
  - a. Color temperature 2,700 Kelvin or less
  - b. Down-lit and cutoff lighting (zero up-light on a LED B.U.G. rating)
  - c. (optional) Exterior lighting shall be turned off between the hours of 10pm and 5am.
6. Update landscaping plan to include:
  - a. Compliant minimum installation sizes
  - b. Compliant front yard landscaping and point calculations
  - c. Dumpster location and compliant enclosure details, if applicable
7. Secure all Township department and outside agency approvals:
  - a. Township Engineer/BGUA
  - b. Fire Department
  - c. Kent County Road Commission (driveway and SESC)
  - d. Kent County Drain Commission (stormwater)



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November 21, 2023

Planning Department  
Gaines Charter Township  
8555 Kalamazoo Avenue SE  
Caledonia, Michigan 49316

**Re: Special Use Permit Application for 2096 76th Street SE**

Dear Planning Department Officials:

Our firm represents Jack's Lawn Service and Snowplowing Inc. on behalf of Jack and Linda Vander Vennen (collectively, "Jack's"), who are the owners of the subject property, located at 2096 76th Street SE, Caledonia, Michigan 49316 (the "Property"). We write on behalf of our client regarding the enclosed special use permit application for the Property, which is accompanied by this letter (**Exhibit A**)—please see typed version of the application following the signed, handwritten application. Jack's seeks a special use permit (the "SPU") to allow the construction of an approximately 12,000 square foot accessory building on the Property which will accompany the existing accessory buildings for the storage and maintenance of landscaping equipment and related uses in connection with Jack's landscaping business. The attached Site Plan (**Exhibit B**) illustrates the proposed accessory building. We firmly believe that Jack's qualifies for the SPU based on the considerations outlined below.

**BACKGROUND**

You may recall that the Township previously granted Jack's an SPU to construct and operate the same accessory building for the same use on June 5, 2015 (**Exhibit C**). Despite obtaining the SPU, Jack's was not ready to commence construction and proceeded to extend the SPU. Jack's was granted an extension in 2016 and 2017 and on May 15, 2018 (upon requesting a third extension), the Township sent a letter recommending that Jack's approach the Township's Planning Department when it is ready to commence construction (**Exhibit D**). The letter also noted that the likelihood is high that an additional public hearing on the SPU will not be needed. Jack's submitted a new SPU application in 2022 which was denied by the Planning Commission (**Exhibit E**). Jack's is now prepared to commence construction on the accessory building, pending the Planning Commission's approval.

**ZONING ORDINANCE**

According to the Township's Zoning Ordinance, the Planning Commission shall consider the following general standards when deciding whether to grant an SPU:

1. The proposed special use shall be sufficiently designed to maintain adequate provision for the protection of the health, safety, conveniences, and social and economic welfare of those who will use the special use, residents and landowners adjacent to the special use, and the community as a whole;
2. The proposed special use shall be consistent with the intent of this Ordinance and the intent of the Master Plan;
3. The special use shall not create or substantially add to traffic hazards in the area;
4. Public services and facilities such as roads, police and fire protection, drainage structures, water and sewage facilities or schools, shall be sufficiently extended to the proposed special use such that load capacities are not exceeded;
5. The proposed special use shall not set precedents for development which could adversely affect the long term plans or policies of the Township;
6. The proposed special use shall not have significant adverse environmental, ecological or natural resource impacts; and
7. The proposed special use shall not have significant adverse impacts upon adjoining properties or uses.

