

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes of the January 22, 2008 Meeting**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, January 22, 2008 at 7:00 p.m.

Present were Chair Susan Molhoek, Vice-chair Stephen C. Fry, Secretary Wayne Harrall, Commissioners Edward J. Robinette, Michael J Fuller, and David A. VanDyke. Also present were Township Planning Director Richard Sprague Jr and Planning/Zoning Clerical Assistant Robin Rothley.

1. Approve tabled minutes of the regular meeting of November 27, 2007.

Wayne Harrall noted that on page 9 of the Mineral Mining Resolution the word *unit* should be changed to *until*.

Steve Fry noted two places where *ing* should be added to hear for Public Hearings.

Susan Molhoek requested different wording on the resolutions for the Absent Members. The current wording doesn't sound right with Steve Fry and the vacant seat.

Edward Robinette, seconded by **Steve Fry**, moved to approve the minutes with the above mentioned changes. **Motion passed unanimously.**

2. Elect Officers for 2008

Steve Fry, seconded by **Edward Robinette**, moved to keep the current officers for another year.

- Susan Molhoek as Chair.
- Steven Fry as Vice-Chair.
- Wayne Harrall as Secretary.

Motion passed unanimously.

3. Ordinance Update review.

Township Planning Director Rick Sprague explained that it has been four years since the current zoning ordinance was adopted so it is time to start reviewing some of the chapters. He has been in discussion with Township Attorney James Brown and they have made a list of chapters to possibly amend.

Rick Sprague distributed a letter from Jim Brown dated January 21, 2008 for the commissioners to review for the February 2008 meeting.

Rick Sprague addressed the 14 chapters that he and Jim Brown feel should be amended.

1. **Religious Land Use and Institutionalized Persons Act (“RLUIPA”).** The Commission should discuss this issue of whether to continue requiring a Special Land Use Permit for churches and other places of religious assembly in a Residential District or allow them by right. New law would make it nearly impossible to deny a Special Land Use but the Planning Commission could still work out conditions on a project.

Steve Fry’s initial reaction would be to leave the ordinance as is. This would allow for special conditions.

Wayne Harrall said that if it remains as is there would be Public Hearings held so the neighbors would be informed of the project.

Dave VanDyke said he would like to hear Jim Brown’s opinion of what the Planning Commission would be allowed to require for conditions.

2. **Permitted Uses in “R-2” Zoning District.** The Commissioners all agreed that the chapter needs to clarify whether the permitted uses include only those permitted “by right” in the “R-1” District, or also the uses permitted with special land use approval.
3. **Minimum Lot Area in the “RR” District.** There is a reference to Section 5.8 in this chapter and there is no such section. The consensus was to eliminate this.
4. **Manufactured Housing Committee.** The current ordinance is vague; recommend seeking drafts with higher standards that have been approved by the Mobile Home Commission.

Ed Robinette said that there is only one Mobile Home Park in the township. Rick Sprague said that the owners have inquired about expanding that park. There is some additional land around it so it is possible.

5. **Sexually Oriented Business.** Some additional rules should be added to the existing ordinance such as locations, hours of operation, registration of employees, and other matters.

Steve Fry said this is a low priority item.

Michael Fuller agreed that some rules should be added to the ordinance.

6. **Industrial District.** There currently is no land Zoned or Master Planned for an Industrial District. In the past the trend has been that municipalities must provide

for all uses but now the thinking is that if the use is near by it shouldn't be required. If an Industrial District were to be added to the ordinance possible land must be provided for that use. The consensus was to keep the status quo.

