

ALGOMA TOWNSHIP PLANNING COMMISSION  
SPECIAL MEETING  
Tuesday, April 29, 2008

A Special meeting of the Algoma Township Planning Commission was held on Tuesday, April 29, 2008, at 7:00 P.M. The meeting was held at the Algoma Township Hall located at 10640 Algoma Ave., Rockford, MI 49341.

Vice-Chairman Newberger called the meeting to ORDER at 7:05 P.M. and led in the Pledge of Allegiance to the Flag.

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

Absent: Chairman Witham and Member Ensley.

Also Present: Supervisor Hoemke, Site Plan Review Committee Members Bates and Sjogren, Township Attorney Brown, Township Engineer Bruggink, and 4 citizens.

AGENDA APPROVAL:

Member Lecceadone motioned to APPROVE the agenda as presented, seconded by Member Bigney. The motion PASSED.

PUBLIC COMMENTS:

There were no public comments given.

CORRESPONDENCE SENT & RECEIVED:

There was no correspondence sent or received.

PUBLIC HEARINGS:

There was no Public Hearing.

NEW BUSINESS:

**SITE PLAN #0805 (NEW BUSINESS)**

**CEDAR CAR COMPANY**

**12771 Northland Dr.**

**Cedar Springs, MI 49319**

**Parcel #41-06-01-427-010**

**#41-06-01-427-011**

**#41-06-01-427-009**

**Mailing Address:**

**8955 Sparta Ave.**

**Sparta, MI 49345**

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Dave Vanderhyde Sr. and Jr. were present.

Mr. Vanderhyde Jr. stated they bought the old Horizon Gardens building in October of 2007 and thought it would be a great spot to sell horse trailers and used vehicles there. He said they have been in this area a long time and have been successful so they want to come back.

Vice-Chairman Newberger asked about utility trailers and tractors.

Mr. Vanderhyde Jr. said he didn't think they would be selling utility trailers or tractors. He said they have taken these in on trade-ins in the past but that is not their business.

Vice-Chairman Newberger asked to address the Site Plan Review Committee's report dated April 16, 2008. He asked if they received a copy of the report and they stated they had.

Under number 2 of the report, the applicants stated they understood all items for sale must remain within the display areas.

Vice-Chairman Newberger said the Commission addresses this with applicants because some businesses have a tendency to want to park items as close to Northland Dr. as possible and will encroach onto the grass areas, beyond the pavement.

The applicant agreed that they understood this condition.

Mr. Vanderhyde Jr. said they were not proposing any new lights as stated under number 3 of the report. He said the building is only four or five years old and they already have the "box-style" of lighting. They don't see the need for any additional lights and don't want the cost for electricity any more than what they have to.

Under number 4 of the report regarding landscaping, it was agreed by the Commission that the landscaping currently in place was sufficient for this site plan.

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Member Bigney questioned whether screening was needed along the west property line next to residential but after reviewing the site plan it was decided the building sits back far enough from the residential zoning.

Building Inspector Bates stated, in regards to number 5 of the report, that the existing sign was not 8' tall so it was considered a ground sign and met township ordinance requirements.

Vice-Chairman Newberger asked the applicants to explain the layout of the buildings and where the office area was proposed as mentioned under number 6 of the report.

Mr. Vanderhyde Jr. stated that right now it is all open and they would bring in partitions for the office area. They believe these will be located along the north wall of the main building and not have roofs over them but they have not completely decided. He said this is in the steel building.

Vice-Chairman Newberger asked to explain the indoor display.

Mr. Vanderhyde Jr. said they would put in 3 or 4 cars in the main building without jamming it up and where the old greenhouses are to the south of the steel building they would get a couple cars in each of these areas. He said they don't intend to frame these areas in and that is what makes this a unique site.

Vice-Chairman Newberger asked about the main building and whether they would have a service bay for repairs or painting.

Mr. Vanderhyde Jr. stated no, they might repair a tire or light but it would not be a customer pay area for service; those heavy work items they would do at their Sparta location. They won't have a parts department here nor have cars sitting out waiting to be serviced.

Vice-Chairman Newberger asked if Fire Chief Johnson's concerns have been addressed as mentioned in the Site Plan Review Committee's report.

