

OLIVE TOWNSHIP
PLANNING COMMISSION

Regular Meeting
February 13, 2007

The meeting was called to order at 7:30pm by Vice-Chairperson Vander Zwaag.

PRESENT

Shane Russell
Andy Machiela
Terry Hossink
Wayne Vander Zwaag
Gregory L. Ransford, Planner

ABSENT

Garry Dreyer

Machiela provided a motion to approve the agenda as presented with an amendment to hear the informal presentation from Wild Iron Motorsports immediately after the General Citizen Comments portion of the agenda. Motion carried unanimously.

Hossink provided a motion to approve the minutes of the January 9, 2007 meeting. Motion carried unanimously.

At 7:34pm Vice-Chairperson Vander Zwaag opened the floor for any citizen comments regarding items not on the agenda.

Mike Brown of 13651 Barry Street asked to speak about the property of 5311 136th Avenue. Mr. Brown explained that he owns the west landlocked approximate two acres of the original approximate five acres that made up the property of 5311 136th Avenue. He indicated attorney said a judge could force any neighbor to grant an easement for him to reach his property.

Hossink – How did you acquire a landlocked property?

Mr. Brown – Through a Quit Claim Deed. I paid one of the two mortgages but the mortgage on the three acres foreclosed. I bought the two acre piece.

General discussion was held.

Mr. Brown indicated that he wanted a variance and the owner of the three acres says he would also like a variance so they can both build.

Vander Zwaag – Did they run title insurance on the sale?

Mr. Brown – Yes, but the bank did not register the deed.

Ransford explained some history regarding the property. The township was not aware of the division of the land until a Sherriff's Deed arrived at the office after recording. At that time, it was discovered that the property was divided into an approximate two acre and three acre pair of parcels. Ransford explained that all divisions must come through our office, however, a rare few will be divided in this way through the court. Generally, the township will remedy the illegal split with the owner to appropriately accommodate the division. Given the fact that a judge rendered the original parcel into two, Ransford consulted with the Township legal counsel who indicated that because we were not a party to the court proceeding we could not prevent the division. Ultimately, the Township would deem each parcel unbuildable for new construction until an easement was granted to the west two acres.

Hossink – Who did you purchase the property from?

Mr. Brown – Richards. Arleen Richards, the sister, who owned the property died and I bought it from her brother.

Hossink – Did you contact the original title insurance company?

Mr. Brown – Yes, I have tried for two years but do not want legal fees and the insurance company doesn't return my calls.

Hossink – Title insurance covers expenses for situations like this.

General discussion was held.

Ransford explained that to provide an easement to Mr. Brown's property across the three acre parcel and because there is a dwelling on the three acre parcel, the easement would create a setback violation because the three acre lot would become a corner lot with two front yard setbacks and two rear yard setbacks. The house is positioned at approximately 20 feet from the north property line, which would need to be at least 50 feet for a rear yard. Ransford indicated that the Township does not have a preference how Mr. Brown legally acquires access. Given the position of the existing dwelling on the three acre parcel, it would be impossible to locate a 66-foot easement entirely within the parcel to serve Mr. Brown's property.

Mr. Brown added that the house is actually eight feet from the north property line.

Russell – Will the owner up front not grant an easement?

Mr. Brown – Not really.

General discussion was held.

Mr. Brown indicated he understood his position and would let the meeting continue with other matters.

There were no other citizen comments.

At 7:55pm Vice-Chairperson Vander Zwaag recognized Kurt Hall to speak on behalf of the Wild Iron Motorsports.

Mr. Hall explained that they are seeking to construct a motorcycle, ATV, buggy sales and motorplex facility on property north of New Holland Street along US-31. They are proposing a 64,000 square foot indoor track as well as a paved outdoor track around the building for races, training and testing equipment as well as other functions. They would be open 7 days a week except Sunday mornings. Events would be on Saturdays. Their outdoor track would be approximately one to one and a half miles in length. They would like to have a dealership at the east end along US-31 and a shop for assembly as well. Mr. Hall indicated they envisioned a hotel and restaurant on the property as well in addition to a campground.

General discussion was held.

Mr. Hall asked for any comments from the Planning Commission to provide direction for their interests.

Ransford indicated that this meeting served only as informal discussion and that the Planning Commission cannot provide any official recommendations and/or approvals. Ransford stressed that even if each member really likes the concept it does not mean it would necessarily receive approval during a formal review process and vice versa.