*Gaines Charter Township Zoning Ordinance, Section 19.8.*

In addition, the following specific site and/or use standards for landscaping businesses shall be considered:

1. The use must be subordinate to the single family residential dwelling;
2. Retail and Wholesale Sales: The Planning Commission must specifically approve on-site retail and wholesale activities. The retail and wholesale activities are limited to products used by the operator in carrying out the trade;
3. Lighting: No freestanding light poles shall be erected or lights placed on buildings unless specifically approved by the Planning Commission. Light poles shall not exceed 20 feet in height. Light shall be directed downward and shall not reflect off the premises. The Planning Commission may prescribe time limits for lighting;
4. Buffers: The Planning Commission may require complete or partial screening of buildings and outside storage, activity and display areas. Required screening can include fencing, berthing, a landscape buffer, or a combination of these elements;

5. Equipment Storage: All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building unless expressly approved by the Planning Commission;
6. Refuse: Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping;
7. Outdoor Storage and Activity: The applicant must clearly indicate all outdoor storage, display, or activity areas on a site plan. These areas must meet the following requirements:
  - a. Motor Vehicles, trailers, and stockpiled materials shall be stored a minimum of 100 feet from the front property line and 60 feet from any side or rear property line, in locations that minimize visual impacts of such materials on adjoining properties and public roads. The only activities that can occur within the required setback are employee/customer parking and growing of plants;
  - b. Surface areas on which the outdoor storage or activity is to take place shall be reviewed for adequacy of drainage and dust control measures. The Planning Commission may require that areas be paved depending on the level of activity and or type of material or product involved; and
  - c. The storage of any fertilizer, chemical or loosely packed material shall be maintained and contained so as to prevent adverse effects upon adjacent properties. The Planning Commission shall consider whether other agencies' requirements are met, such as those of the Michigan Department of Environmental Quality and the U.S. Department of Agriculture; and
8. Minimum Lot and Setback dimensions:
  - a. Front Yard: 100 feet;
  - b. Side Yards: 60 feet limited to privately owned commercial/industrial fleet sales;
  - c. Rear Yards: 100 feet Product sales are restricted to only fuels and motor oils;
  - d. Lot Width: 300 feet; and
  - e. Lot Area: 3 acres.

*Gaines Charter Township Zoning Ordinance, Section 19.9(K).*

## ANALYSIS

### **1. General Standards**

Jack's proposed site plan is consistent with the standards for the "Agricultural-Rural" Zoning District in which the property is located. Likewise, there are no concerns regarding the health, safety, conveniences and welfare of anyone in the community, and no adverse environmental, ecological or natural resource impacts will arise from the SPU. Any storm water runoff caused by the improvements portrayed in the site plan will be discharged into a detention pond on the Property.

Load capacities of public services and facilities will not be materially affected. Jack's anticipates that approximately 20 employees or independent contractors will arrive at the Property during workdays at roughly 7:30 a.m. A vast majority of staff members will shortly thereafter leave to work off-site and return to the Property by 6:00 p.m. Because Jack's staff members predominately work off-site, there will be little effect, if any, on current public service and facility loads. Likewise, traffic impacts will be nominal during morning departures from the Property and evening arrivals.

Adjoining properties and uses and long-term Township planning similarly will not be adversely affected. The closest neighboring residence is more than 600 feet away from Jack's proposed site plan. In comparison, Jack's present location at 1500 76th Street is less than 600 feet in distance from more than 20 residences. Noise from Jack's operations pale in comparison to commercial trucks that navigate 76th Street daily.

In addition, several nearby properties are utilized for substantially similar operations. Consider: D&N Landscape Maintenance at 3540 76th Street, Outdoor Logistics at 8757 Hanna Lake Avenue, and McDonald Plumbing at 7791 Eastern Avenue. Jack's proposed use will mesh well with surrounding uses. Relocating Jack's operations from its current location will further the intent of the Township's Master Plan.

The Township recognized that all the foregoing standards were met when Jack's expired SPU was granted in 2015. The present SPU has not changed, nor has the overall character of the surrounding geography. Just as the SPU was granted in 2015, it should be granted now.