Supervisor Hoemke said he didn't know what the code is for having vehicles within the building and thinks the concern was having

enough separation. He believes the Fire Chief was more concerned with knowing what was to be stored in these buildings and if they were looking at having 10 vehicles or 3 vehicles in the showroom areas.

Mr. Vanderhyde Jr. said the nursery buildings will continue to be outdoor buildings and they were not enclosing them. He said there wouldn't probably be more than a dozen vehicles in the entire indoor display areas because you want people to be able to walk around them to see them.

It was agreed that a maximum of 12 vehicles be allowed in the indoor and covered display areas would be satisfactory to which the applicant agreed with also.

Township Engineer Bruggink stated this was a site where the storm water controls have been working well. He said the request for additional paved areas he has received the computations for and he believes this site was over designed so the current pond has the capacity for the additional storm water. He suggested the existing pond have the bottom cleaned out and he has talked with the Vanderhydies and they are acceptable with this. He said the other issue was with the southeast corner of the parcel and currently there is surface water running off site so he has suggested constructing a swale to intercept that by putting a furrow in and he has spoken with them about this and there is not a concern. He said he wants them to show some water flow arrows on the site plan. He suggested the Commission makes an additional condition that the storm water issues are addressed within 30 days of the approval.

Vice-Chairman Newberger re-stated number 8 of the Site Plan Review Committee's report concerning selling items that would change the Use of their site plan.

Mr. Vanderhyde Jr. said there was no intent to do so but occasionally they do take in trade-ins but they are not that type of dealer where they would be selling everything.

Vice-Chairman Newberger addressed the cross-access item of the report under 9. He said the report recommends pavement to the south property line that would be about a 24' X 50' section.

The applicants said they didn't want to do this because it will amount to a 50' dead-end road and they don't need the expense. They said it could be done when the south parcel gets developed and they are just as frugal as the next guy. They also don't want to connect to a junk yard and said that is what is there now.

Vice-Chairman Newberger said when Parcel B is developed it will connect regardless of "The Garage" parcel being there to the south.

The applicants said they didn't have a problem with that but they don't want to put one in now.

Member Bigney said he agreed that when the time comes to develop it they could put it in then rather than now.

Vice-Chairman Newberger said the only challenge is that three years from now or so when the neighboring property is developed we will need to go back to the Vanderhydies and have him pave this which becomes an enforcement issue then.

Attorney Brown stated the issue is that the present owners may not be the owners any longer and the new owners may not be informed of this requirement unless they are told by way of a Restrictive Covenant or Register of Deed requiring paving with this parcel if any development occurs with Parcel B.

Member Bigney said the Ordinance Enforcer can do that.

Vice-Chairman Newberger stated it is better not to have requirements where we have to enforce them.

The applicants said they could do that portion in the future because the Parcel B site would be blacktopping anyway. They talked to an asphalt person and he told them it would be expensive to do only 50'.

Attorney Brown stated a time limit could be placed on a Performance Bond or a Deed Restriction is irrespective of who owns the property but with that the financial surety isn't there.

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There was discussion between Attorney Brown and the applicants that he could assist in pulling the legal description of the 50' easement and their attorney could use that description to draft the Restrictive Covenant. He told them he would need to review their document prior to recording with the Kent County Register of Deeds. The applicants agreed to have Attorney Brown supply the legal description.

Vice-Chairman Newberger stated it appears to be the consensus of the Commission that they will go with the applicant's desire to not pave the cross-access portion of Parcel A at this time but the applicants would put in place a mechanism, a Restrictive Covenant, approved by the township's attorney, that assures this is done in the future at the time Parcel B is developed.

Member Bigney motioned to APPROVE Site Plan #0805, dated April 15, 2008, conditioned on the Site Plan Review Committee's report, a Restricted Covenant for paving being approved by the township attorney and recorded with the Kent County Register of Deeds, the approval of the township engineer for storm water control and cleaning out of the pond and a furrow being put in place on the southwest side of the property, seconded by Member Lecceadone. The motion PASSED unanimously.

ADJOURNMENT:

Member Bigney motioned to ADJOURN the Special meeting at 7:56 P.M. The meeting was ADJOURNED.

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Jack Poolman, Secretary

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Julie M. Sjogren, Recording Secretary