

ALGOMA TOWNSHIP PLANNING COMMISSION MINUTES
Tuesday, March 18, 2008

A meeting of the Algoma Township Planning Commission was held on Tuesday, March 18, 2008, at 7:00 P.M. The meeting was held at the Algoma Township Hall located at 10531 Algoma Ave., Rockford, MI 49341.

Chairman Witham called the meeting to ORDER at 7:01 P.M. and led in the Pledge of Allegiance to the Flag.

PRESENT: Chairman Witham, Vice-Chairman Newberger, Secretary Poolman, Members Bigney, Ensley, Heminger, and Lecceadone.

Also Present: Supervisor Hoemke, Site Plan Review Committee Members Bates and Sjogren, Township Attorney Leisman, Township Engineer Bruggink, and 11+ citizens.

APPROVAL OF MINUTES:

Minutes of the February 19, 2008, meeting -

Vice-Chairman Newberger asked that on Page 3, 1st paragraph, last line, should read "This parking was going to be parallel parking but the plan now reflects 22 pull-in spots for RV parking." Also, on Page 3, last paragraph, last sentence, the word "next" would be changed to "adjacent" and the word "located" would be added after "210'". On Page 4, 7th paragraph, 2nd sentence, should read "The first issue is the Special Land Use..." and the next sentence would start "The second issue is the building...". On Page 5, 2nd paragraph, last sentence, the word "is" should be "are". The same page, 6th paragraph, 4th sentence, should read "He said he has seen correspondence regarding other past non-compliance issues." On Page 9, 4th paragraph, the word "concern" should be "concerned" and the word "business" should be "businesses". On Page 10, 1st paragraph, he asked that the name "Black Dog Coffee" be changed to reflect "a typical coffee shop".

There was discussion by the other members that he did use the name "Black Dog Coffee", which he agreed he did say. It was left as worded in the minutes.

On Page 12, 8th paragraph, Vice-Chairman Newberger asked that the word "is" be changed to "are". On Page 15, 2nd paragraph, the sentence should read "Vice-Chairman Newberger stated he shared Mr. Decker's interest in holding auctions at this site and wanted more information." On Page 20 (page number showed 10), 5th paragraph,

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the sentence should read "Vice-Chairman Newberger stated that the site plan needs to be revised to illustrate the issues discussed this evening."

Member Bigney motioned to APPROVE the minutes of the February 19, 2008, meeting as amended, seconded by Member Heminger. The motion PASSED with six in favor of the motion and one opposed.

Acceptance of Site Plan Review Committee's reports -

Member Lecceadone motioned to ACCEPT into the record the reports of the Site Plan Review Committee for Site Plans #0802, #0706(R), and #0803 as presented, seconded by Member Bigney. The motion PASSED unanimously.

AGENDA APPROVAL:

Under 11, Any Other On-Going Business, item 1 was added concerning questions with approved Site Plan #0602, Encore.

Vice-Chairman Newberger motioned to APPROVE the amended agenda, seconded by Member Bigney. The motion PASSED.

PUBLIC COMMENTS:

There were no public comments given.

CORRESPONDENCE SENT & RECEIVED:

Building Inspector's report - This was received and reviewed.

Any Other Correspondence - A CD copy of Alpine Township's Master Plan was received.

PUBLIC HEARINGS:

SITE PLAN #0802 (PRIVATE STREET)

VICTOR PITSCHE

3883 - 11 Mile Rd.

Rockford, MI 49341

Parcel #41-06-26-400-008

Mailing Address:

3303 Branisha

Grand Rapids, MI 49525

Mr. Victor Pitsch was present.

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Chairman Witham stated Mr. Pitsch had submitted a tentative Road Maintenance Agreement as requested. He stated for the record that legal notice of the public hearing was published and neighbors within 300' were properly notified as required by law. He asked Mr. Pitsch to give a brief presentation as to what he wanted to do.

Mr. Pitsch stated there was currently a private driveway for two homes on the property and he hoped to turn it into a private street. He said he had to get engineered drawings done in order to purchase his two acre parcel at the end of the cul-de-sac for his house.

Chairman Witham explained the process and declared the Public Hearing OPEN for public comments.