### **2. Specific Landscaping Business Standards**

The specific standards for landscaping businesses are also met by Jack's site plan. Consider the following analysis:

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- a. The residence located on the Property will remain the principal use of the Property, with the operation of Jack's landscaping business as an accessory use;
- b. Jack's will not conduct on-site retail and wholesale sales activities on the Property;
- c. Jack's site plan does not propose any freestanding light poles, and any wall pack lighting on the proposed building will be subject to the Planning Commission's approval;
- d. Jack's site plan includes fencing, berthing and, if possible, a vegetative buffer along the western boundary of the Property;
- e. All equipment stored on the Property will be stored in a completely enclosed structure;
- f. Jack's site plan includes an 8' fence around the proposed refuse location;
- g. Any motor vehicles stored on the Property for the purposes of Jack's landscaping business will be stored in accordance with the Zoning Ordinance's setback requirements;
- h. Jack's site plan takes into account drainage and dust control, subject to the Planning Commission's approval;
- i. Any fertilizers, chemicals or loosely packed materials will be stored on the Property in accordance with Planning Commission requirements; and
- j. All lot and setback requirements are met by Jack's site plan.

For all of these reasons, we respectfully request that the Planning Department grant the SPU for the Property without a public hearing, as the site plan matches that of the Department's previously approved SPU.

Please do not hesitate to contact us if you require any additional information or clarification regarding this matter. We look forward to your positive consideration of our client's SPU application.

Very truly yours,

**VARNUM**



David T. Caldron

**ABSTAIN:** None  
**DECISION:** Approved (6-0).

**ii. 2096 76th Street SE - Special Land Use & Site Plan Review for Accessory Building**  
*Request to operate a Landscaping Business in the Agricultural/Rural-Residential (A-R) zoning district and for 16,973 SF of accessory buildings. The request includes the construction of a new building, approximately 12,012 sq. ft.)*

Applicant Jeff Vanlaar with Exxel Engineering; Applicant Jack VanderVennen is in attendance as well. The applicants want to move Jacks Landscaping from its current location to 2096 76<sup>th</sup> Street. The use and building were previously approved by the Planning Commission in 2015 but never constructed. Applicant Vanlaar stated that the height is not included in the packet; 20 feet is the maximum allowable height, but 22 feet is being proposed. Applicant Vanlaar stated they are willing to change the elevation to bring the height into compliance with the 20-foot requirement. The VanderVennens will maintain the single-family home on the lot. Significant setback distances will be in place to obscure the view of the proposed accessory building.

Community Development Director Wells gave an overview of the application. Two special land use requests are included in the same public hearing. No retail sales will be at this location, the size of the accessory building is for the use of equipment storage. The zoning ordinance was amended since the site plan and special land use requests were approved by the Planning Commission in 2015. The intent of the ordinance amendment was to support smaller businesses by requiring them to be subordinate to single-family residential use.

Chair Giarmo opened the public hearing at 7:44 p.m.

David Duncan, 2105 76<sup>th</sup> St SE, stated that he is not in favor of the proposed use and building. The business is no longer a mom-and-pop business, and the building is too large for the area. Concerns over the lighting and traffic. Trucks coming in and out during the evenings – loud for neighboring property owners. Believes they should be in an industrially zoned area of the Township rather than residential.

David Offringa, 2244 76<sup>th</sup> St SE, expressed concerns over the loud noise associated with the salt trucks in the winter and an increase in traffic over the proposed use. Offringa believes the owners are acting in good faith, but this is a residential area not suitable for a commercial landscaping business.

Chair Giarmo closed the public hearing at 7:50 p.m.

Chair Giarmo stated that this will be a year-round business with snow removal. The noise of salt loaders should be taken into consideration. Member Waayenberg states that his concern is regarding a large-scale business in operation abutting several residential lots. Commercial businesses should be in commercial zoning districts. Concerns over outdoor storage and retail sales occurring with the equipment. Believes the current size is large enough and that it is not an owner-occupied business.

