

**TALLMADGE CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING  
OF MAY 14, 2007**

Chairman Daniel Murray called the meeting to order at 7:30 p.m.

Members present: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith, Toby Van Ess and Dick Temple

Also present was Greg Ransford, Township Planner

The minutes of the April 9, 2007 meeting were approved as presented.

1. Special Use Permit – Grand Valley Gospel Temple is requesting a Special Use Permit to construct a deck and pavilion on parcel number 70-10-21-300-062. This parcel is located at 0-3190 River Hill Drive and is zoned R-1.

The Planning Commission reviewed the application, maps and the Planner's report. Pastor David Mitchell said they would like to erect this structure in memory of his father for the young people of the church to use as a play area. The structure would consist of a roof with shingles and not be enclosed. Greg Ransford said churches are considered a Special Use in R-1. This request would be an expansion of a Special Use and would fall under the normal criteria for a Special Use. The proposed deck and pavilion would be on the south side of the church. They would like to have a cement floor and use it like a pavilion at a park.

The meeting opened to the public.

Several members of the church spoke in favor of the request. They indicated it would be a safe place for the youth to play and for church picnics and other activities. They feel it would be an asset to the neighborhood as they will be planting trees and flowers in the area. Currently the children play in the parking lot. Mrs. Mitchell said they bus in a lot of children from Grand Rapids. They would typically use the pavilion between services on Sundays and on holidays and some Saturday afternoons. They said the children would be supervised.

Kenneth Follett of 0-3142 River Hill Drive said he is opposed to the request. He is concerned that there would be a P A system, and concerned about the maintenance of the pavilion. He said that currently there are junk trailers and vehicles on the property and it needs to be mowed and cleaned up. There was also a letter received in opposition to the request. Another neighbor lives between Pastor Mitchell and the church and he is concerned about the junk that blows in his yard.

Mr. Ransford wanted to clarify whether the junk is on the church property or on Mr. Mitchell's personal property. Mr. Mitchell said the junk is on his personal property. Donald Smith said these would be two separate issues. The junk would fall under zoning enforcement; however the Planning Commission just needs to make a decision on the pavilion.

One of the church members said they will not have any stereo or P A systems outside. The church has been there since 1966. They also intend to mow after the property is graded.

Toby Van Ess and Matthew Fenske understand the neighbors concerns about the junk, but believe that is a zoning issue.

Daniel Murray believes that the church has not been a good neighbor and therefore is a detriment to the neighborhood. Mr. Mitchell said the busses are licensed and operable. Mr. Rosser said he feels

they can come to an understanding with the neighbors and he understands they would like the property to be cleaned up.

Marv Bennink agrees that these are two separate issues and that the church is aware of the problem and will clean it up. Dick Temple would like better plans submitted and also a time frame for completion. He believes the request is for a compliant use, especially considering the church had been there for over four decades.

The meeting closed to the public.

Donald Smith moved, Dick Temple supported, motion CARRIED to APPROVE the request with the following conditions:

1. Project must be completed by October 1, 2007, including the structure, leveling of the grade and mowing of grass.
2. No P A system or outdoor speakers/sound system.
3. General housekeeping required after every activity.
4. Supervision of noise level.

Ayes: Dewey Bultsma, Marvin Bennink, Matthew Fenske, Donald Smith, and Dick Temple. Nays: Daniel Murray and Toby Van Ess.

2. Rezoning Public Hearing – Robert Johnson of 2550 Leonard Street NW is requesting a rezoning for part of parcel number 70-10-16-200-034 from R-1 to Rural Preserve.

The meeting opened to the public.

Mrs. Johnson said they own property adjacent to Hershberger's to the south and they intend to trade Hershberger's for a piece of property to the north of approximately the same size. It was noted that this is in follow-up to the rezoning request from the April 9 Planning Commission meeting. Mr. Hershberger said for aesthetic reasons it would be better to locate an accessory building on the south side of his house. He would then remove the driveway on the north side that he had put in for the original proposed building location.

Shelia Singleton of 12480 24<sup>th</sup> Avenue lives across the street from the applicant. She feels the proposed accessory building would be for business use. Mr. Ransford said a property owner is allowed to use an accessory building as an accessory to the house. A perceived use cannot be used as an issue for a rezoning request.

