

OLIVE TOWNSHIP
PLANNING COMMISSION

Regular Meeting
May 9, 2006

The meeting was called to order at 7:30pm by Chairperson Dreyer.

PRESENT

Garry Dreyer
Terry Hossink
Andy Machiela
Wayne VanderZwaag
Gregory L. Ransford, Planner

ABSENT

Shane Russell

Hossink provided a motion to approve the agenda as presented. Motion carried unanimously.

Machiela provided a motion to approve the minutes of the April 11, 2006 meeting. Motion carried unanimously.

Chairperson Dreyer opened the floor for any citizen comments regarding items not on the agenda.

There were none.

At 7:33pm Chairperson Dreyer recognized that Ransford to discuss Old Business. The only item of old business is the proposed text for Article 24 – Sign Regulations.

Ransford explained that the Board of Trustees sent back the proposed text for additional review regarding the maximum height of signs on roadways that do not have a marked speed limit. As a result, Ransford provided sample text to address the request of the Board.

General discussion was held regarding the proposed text from Ransford.

Hossink provided a motion to recommend approval of the proposed public notation and a revision of the private notation as, "Any private road shall be limited to a maximum sign height of 15 feet based on the category of 35 miles per hour or less, unless otherwise approved by the Planning Commission through site plan review." Motion carried unanimously.

At 7:45pm Chairperson Dreyer recognized Ransford to provide an overview of the Aram Temple special use renewal request.

Ransford indicated that the Aram Temple is requesting renewal, as they did not begin the project, which was approved last year in April. The renewal is required to continue the project. Ransford indicated that if a recommendation of approval is determined appropriate that the Township has been noticed that the Letter of Credit will expire in August of this year. As a result, the Township should require its renewal before consideration by the Board of Trustees.

Chairperson Dreyer recognized the applicant to speak regarding the request. Sahn, the secretary of the Temple, explained that they need more time for funding before they can construct the Temple. Ultimately, they want approval to continue the project following fund raising efforts.

Chairperson Dreyer opened the public hearing.

Amy Cross of 12494 Port Sheldon Street raised concerns about their fundraising activity, which is in violation of their special use, as the temple has not been constructed and the activities are conducted on the site regardless. She is additionally concerned about their gathering, which is related to the fundraising.

Sahn indicated that they have rented the N. Holland School from the West Ottawa School District for assembly and fund raising.

Jay Nienhuis of 5883 124th Avenue raised concern about adequate drainage. Ransford indicated that all of the previous requirements remain in effect and apply the same to the property. Mr. Nienhuis also raised concerns about fundraising gatherings. Ransford indicated that the gatherings should not occur without the Temple on the property because the special use changed the use of the property, which must be followed.

Ron Nienhuis of 12622 Port Sheldon Street raised concern about noise from loud speakers, especially on Saturday afternoons. Mr. Nienhuis indicated that the noise can be heard at the Township Hall.

Tyler Cross of 12949 Port Sheldon Street indicated his concern about the noise. Mr. Cross and his wife were forced to leave their house for several hours, approximately 9:00am to 9:00pm because of the noise. In addition, Mr. Cross is concerned about the management of the property, as there has been inappropriate behavior.

Sahn indicated they began renting the school around October of 2005, so the noise should have ceased because no activity was on site. She has advised the Temple not to gather in mass numbers on the property. Sahn did note that some small families do visit the Monk.

Chairperson Dreyer asked Mr. Cross if it was accurate that the noise stopped in October. Mr. Cross indicated it did not, but there have been smaller meetings without a loud speaker.

Sahn indicated that about five families visit during the weekend and 10 visits during the week to being the Monk food and other necessities.

General discussion was held regarding the new noise ordinance. Mr. Ron Nienhuis inquired who will enforce the noise ordinance. Hossink replied that the Sheriff Department would enforce the Ordinance.

Chairperson Dreyer closed the public hearing.

Machiela provided a motion to recommend approval with the same conditions as provided in the March 2005 approval, which included that the letter of credit is renewed in the amount of \$40,000.00 prior to consideration by the Board at their May meeting. Motion carried unanimously.

At 8:10pm Chairperson Dreyer recognized Ransford to provide an overview of the Van Dyke map amendment request.