Member Wiersema expressed concern over the designated future land use of the parcel, increased traffic, and noise from the proposed use of the property to abutting residential lots. Major concern over commercial in a residential area. Another concern is about screening and where the building will be situated on the lot; the existing tree line will not change the fact that there is a residential use next door. The tree line does not provide that much of a barrier to the business. The landscaping plan only provides one single row of arborvitae. Another concern as to why the outdoor storage areas are being proposed on the west side of the property instead of the east side; the applicants should be utilizing the natural screen presented by Plaster Creek.

Chair Giarmo expressed concern over dropping a large-scale business into a residential area, as well as noncompliance with the master plan. A further concern with the proposed use is that it is not subordinate to a residential dwelling. Member Haagsma stated that if this were not located in a low-density residential area, then it would not be that big of a concern; however, we need to take into account the existing residential properties and other residential developments that have recently been approved in the vicinity. Member Rober stated that this business is welcome in the Township, but perhaps in a different area.

**MOTION:** Motion by Haagsma, support by Wiersema to deny the special use

requests and site plan review because the use of the proposed landscaping business is not subordinate to a single-family residential use.

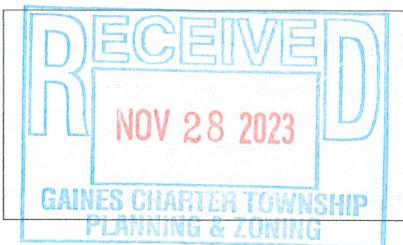
<b>DISCUSSION:</b>	None
<b>AYES:</b>	Haagsma, Wiersema, Billips, Giarmo, Rober, and Waayenberg
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	None
<b>DECISION:</b>	Denied (0-6).

**iii. 3596 76th Street- Special Land Use**

*Request to allow a Place of Religious Worship in the Agricultural/Rural Residential (A-R) zoning district.*

Community Development Director Wells gave an overview of the special land use request and staff memo. The current lot and building are lawfully nonconforming.





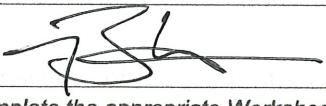
FILE NO.

231128BV

8555 Kalamazoo Avenue SE • Caledonia MI 49316  
Ph: 616 698-6640 • Fax: 616 698-2490  
www.gainestownship.org

## Application for Zoning Approval

Project Address	2096 - 76th Street S.E.	
Owner Name	Jack VanderVennen	
Owner Address	Street Address 1500 - 76th Street S.E.	City, State, Zip Byron Center, Michigan 49315
Parcel Number(s):	41-22- 16-200-002	41-22-
Description of Proposed Project/Use	Approximately 12,000 sq. ft. lawn service building	

Applicant/Contact	Bruce VanderVennen		
Applicant/Contact Address	Street Address 7345 Heather Ridge Ct., S.E.	City, State, Zip Caledonia, Michigan 49316	
Contact Info	Home / Office / Cell Cell - 616-893-1996	E-Mail bruce@jacks草坪.com	
<p>"I" hereby certify to the correctness and knowledge of the information submitted and hereby agree to comply with the terms and requirements of all applicable Township ordinances. I also grant Township staff permission to enter onto the subject property in review of this application.</p>			
Signature			
<p>Please complete the appropriate Worksheet as part of your application packet (see Staff for more information) for: Planning Commission, Zoning Board of Appeals requests, Land Divisions, Combinations or Lot Line Adjustments.</p>			

## Township Use Only

Current Zoning District:	RL-14	RL-10	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	A-B	
One / Two Family Construction	<input type="checkbox"/>	Zoning Board of Appeals			<input type="checkbox"/>	Planning Commission			<input type="checkbox"/>	Land Combination			<input type="checkbox"/>
Site Plan Review	<input type="checkbox"/>	Rezoning / PUD Rezoning			<input type="checkbox"/>	PUD Amendment			<input type="checkbox"/>	Land Division			<input type="checkbox"/>
Subdivision / Site Condo Review	<input type="checkbox"/>				<input type="checkbox"/>	Special Use Permit			<input type="checkbox"/>	Lot Line Adjustment			<input type="checkbox"/>
Other:													
Approved	<input type="checkbox"/>	Approved with Conditions			<input type="checkbox"/>	Denied			<input type="checkbox"/>	Withdrawn			<input type="checkbox"/>
Zoning Administrator:												Date:	



FILE NO.