John Singleton of 12480 24<sup>th</sup> Avenue feels that a 2400 square foot accessory building would be a detriment to the neighbors and the value of the neighboring properties.

Mr. Hershberger said he owns an electric service business in which he travels to businesses with his pick-up truck and trailer. The accessory building would be used to store his travel trailer, boats and other vehicles which are currently stored outside. He said he conducts no business at his house.

It was noted that the property could be split and four new houses could be put on the property, each with their own 1200 square foot building, without any rezoning or variances. Also, the property is Master Planned Rural Preserve.

Mrs. Smith lives across the street at 12490 24<sup>th</sup> Avenue and she likes to see the woods. Mr. Hershberger said he means no disrespect, but either side he would build on, someone won't like it. He is allowed by the Zoning Ordinance to erect an accessory building on the side of his house, and the back of his property is low and wet.

Mr. Ransford said the Planning Commission doesn't have the power to make him relocate the accessory building. Susan Johnston of 12520 24<sup>th</sup> Avenue is opposed to the request.

The meeting closed to the public.

Dewey Bultsma moved, Toby Van Ess supported, motion CARRIED to POSTPONE the request until the next meeting. Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith, Toby Van Ess and Dick Temple. Nays: none.

3. Preliminary PUD Review - Van Ess Property, Inc. is requesting preliminary review of a proposed Planned Unit Development for parcel number 70-10-07-200-029. This parcel is located on the west side of 42<sup>nd</sup> Avenue between Leonard and Johnson Street and is zoned Rural Preserve.

Mr. Ransford has reviewed this preliminary plan for Lamont Woods Site Condo's. This meeting is for information only. The Township Board will hold a public hearing and then the Planning Commission will hold a public hearing.

Mr. Van Ess said this is a 45 acre parcel, Master Planned R-1, which allows 1 acre sites. He has not conducted soil borings yet, since this is still preliminary. Lot 33 would access off 42<sup>nd</sup> Avenue and the remaining 32 lots are proposed off the interior street. Mr. Van Ess said they could tie into Church Street and they could also tie into 44<sup>th</sup> Private, but he assumes that those neighbors wouldn't want the through traffic.

Dick Temple said that Lamont was originally platted with 66 foot wide lots, so it is quite dense, therefore this proposed development would be consistent with the original intent.

Donald Smith asked about the deed restrictions. Mr. Van Ess said they are proposing 35 foot front yard setbacks to preserve a green area between the development and the existing neighbors. They will have covenants on sizes and exteriors, and keep as much of the woods and fields as possible.

Some of the neighbors were concerned about traffic. Mr. Van Ess said that the township does not have funds to pave 42<sup>nd</sup> Avenue. Paving of the street would be property owner driven. He added that the development would have to pay for the hill reduction.

Daniel Murray said that the property is Master Planned R-1. This will go to the Township Board for a public hearing and then come back to the Planning Commission for another public hearing. He assured the residents that the fact Mr. Van Ess is the Township Treasurer and on the Planning Commission will not be a factor in the decision and that Mr. Van Ess cannot vote on the request.

Matthew Fenske moved, Dewey Bultsma supported, motion CARRIED to send this request to the Township Board. Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith and Dick Temple. Nays: none.

4. Text Amendment – Michigan Zoning Enabling Act.

The State of Michigan consolidated the City and Village Zoning Act, Township Zoning Act and the County Zoning Act into the Michigan Zoning Enabling Act (MZEA), Act 110 of 2006. The MZEA became effective on July 1, 2006. The MZEA is intended to simplify zoning throughout the State. While there are generally little significant changes, most notably are public notification processes and review criteria used by the Zoning Board of Appeals. Consequently, we are required to amend our Zoning Ordinance accordingly to comply with the MZEA. Therefore the township attorney drafted a proposed amendment addressing the changes necessary to achieve compliance.

**Donald Smith moved, Marvin Bennink supported, motion CARRIED to APPROVE the amendment as proposed. Ayes: Dewey Bultsma, Marvin Bennink, Daniel Murray, Matthew Fenske, Donald Smith, Toby Van Ess and Dick Temple. Nays: none.**

**Meeting adjourned at 10:05 p.m.**

**Respectfully submitted,**

**Denise Somers, Administrative Assistant**