Brad Pitsch of 3651 - 11 Mile Rd. said he lives on the private driveway and their neighbor, who also lives on the private driveway, Mr. & Mrs. Budde, were also present. He said he talked with his brother when he wanted to build a house and they reviewed the plans and have no problem with them.

Mike Page of 9740 Wolven stated the Planning Commission approved a request for a Removal of Natural Resources Permit several years ago to remove sand and gravel from the property and there were conditions that at the time of completion the land would be restored to its natural state but that was never completed. He said some communities have zoning regulations that before another proposal may be approved all other provisions must be completed. He said the Commission may want to consider this and put conditions on the approval. He said he was concerned with maintaining the integrity of the ordinance and bringing a big hole into compliance that should have been done a long time ago. He asked that the records of the permit be reviewed for this condition of approval.

Attorney Leisman stated there was no provision in the ordinance that requires this.

With no further public comments given, Chairman Witham CLOSED the public hearing for public comments.

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Chairman Witham stated it was nice to have good neighbors and no concerns with this private street request. He asked the township attorney about the mining permit.

Attorney Leisman stated this was a different project other than mining and it would be using a different slice of the land that would not affect the larger parcel.

Member Bigney stated the owners are out of money and cannot reclaim. He said the whole parcel is 100+ acres.

Neighbor Budde of 3617 - 11 Mile Rd. said their parcel is not connected to the part of the mining operation and the new lot would be on the west side of the road, not the east, so there are two different areas of the larger parcel.

Chairman Witham noted that in 1993 the private driveway was approved.

Vice-Chairman Newberger agreed that he didn't recall any conditions being placed on the mining permit that before any subsequent use of the site took place it had to be reclaimed. He said we simply say the site needs to be reclaimed. He asked if the applicant, Victor Pitsch, owned the mining operation and was told no he didn't. It was his father's.

Supervisor Hoemke asked to address the Commission. He stated that there is a requirement for restoration on this property and he has talked with the owner, Al Pitsch, regarding this. He said the plan was that Par Five was to restore this area with their development site plan but that fell through and at this point, the money is not there to restore it. He is trying to sell the property and the township could take him to court but the reality is that he doesn't have the money so the township is not going to take this any farther at this point. It would not benefit the township or the owner to go to court but the township does recognize this is an outstanding enforcement issue and Mr. Pitsch agrees he is in violation. He explained this site plan was approved at a time when the township didn't require Performance Bonds and issues like this is what we learned from so now the township requires bonds to be in place so reclamation can take place should the owner not comply.

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After a brief discussion the Commission agreed that this request could go forward and restoration of the mining operation was not an issue.

Chairman Witham asked if the applicant had received a copy of the Site Plan Review Committee's report dated March 4, 2008, but he did not bring his copy so one was provided to him.

Under number 2 of the Site Plan Review Committee's report, the applicant was told he must be granted easement rights from the owners of the properties of the private driveway, a letter of permission was not sufficient. The neighbors all stated this would not be a problem.

Mr. Pitsch stated, in regards to number 3 of the report, he did provide the proposed Private Street Maintenance Agreement. He said he will also submit a letter from the Kent County Road Commission for the entrance. He agreed to change the road name to Dr. instead of Ct. as the Fire Chief requested. He also agreed with numbers 7 and 8 of the report.

Engineer Bruggink stated, in general, things are OK and the plan meets grade requirements. He said they were cutting through a hill and would need ditches and asked that be reflected in the plan. He said there would need to be some aggressive soil erosion controls in place. He commented that the entrance is a scary place to pull out of and it might be possible that long range plans eventually will require a better sight distance should more homes be planned for this private street. He said the drainage comps are acceptable but the plan doesn't show clearly that the water will get to the pond and that needs clarification.

Mr. Pitsch said that John Strunk from the Kent County Road Commission has been out to look at the entrance and he is required to pave within the road right-of-way but is not requiring any further changes.

Vice-Chairman Newberger agreed the entrance does have the potential to become an issue in the future should a request to add more houses comes before them again.

Member Lecceadone stated the larger parcel has 1,000 feet of road frontage so he didn't see where that would be an issue.