231129 BV

8555 Kalamazoo Avenue SE • Caledonia MI 49316  
Ph: 616 698-6640 • Fax: 616 698-2490  
www.gainestownship.org

## Special Use Permit

Project Address	2096- 76 st SE	
Owner Name	Jack Vander Venne	
Owner Address	Street Address 1500- 76 st SE	City, State, Zip Burn Center MI 49315
Parcel Number(s):	41-22- 16-200 - 002	41-22-
Description of Proposed Project/Use	Aprox. 12,000 sq ft. lawn service building	

Applicant/Contact	Bruce Vander Venne	
Applicant/Contact Address	Street Address 7345 Heather Ridge ct se	City, State, Zip Caledonia MI 49316
Contact Info	Home / Office <input checked="" type="checkbox"/> 616-893-1996	E-Mail bruce@jacks.lawn.com
<p>"I hereby certify to the correctness and knowledge of the information submitted and hereby agree to comply with the terms and requirements of all applicable Township ordinances. I also grant Township staff permission to enter onto the subject property in review of this application.</p>		
Signature		
<p>Please complete the appropriate Worksheet as part of your application packet (see Staff for more information) for: Planning Commission, Zoning Board of Appeals requests, Land Divisions, Combinations or Lot Line Adjustments.</p>		

## Township Use Only

Current Zoning District:	RL-14	RL-10	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	A-B	
One / Two Family Construction	<input type="checkbox"/>	Zoning Board of Appeals			<input type="checkbox"/>	Planning Commission			<input type="checkbox"/>	Land Combination			<input type="checkbox"/>
Site Plan Review	<input type="checkbox"/>	Rezoning / PUD Rezoning			<input type="checkbox"/>	PUD Amendment			<input type="checkbox"/>	Land Division			<input type="checkbox"/>
Subdivision / Site Condo Review	<input type="checkbox"/>				<input type="checkbox"/>	Special Use Permit			<input type="checkbox"/>	Lot Line Adjustment			<input type="checkbox"/>
Other:													
Approved	<input type="checkbox"/>	Approved with Conditions			<input type="checkbox"/>	Denied			<input type="checkbox"/>	Withdrawn			<input type="checkbox"/>
Zoning Administrator:												Date:	

File No. 231129 BV

**Special Use Permit Applicant Worksheet**

Special Land Use review and approval is required for certain uses of land that have increased potential to impact adjacent properties and the neighborhood. The Special Land Use application and review procedure is therefore intended to ensure that the proposed use will be designed, operated, maintained and managed in a way that will be compatible with neighboring properties and will not be detrimental to the Township or its surroundings. The application process includes public notice of the proposed use and a public hearing before the Planning Commission. Conditions of approval may be required by the Planning Commission to lessen or mitigate potentially adverse effects of the use.

Please indicate request type and the applicable Section(s) of the zoning ordinance.  
Leave blank if uncertain.

 Residential Special Use

- Accessory Building
- Other

Section(s) \_\_\_\_\_

Section(s) \_\_\_\_\_

 Commercial / Industrial Special Use \* Wireless Communication Facility \* Signs/Billboard

Section(s) \_\_\_\_\_

Section(s) \_\_\_\_\_

Section(s) \_\_\_\_\_

Section(s) \_\_\_\_\_

Section(s) \_\_\_\_\_

\* Please check with the Planning and Zoning Department staff to determine additional applicable Site Plan Approval requirements.