Ransford indicated that the property is currently zoned Light Industrial and contains a residential use. Mr. Van Dyke desires to expand the residential use through the construction of a pole barn, however, doing so would expand the nonconformity. Therefore, he must rezone the property to construct the pole barn. Ransford indicated that the Master Plan is designated for Non-Ag Residential, which would support the request. Ransford provided his opinion of the facts that must be considered by the Planning Commission, which include:

A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.

Extensive residential development is occurring or has been approved within the northern area of the township, which is where our main residential properties are intended to be located in accordance with the Master Plan. In addition, the property abuts the Rural Residential Zoning District to the east for its entire width.

B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.

Due to the fact that Rural Residential Zoning District currently abuts the property to the east a recommendation for approval would certainly be supported by the characteristics and compatibility of the current zoning. In addition, approval would not result in a spot zoning. In fact, the property is currently being used residentially, as a single family dwelling exists on the parcel. Thus, the property is currently non-conforming and the nonconformity would be eliminated through the rezoning of the property to Rural Residential. Consequently, any precedents and their possible effects would be positive (elimination of nonconformity) and are supported by the Master Plan and current zoning.

C. The compatibility of the Township or other government agencies to provide agencies, which provide any services, facilities, and/or programs that might be required if the petition were approved.

We do not anticipate any government agency would be unable to provide adequate services, facilities and/or programs necessary for this property and any of its potential uses, as general necessary infrastructure to service this area currently exists. In addition, the property is currently used residentially (which is a use permitted by right in the Rural Residential District) and is sufficiently served by public services.

D. Effect of approval of the petition on adopted development, policies of the Township and other government units.

Ultimately, we believe the Master Plan and current zoning support the request and are in harmony with the development policies of the Township.

Chairperson Dreyer opened the public hearing. No comments were provided.

Chairperson Dreyer closed the public hearing.

General discussion was held.

Hossink provided a motion to recommend approval based on the content of the memo provided by Ransford, with specific recognition that the property is contiguous to existing Rural Residential zoning, the Master Plan land designation supports the request and it is compatible with the surrounding area. Motion carried unanimously.

At 8:13 Chairperson Dreyer recognized Ransford to provide an overview of proposed text regarding farm parcels.

Ransford indicated that the proposed text would allow a property owner within the Agricultural Zoning District to reduce his or her lot to a size that complies with our non-farm parcel size so long as the property that is removed from his or her lot (as a result of the reduction) is combined with an existing farm parcel. Currently, a property owner cannot do this.

Chairperson Dreyer opened the public hearing. No comments were provided.

Chairperson Dreyer closed the public hearing.

General discussion was held.

Machiela provided a motion to recommend approval. Motion carried unanimously.

At 8:15 Chairperson Dreyer recognized Ransford to provide an overview of proposed text regarding various definitions of the Zoning Ordinance.

Ransford indicated that the proposed text provides needed clarification to establish minimum lot area. In addition, the text corrects an error and requires a front yard setback from each easement that abuts a property.

Chairperson Dreyer opened the public hearing. No comments were provided.

Chairperson Dreyer closed the public hearing.

General discussion was held.

Hossink provided a motion to recommend approval. Motion carried unanimously.

At 8:17pm Dreyer recognized Ransford to provide an overview of the Visser Farms Off-premise sign request.

Ransford indicated that the Vissers currently have two signs, which were approved last year. They are seeking three additional signs. Ransford also noted concern that the text does not necessarily limit the amount of signs permitted. Therefore, he encouraged the Planning Commission to consider the total amount of signs and the possibility of a future amendment to set a maximum number.

General discussion was held.

Hossink provided a motion to recommend approval with the reduction of setback to 25 feet from the easement. Motion carried unanimously.

At 8:24pm Chairperson Dreyer acknowledged Ransford regarding the Scott August Special Use renewal.

Ransford indicated that the fee was received and no complaints were received. Vander Zwaag provided a motion to recommend approval. Motion carried unanimously.

At 8:26pm Chairperson Dreyer acknowledged Ransford regarding the Kingdom Auto Special Use renewal.

Ransford indicated that the fee was received and no complaints were received. Vander Zwaag provided a motion to recommend approval. Motion carried unanimously.

At 8:28pm Chairperson Dreyer sought member comment.

There was none.

At 8:29pm Hossink provided a motion to adjourn. Motion carried unanimously.

Respectfully submitted,

SIGNED: _____

DATE: _____