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Neighbor Budde said the entrance use to be on top of the hill but when 11 Mile Rd. was widened and paved they changed the elevation of the road and made their entrance location come out in the middle of the hill. He said when the County designed the new road they should have put culverts in.

Mr. Pitsch questioned the bond amount required and said it will not cost him \$30,000 to do the road.

Engineer Bruggink said it must be for the amount it would cost the township to hire it done and not him. He said if his engineer considers this and offers a less amount, with reason, he might lower it.

Neighbors questioned number 10 of the Site Plan Review Committee's report asking if they too had to change their street addresses.

Supervisor Hoemke said yes, it is for emergency vehicles and being able to locate someone on the private street.

Attorney Leisman stated he would amend the proposed Resolution to include proof of recorded easement required to Mr. Pitsch, the applicant to provide a Performance Bond, and a revised site plan with the items discussed.

Vice-Chairman Newberger motioned to APPROVE the Resolution for approval of Site Plan #0802, dated February 15, 2008, with the conditions included in the Resolution that proof of recorded easement is required to be submitted by Mr. Pitsch, the applicant is to provide a Performance Bond of \$30,000.00, and a revised site plan be submitted with the items discussed this evening, seconded by Member Lecceadone.

The motion PASSED unanimously.

SITE PLAN #0706(R) (MAJOR CHANGE)

ROLLENHAGEN CONSTRUCTION

11745 Cedar Rock Dr.

Rockford, MI 49341

Parcel #41-06-12-452-002

Mailing Address:

11415 Tefft Ave.

Rockford, MI 49341

George Rollenhagen of Rollenhagen Construction was present along with associate Chris Batchelder.

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Mr. Batchelder presented the request stating that during the construction process they were made aware by the township's community sheriff that there had been some robberies in the area. Not thinking, they put up the security fence along the north side of the building and then was told they were in violation of their site plan so that is why there are present tonight. He said the fence is 6' high, standard chain-link fence and already in place to prevent their trucks from getting broke into during the night.

Vice-Chairman Newberger asked if they park trucks, scaffolding, or trailers, in this area.

Mr. Batchelder said their fork lifts and materials are stored inside but the two pickup trucks, trailers, and a delivery truck is parked outside in that area. No construction materials.

Chairman Witham stated for the record that legal notice of the public hearing was published and neighbors within 300' were properly notified as required by law. He declared the Public Hearing OPEN for public comments.

There were no public comments given but an e-mail message was submitted and a phone call was received.

The e-mail was from Rubi Korson-Schaub, dated March 6, 2008, and stated she felt an enclosed building with a full cement floor was necessary to house the vehicles in so it would not become unsightly outside and storage for whatever he wants.

Review Committee Member Sjogren reported she took a phone message from Oliver Eckert, President of the Cedar Rock Business Park, on March 14, 2008, stating Mr. Rollenhagen did not receive permission to build his building from the Association and is required to but they over-looked this because he did put up a nice building. He said the fence is not allowed under the Association's By-laws and should not be approved.

Chairman Witham declared the Public Hearing CLOSED to public comments. He asked the applicants if they had any conversation with Mr. Eckert.

Mr. Batchelder said Oliver was out in California all the time and the only conversation they have had is with his son Jack. They

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said Jack lives in the area and they brought their plans to him who is the contact person in Michigan for the land. They said the son approved them.

Vice-Chairman Newberger asked if they said anything about the fence to the son.

Mr. Batchelder said Jack never said anything to them about having the fence.

Member Ensley asked if this was just overnight truck parking.

The applicants stated yes, just to park our trucks in and they said they had stuff outside but they have put it all inside now.

Member Bigney stated, next to the Crazy Horse, that business looks a lot worse and he didn't see where it was a big deal.

Vice-Chairman Newberger stated he was always interested in outdoor storage with site plans and agrees with Ms. Schaub that it becomes storage area for other items. He said had the applicants come before them with the outside storage they would have talked about solid fencing and screening.

Member Lecceadone stated the applicant came before them previously and said this area was going to be truck parking from day one and that was approved on the original site plan. It's just that the fence is new.

Vice-Chairman Newberger asked if they were going to look at this as a Contractor's yard or truck parking with a security fence around it. Is anything else going to be kept out there? He said as far as the By-laws are concerned, that is between the Association and the applicant. He said a fenced parking area would be reasonable and they could make a condition that it is not a Contractor's yard and only secured parking.

