

**TALLMADGE CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING  
OF JULY 12, 2010**

Chairman Marvin Bennink called the meeting to order at 7:00 p.m.

Members present: Matthew Fenske, Dewey Bultsma, Marvin Bennink, Donald Smith, Jim Szejda and Joel Terpstra

Member absent: Dick Temple

Also present: Greg Ransford, Township Planner

The minutes of the June 14, 2010 meeting were approved as presented.

**1. Non-agenda Public Comment.**

Joe Ricord of 13432 Woodrow had questions about accessory building regulations. The current maximum height allowed is 24 feet, however an accessory building cannot be taller than the principal building. He has a travel trailer which is approximately 13 feet tall and his house is approximately 15 ½ feet tall. He said he would not be able to erect an accessory building tall enough for his travel trailer with the current regulations. Joel Terpstra asked if Mr. Ricord had considered scissor trusses or a tray ceiling. Mr. Ricord said they would not work.

Greg Ransford explained that the township needs to be consistent with the regulations, and the fact someone has a travel trailer that is too tall is not necessarily justification for a variance. Mr. Ricord said he would like to petition for taller accessory buildings. Mr. Ransford explained that it would require a Text Amendment which could be a request from a resident or the township. The rule is in place to prevent accessory buildings from being the predominant feature. There had been a lot of requests for increasing the square footage allowed for accessory buildings in the past and the township now allows larger accessory buildings, however this is the first request for allowing taller accessory buildings. Mr. Ricord said he might consider raising the height of a portion of his house.

**2. Public Hearing – Abraham Joshua is requesting Contract Rezoning and a Special Use permit to operate an adult foster care facility at 830 Hayes. This parcel number 70-10-02-200-012 is currently zoned C-2 and they are requesting rezoning to R-3.**

Mr. Joshua wants to restore the property to a foster home and possibly independent care or assisted living facility. He said no major structural changes are proposed other than cosmetic restoration and livability per the standards of the State and the township.

Marvin Bennink asked about façade upgrades. Mr. Joshua said they propose adding two windows and expanding the front porch. Jim Szejda asked if the property was serviced by public water and sewer. There was some confusion on this issue, and the Planning Commission said it would be required.

Marvin Bennink asked if they intended to improve or upgrade the pavement. Mr. Ransford said it was subject to the standards of the Zoning Ordinance Section 15, as far as striping and wheel stops, and the surfacing must be constructed with materials equal to or better than the standards set forth by the Ottawa County Road Commission. Greg Ransford also referred to Section 15.05 (l) which states that all parking areas shall be maintained in good condition, free of dust, trash, debris, and refuse. Mr. Abraham said he intends to meet all of the requirements.

Greg Ransford said that the State of Michigan or the Tallmadge Township building department will go through the building before issuing occupancy. Mr. Joshua stated that he intends to paint, make repairs, add two windows, replace a dropped ceiling and add to the front porch. Mr. Ransford confirmed adult foster care is allowed in R-3 but not in Commercial zoning. He added that the contract rezoning benefits successors with the same use.

Matthew Fenske said he visited the site and noted several items that need to be addressed as follows: siding and eave troughs need to be repaired, the roof is questionable and needs to be evaluated, the parking lot has broken concrete, especially along the east side of the building from the north end to south of the garage, and it needs to be resurfaced and striped in accordance with Section 15.05e, and the remainder of pavement needs to be seal-coated, and have wheel stops. The landscaping needs to be cleaned up and improved in order to meet the requirements of Section 3.17 and some of the windows are broken and need to be repaired or replaced. The property also needs to be hooked up to public sewer and water and there should also be a financial guarantee or security bond to make sure the conditions will be met. Mr. Fenske added that the chain link fence needs to be repaired and the outdoor lighting needs to be shoe-box style. Greg Ransford said this is allowed as a Special Use in R-3 zoning and a contract rezoning can require a financial guarantee or letter of credit.