Ransford added that if the Township was to formally review the proposal that the best approach would be as a Planned Unit Development given the size and complexity of the proposal and because of the architectural components of the proposed structures. The PUD process would allow the Township and applicant to work together and achieve the most appropriate appearance of the facility.

Hossink agreed that a Planned Unit Development would be the best means to submit the request. In addition, he stressed the importance of making the proposal fit with the proposed architectural overlay district for US-31.

Hossink and Russell added that the location proposed is ideal.

Ransford indicated that the proposed April 2007 to April 2008 schedule indicated in the plan is unlikely given the size, sensitivities and multiple uses of the project that require review as well as the other agencies that must review the plan. The one year timeline may be possible, however, Ransford wanted the applicant to be aware of the multiple steps of such a large project.

At 8:18pm Vice-Chairperson Vander Zwaag recognized Ransford to discuss the proposed text to amend Home Occupations in the Zoning Ordinance.

Ransford indicated that several revisions were made to the proposed text in accordance with the previous meeting as well as discussions with township attorney, Jim Telman, with Ransford and Hossink. There are several spaces left to be filled with dimensions and/or Districts to complete the proposed text. The Planning Commission will need to determine what is appropriate.

Hossink had the following concerns, which will be revised as agreed by the Commission.

1. Delete that reference in Section 21.19 to incidental retail sales.
2. Clarify in letter B that it is not implied that a home occupation could be entirely used on a 2nd or 3rd floor.
3. Clarify in letter J that it is not implied that an area not deemed as residential is exempt.
4. Reverse the order of J & K.
5. Require uses proposed in K to be a Special Use.

The following blanks were completed as follows, as agreed by the Commission.

- J2 – The minimum setback shall be the setback of the district in which the use is proposed as well as appropriate screening as approved during site plan review.
- K – the uses would be permitted in any district on parcels of at least one acre or more in size.
- K1 – strike in its entirety.
- K2 – add the option that the supplies and materials could be properly screened instead of inside a building.
- K3 – strike in its entirety.
- K4 – strike in its entirety.
- K5 – strike “non-residential” and “use.”
- K6 – amend to include one other person and revise to indicate that those individuals would be working on site at any time.
- K7 – strike in its entirety.

The members of the Planning Commission agreed to schedule the proposed text with revisions for a public hearing at the next available meeting.

At 8:55pm Vice-Chairperson Vander Zwaag opened the public hearing regarding the proposed revision to the Billboard height restrictions.

There were no comments. Hossink provided a motion to close the public hearing. Motion carried unanimously.

There being no other comments, Hossink provided a motion to recommend approval to the Township Board. Motion carried unanimously.

At 9:00pm Vice-Chairperson Vander Zwaag recognized Ransford to discuss the proposed text amendment of Section 5.10 to address parcel reconfigurations in the Agricultural Zoning District.

Ransford explained that the proposed text would amend Article 5 – Agricultural District, to include a new section that regulates the reconfiguration of lots lines. The proposed text is a result of numerous variance requests to reconfigure existing lots in the Agricultural Zoning District while maintaining the same amount of lots. The Zoning Board of Appeals has appropriately found such requests as to meet their requirements and thereby granted the variances. While the Zoning Board of Appeals granted these requests, Ransford believes it would be more appropriate to incorporate this text into the Zoning Ordinance to allow such permissions to be an administrative function of the office of the Zoning Administrator.

General discussion was held. It was agreed to schedule the proposed text for a public hearing at the next available meeting.

At 9:05pm Vice-Chairperson Vander Zwaag recognized Ransford regarding the Special Use renewal for Dennis Aukema’s storage building.

Ransford indicated the fee was paid and no complaints have been received. Hossink provided a motion to recommend approval. Motion carried unanimously.

At 9:07pm Vice-Chairperson Vander Zwaag recognized Ransford regarding the Special Use renewal for Turkey City Sand Mine.

Ransford indicated the fee was paid and no complaints have been received. Russell provided a motion to recommend approval. Motion carried unanimously.

At 9:09pm Vice-Chairperson Vander Zwaag discussed the joint meeting dates provided by the Board.

The Planning Commission agreed that either date, March 22nd or March 29th, each of which is at 7:00pm, is available.

At 9:10pm Vice-Chairperson Vander Zwaag sought member comment.

Discussion items included the Borculo sanitary sewer system, storm water ditches and miscellaneous items.

At 9:40pm Hossink provided a motion to adjourn. Motion carried unanimously.

Respectfully submitted,

SIGNED: _____

DATE: _____