Chairman Witham stated it appeared to be a Major Change requesting the fence but they are not asking for outside storage.

The applicants stated "No, they would just park trucks here."

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Attorney Leisman said it sounds like they are only requesting the change to allow the fence.

Chairman Witham asked about the Site Condominium By-laws and the fence.

Supervisor Hoemke stated the township does not know what the By-laws are and does not enforce them. That is between them and the Association.

Chairman Witham reviewed the Site Plan Review Committee's report and asked how tall the fence was.

Mr. Batchelder stated it was a 6' chain-link fence.

Chairman Witham stated number 2 of the report requests "as built" drawings to which the applicants stated they would provide these. He asked about the septic system as mentioned under number 3.

Mr. Batchelder said the system is farther to the north.

It was stated that the revised site plan must show everything accurate, including the north arrow pointing north, and the applicants agreed.

Engineer Bruggink stated he had nothing to report on.

Member Bigney motioned to APPROVE the amended Site Plan #0706, for outdoor fenced parking, seconded by Member Lecceadone.

The motion PASSED unanimously.

SITE PLAN #0803 (COMMERCIAL SPECIAL LAND USE)

REFRIGERATION CONCEPTS

12175 Northland Dr.

Cedar Springs, MI 49319

Parcel #41-06-12-228-003

Mailing Address:

5900 Comstock Park Dr.

Comstock Park, MI 49321

Rob Swem was present as representative. He stated the company has been in business since 1994 and is currently operating out of Alpine Township. They have out grown their location and have three separate buildings on the parcel with the front building being the office. He said it is a difficult setup and they didn't

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need more shop area but additional office space. He said the old Lazer Skate building is twice the square footage they have now. The drawback is the amount of money it will take to move but they felt better purchasing this building that needs to be totally gutted than sticking more money into their current location. He said the inside is trashed. He said the south elevation shows

they would be putting in two overhead doors but they are only putting in one at this time. There is the option to put one overhead door on the east side of the building but they would need to work with the Kent County Health Department to move the septic system if they do this. He said if the Commission could grant the Special Use Permit, they could make this location work for their company.

Member Bigney said it would be great to make this building work so someone can use it.

Chairman Witham stated for the record that legal notice of the Public Hearing was published and neighbors within 300' were notified as required by law. He declared the Public Hearing OPEN for comments.

There were no public comments given.

Chairman Witham CLOSED the Public Hearing portion of the meeting for public comments.

Member Ensley asked if the building was all going to be office space or would there be storage or equipment and questioned if any raw ammonia was stored on site. He used to work at a place with raw ammonia and had concerns of leaking.

Mr. Swem stated there would be very little raw ammonia on site because there will be some servicing but it would be stored inside. He said everything will be stored inside. They will have a shop area, parts for materials, and do a little fabrication. He said the systems they work with are so large they must be built on site. He said they have tools and some materials that they bring to the site but most is drop shipped.

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Chairman Witham stated there would need to be some modification work and preassembly done on site and asked how often that would take place.

Mr. Swem stated this could happen 4 or 5 hours a week or not at all. He said there wouldn't be consistent welding but there would be times they would need to work on something but it would be all done inside the shop.

Member Ensley asked, because of the ammonia issue, is there a safety or evacuation plan for this area concerning any leakage?

Mr. Swem stated the amount of ammonia is less than required by the County for an evacuation plan but he will invite the Fire Chief to the site. He said he will store only 300 lbs., 2 cylinders with 150 lbs each.

Vice-Chairman Newberger commented that he knew of the requirements for ammonia and said he is sure Fire Chief Johnson will want to be made aware of this but that it was nice to hear that he was willing to invite the Fire Chief to the site. He stated the applicant's Letter of Intent was good and well detailed. He stated he had no problem with the four spots on the site plan for parking his trailers and asked if there would be any scaffolding or pallets outside. He asked what the trailers looked like.

Mr. Swem stated all equipment would be stored inside and he only had room for four trailers outside. He said he has seven or eight 24' enclosed trailers with their name on them but they stay on the job site and come to get reloaded and then are back again to the job site. He said they have four delivery trailers that are 20' and 21' flatbed trailers to store at the business.