File No. 231129 BV

### General Standards for All Special Land Uses (Section 19.8)

In addition to utilizing the Zoning District standards and the site plan review standards of Section 25.6, "The Planning Commission shall review the particular circumstances and facts of each proposed special use and in addition to the specific standards of consideration stated for each special use type within this Ordinance, shall be guided in rendering a decision by the following general standards:

- a. The proposed special use shall be sufficiently designed to maintain adequate provision for the protection of the health, safety, conveniences, and social and economic welfare of those who will use the special use, residents and landowners adjacent to the special use, and the community as a whole.
- b. The proposed special use shall be consistent with the intent of this Ordinance and the intent of the Master Plan.
- c. The special use shall not create or substantially add to traffic hazards in the area.
- d. Public services and facilities such as roads, police and fire protection, drainage structures, water and sewage facilities or schools, shall be sufficiently extended to the proposed special use such that load capacities are not exceeded.
- e. The proposed special use shall not set precedents for development which could adversely affect the long term plans or policies of the Township.
- f. The proposed special use shall not have significant adverse environmental, ecological or natural resource impacts.
- g. The proposed special use shall not have significant adverse impacts upon adjoining properties or uses."

## Applicant Response to General Standards of Review

Special Land Uses are those that have been identified as uses requiring special consideration based upon their potential effect on the adjacent area. Special regulation of these uses is necessary to protect and preserve the quality of the Township's residential and commercial neighborhoods and not all locations are appropriate for all special uses. The proposed location, the site design and layout of the use, the size and magnitude of the use and hours of operation may all be important considerations.

1. How much traffic, what kind of traffic and at what times of the day and or week will traffic be generated by the proposed use.

about 20 staff members total show up for work at 7:30 am & leave by 6:00 pm

They take rigs and work off site

2. Will the use or activity generate any noise, dust, odor, light or other emissions? If so what type and how frequently.

no

3. In addition to the above, describe any other the activities or characteristics associated with the building(s) and use and what measures will be taken in the location design, and operation of the use to keep the use, building or activity in harmony with neighboring properties and avoid the imposition of adverse impacts on them and the community.

It will look nicer and have better landscaping than all surrounding homes.

Noise on property will be significantly less than the trucks that drive down the street in front of the property

Closest neighbor will be more than 600' away from our building. Currently have 20 neighbors closer than this at present location.

4. Describe how the proposed special use will avoid the creation of adverse environmental, ecological or natural resource impacts.

retaining pond planned for water run off

### **Site Plan.**

**Please submit a reproducible site plan, or sketch plan.** The plan must be drafted to an accurate minimum scale of 1 inch to 50 feet. If the drawing has not been professionally prepared and sealed, a certified legal survey of the property shall be required in order to verify the accuracy of the site plan. If the site plan is not to scale or it is lacking accuracy and detail, the application will be rejected.

The following checklist itemizes the minimum requirements, as applicable, for a site plan that is submitted with a special land use application. If the Planning and Zoning Department determines that more information and project detail is required you may be directed to provide additional information as outlined in Chapter 25 of the Gaines Charter Township Zoning Ordinance.

- Name of applicant.
- Owner or owners, if different than the applicant.
- Name and address of the development
- North arrow, scale and date
- Lot dimensions.
- Legal description for the property.
- Zoning of the site and adjacent properties
- The location and setback of all buildings, signs and structures from property lines and street right-of-way lines.
- The height and dimensions of all buildings, structures,
- Depiction of all freestanding and wall signs.
- Outside storage areas, with a description of the materials or equipment to be stored.
- Dumpsters, dumpster screening.
- Vegetation, fences, walls, buffers or other screening methods.
- Easements (access, utility, service road, and all other
- Outdoor lighting fixtures
- Driveways,/ streets/ private roads clearly labeled.
- Parking, loading areas, and circulation areas (show surface material, dimensions and layouts of parking spaces and direction size of travel of lanes, aisles, and driveways).
- Sidewalks, trails, and walkways as applicable.
- Site drainage patterns, and proposed grading.
- Natural features (tree lines, wooded areas, streams, ponds, drainage ditches, wetlands.

### **Building Elevations.**

- Building elevation drawings or pictures and a description of the materials and colors to be used on the building(s).