7. **Identification of "Town Center" Properties.** The text of Section 23.1 had a typographical error that needs to be fixed.
8. **Special Land Use for Earth Removal, Sand, and Gravel Mining.** This chapter must be discussed in depth. As things stand now there seems to be duplication of services between the Planning Commission and the Township Board. Typically mining operations would require only a Special Land Use Permit only; that's the direction the Planner would like to go. The Chapter would need a complete overhaul.
9. **One Principal Use/ Conventional Condominiums.** See Number 10.
10. **Conventional Condominiums.** Better clarification is needed for Site Condos and traditional Condominium projects.
11. **Appeal of Site Plan Review Committee Decisions.** Currently any appeal of the Site Plan Review Committee would go to the Township Board. The Planning Commission recommends that be changed so appeals would go to the Zoning Board of Appeals.

Susan Molhoek said that administrative decisions would include Site Plan Review Committee and Planning Commission.

Ed Robinette said that appeals for both the Township Board and Zoning Board of Appeals go before the Circuit Court.

Rick Sprague said that the Zoning Board works with planning issues. Steve Fry agreed that they are more knowledgeable of planning/zoning.

Steve Fry asked if the Four Standards would be reviewed for these appeals. Rick Sprague said that for opinion appeals the four standards are not considered.

All of the Commissioners agreed that the appeals should be sent to the Zoning Board of Appeals.

12. **Private Roads.** The way the ordinance now is interpreted a private road must be upgraded before and new construction can take place on parcels that were not in existence prior to 9-26-1990.

Jim Brown has suggested the Planning Commission discuss new provisions that could be added addressing the extent to which an existing non-conforming private road must be improved to meet current standards.

Wayne Harrall said that the current definition of Private Road would have three or more homes located on the same drive. Rick Sprague said that technically in order to be a shared drive both parcels must have street frontage so most drives with two homes are a private road.

Dave VanDyke discussed past variance requests that have come before the Zoning Board of Appeals for Private Roads.

Some things that should be addressed are

- Grading
- Street width
- Better definition of when a lot “existed”.

Michael Fuller said he would like the issue of Inverted Crown Streets to be discussed. He’s not in favor of them.

13. **Expansion of Non-Conforming Uses.** There are a few areas in the Township that have several non-conforming uses. Currently a lawfully non-conforming use is allowed to expand up to 50%. Jim Brown suggests lowering that percentage for expansion.

Dave VanDyke said that building area is what is considered in the 50% expansion. There are some landscaping businesses that have grown in land area. Maybe the entire use should be considered and not just building size.

Steve Fry said he has no problem with the way the Ordinance is written. Any building expansions must still meet setback, height, and size requirements.

Michael Fuller said that if an applicant wants to expand more than the percentage allowed they could to before the Zoning Board of Appeals for a variance. Rick Sprague said that they could also request a rezoning which would bring the use into compliance.

Ed Robinette said that he would like to see the language that Jim Brown submits and then further discuss.

Steve Fry said that Jim Brown is looking for guidance from the Planning Commission and suggests that the expansion be reduced to 25%.

Rick Sprague said that he will inquire as to what other municipalities are adopting. He said he is in favor of the reduction.

14. **Municipal Civil Infractions.** The current fine for a violation is \$50; should consider increasing this amount. Also consider having the fee set by Resolution so the ordinance doesn’t have to be amended each time the fee is changed.

Consideration should also be given to expanding the authority to issue citations to include the Township Supervisor and whomever he feels necessary.

Rick Sprague said that the additional issues that were listed to be discussed have already been addressed.

4. Public Comment.

Ted Siereveld, 2714 McIntosh Ave. NE, said that the Planning Commission minutes have still not been updated on the Township website. Rick Sprague told him that he could stop into the office at any time and get a copy if he would like.

Ted Siereveld asked if the 14 points discussed tonight would be discussed as a Public Hearing at future meetings. He was told that they would be.

5. Update from Township Planning Director.

Rick Sprague said that there is one pending application for the February meeting.

Forest Hills Public Schools is planning expansions and will be presenting their plans to the Site Plan Review Committee. Schools aren't required to receive township approval but they would like the township to be informed.

There are a couple of potential applicants for the March meeting as well.

The meeting was adjourned at 7:52 p.m.

Wayne A. Harrall – Secretary