There was discussion whether this should be considered a Contractor's yard.

Attorney Leisman explained it must be considered a Contractor's yard to fit into the C-2 General Business District because of the minor amount of light industrial work being conducted inside on a limited basis. He said the Special Land Use permit will allow the Commission to approve this request and also limit the amount of outdoor storage if considered a Special Land Use, Contractor's yard.

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Chairman Witham asked to review the Site Plan Review Committee's report.

Under number 1 of the report, it was the consensus of the Commission that the trailer parking did not need to be fenced.

Mr. Swem stated they were actually taking down an old fence. He stated, in regards to number 2 of the report, the site plan shows they are erasing existing parking because they don't need it. He agreed with item 3 of the report that he would give Fire Chief Johnson the measurements of the building itself so he can prepare a Response Plan. Under number 4 of the report he stated they might put an overhead door on the east side with access from the parking lot if the County will approve moving the septic system.

It was the consensus of the Commission that if this should happen, it could be considered as a Minor Change but he should show this on a revised site plan to which Mr. Swem agreed.

Engineer Bruggink stated the township has an opportunity here to require the existing retention pond be cleaned out and the sediments removed to get back to the original storage size.

Member Ensley agreed stating a neighboring parcel owner told him sometimes the storm water flows over to their site but if this pond is cleaned, it could take care of that.

Engineer Bruggink said this should take care of that problem along with proper upkeep. He said it was nice to see the landscaping added but questioned why the dumpster was moved to the front of the building and it appears to be over the existing drain field.

Mr. Swem stated the existing location would not allow the trailers to be parked there and it was too difficult for the trucks to get back to. He said they will enclose and screen it. He said the Health Department did not have a problem with the dumpster location and they will work with them in regards to the overhead door but they didn't seem to have a problem with a drive going over the top of it if they put in footings and can verify the depth of the tanks.

Engineer Bruggink said a \$10,000 project bond should cover this.

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Vice-Chairman Newberger motioned to APPROVE the Resolution for Site Plan #0803, dated February 15, 2008, with outdoor parking for trailers as shown on the site plan, with no outdoor storage of materials, and a \$10,000 project bond, seconded by Member Bigney.

The motion PASSED unanimously.

TABLED BUSINESS:

There was no Tabled Business.

NEW BUSINESS:

There was no New Business.

ON-GOING BUSINESS:

Tickler File - Is attached to and made a part of these minutes.

Ordinance Amendments - There were no ordinance amendments.

Representative reports -

Township Board: Member Bigney reported they approved salaries for the Township Board members and they approved a new tanker truck for the fire department at \$40,000. They re-appointed Board of Appeal members and re-appointed him to the Cedar Springs Parks & Recreation Committee. He said they tabled the Historical Society's request for funds.

Board of Appeals: Secretary Poolman reported there were no appeals filed for the month of March but they would be meeting in April.

Any Other On-Going Business -

Site Plan #0602, Encore: An e-mail was submitted on March 18, 2008, to Site Plan Review Committee Member Sjogren asking questions regarding the parking spots, 24' driveway around the north side of the building, and adding a 4' stoop to the north side of the building and a menu board for the drive-up window. A copy of the proposal that was e-mailed was submitted to the Commission for discussion.

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After much discussion it was agreed that the Commission would not find any of the proposed changes to be Minor Change because of the issues they had with this plan and the parking and driveway. Any changes to the approved site plan would need to come before the Commission as a Major Change. They also would not be able to reduce the 24' width of the drive because ordinance mandates this and they would need a variance first from the Board of Appeals. They also discussed it would be the applicant's legal right to go to the Board of Appeals but the chances of getting a variance would not be good because they have the option of reducing the size of the building to comply with the ordinance and have no legal "hardship".

Review Committee Member Sjogren will relay the decision of the Commission.

NEXT MONTH'S MEETING: Tuesday, April 15, 2008 - 7:00 P.M.

ADJOURNMENT:

Member Bigney motioned to ADJOURN the meeting at 8:57 P.M. The meeting was ADJOURNED.

Jack Poolman, Secretary

Julie M. Sjogren, Recording Secretary