Tricia Parsons, who was present with the applicant, said they are not proposing any new outdoor lighting, however they will make sure any outdoor lighting is directed downward. They will be upgrading the electric, plumbing and sprinkling systems which all need to be approved by the State. She added that the State Fire Marshall has to approve the plans as well. Joel Terpstra said the contract needs to be more specific in regard to the applicant's intentions for improving the property. He noted that the Planning Commission has the opportunity to do this right and he would like to see a site plan along with more specific details in the contract in order to protect the township. Mr. Joshua said the State will require inspections every 1-2 years. He added that he does not want to assume ownership of the property unless they get approval from the Township.

Dewey Bultsma wants to see sewer, water, pavement and drainage detail on the Site Plan, which he feels is incomplete as submitted. He suggested no occupancy until the conditions are met including approvals from Ottawa County Drain Commission and Ottawa County Road Commission. Donald Smith is also concerned with those items. Greg Ransford said the State Building Code has a section for a Maintenance Code and the Planning Commission could require a full maintenance inspection. Marvin Bennink suggested giving conceptual approval but have them come back for the Site Plan.

Matthew Fenske asked why they are proposing roll-away carts as opposed to a dumpster. Ms. Parsons said she prefers the roll-away carts to make the property seem more like a home than an institution. She added that she does not use signs or busses for that same reason.

The meeting opened to the public.

Ms. Sweers of 14331 8<sup>th</sup> Avenue said her property is adjacent to 830 Hayes and she is not opposed to the request.

The meeting closed to the public.

Matthew Fenske said he is still concerned about the items he mentioned earlier in the meeting and suggested a letter of credit or some type of financial assurance in the amount of \$5000 to be given to the township at the time they close on the property. He is excited about the idea of a new adult foster care business at that location.

Matthew Fenske moved, Donald Smith supported, motion CARRIED to recommend APPROVAL of the Special Use and Contract Rezoning to R-3 for an Adult Foster Care/Assisted Living/Veteran's Home Facility with the following conditions as part of the Site Plan, to be completed within one year after the Amendment Ordinance takes effect:

1. The Owner shall improve the Property by rebuilding the front porch and improving the parking area as shown on the undated Property Drawing, the June 17, 2010 ReZoning Property document, and the May 11, 2010 Proposed Remodel to the Front Porch and Face Life for the Front of the Home document.
2. The Owner shall verify that public sewer is connected to the building and if it is not connected the Owner shall provide for that connection at his expense.
3. The Owner shall fully repair all siding, eaves troughs, concrete, windows and the chain link fence.
4. The Owner shall complete an adequate density test performed by a qualified engineer to determine compliance with Section 15.05(e) of the Tallmadge Charter Township Zoning Ordinance for the existing pavement located to the east of the principal building beginning from the north end of the principal building, south and ending at the unattached garage. In the event the test fails to meet the standards within Section 15.05(e), said area of pavement must be replaced or resurfaced in accordance with said Section. A copy of the test shall be provided to the township. In the event the pavement requires replacement/resurfacing, a statement from the contractor verifying the appropriate construction occurred shall be submitted to the township. The remainder of the pavement shall be seal coated.
5. The Owner shall stripe all parking spaces shown in the site plan as well as install the required wheel stops.
6. The Owner shall verify the condition of the roof of the principal building through a qualified building inspector and provide a copy of the documentation to the township of the results.
7. The Owner shall perform adequate landscape maintenance of the site. At the completion of the maintenance the site landscaping shall meet Section 3.17 of the Tallmadge Charter Township Zoning Ordinance (whether achieved by existing plants or a combination of existing and new plants).
8. The Owner shall replace all outdoor light fixtures with shoebox fixtures where such fixtures are not currently present.
9. The Owner shall receive a permit or verification from the appropriate agency that the water facilities for the site are sufficient for the proposed use. A copy of said permit or verification must be provided to the township.
10. The Owner shall submit a Letter of Credit or cash deposit in the amount of \$5000.00 available to the township for the purpose of legal costs incurred by the township for a violation of this contract and or for the completion of improvements identified in this Section. In the event a Letter of Credit is submitted, it shall identify the township as the beneficiary and must be to the satisfaction of the township attorney.

If the project is completed within one year, the \$5000 will be returned. Ayes: Matthew Fenske, Dewey Bultsma, Marvin Bennink, Donald Smith, Jim Szejda and Joel Terpstra. Nays: none.

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Denise Somers, Administrative Assistant

