

**PLANNING COMMISSION OF THE
CHARTER TOWNSHIP OF GRAND RAPIDS
Minutes July 24, 2018**

A regular meeting of the Planning Commission of Grand Rapids Charter Township was held at the Township Hall on Tuesday, July 24, 2018.

Present were Chair Wayne Harrall, Vice Chair Scott Conners, Commissioners; Doug Kochneff, Bill Culhane, Mark Prein and Dan Ophoff. Also present were Township Attorney James R. Brown and Planning Assistant Kara Hammond. Secretary David Van Dyke was not present; he notified the Chair that he has recused himself from the meeting due to a potential conflict of interest.

1. Approve minutes of June 26, 2018 regular meeting.

Scott Conners, seconded by **Bill Culhane**, moved to approve the minutes with one change:

- p.1, item #2, 2nd bullet, change the word “material” to ‘removal’

Motion approved, 6-0.

2. Tabled - Katerberg VerHage - Request for a Special Land Use to allow for Commercial Landscaping Services to continue operating on their current site compromised of 10 individual parcels, totaling 87.86 acres along Michigan St.

Dan Ophoff, seconded by **Scott Conners**, moved to remove the aforementioned item off the table for further deliberation.

Motion approved, 6-0.

Attorney Jim Brown gave the legal review.

Wayne Harrall **discussed** ways to approach the request. Dan Ophoff suggested starting with the grinding and asphalt issue. Harrall asked the applicant if they do the **asphalt** grinding onsite. Tom VerHage stated yes, they do it all on site. Ophoff said he does not see anywhere in the ordinance that it states that grinding can be performed on the site, and explained he would like to see the elimination of the grinding, **processing and storage** of non-aggregate material on the site.

Bill Culhane said although he respects Dan Ophoff’s opinion, he feels that with the changing of the industry and by placing limits on the collection, he sees it as an incidental use on the property. Katerberg VerHage processes 8% of the year and said they would be happy to limit that. Dan Ophoff said he understands, but it ultimately comes down to the fact that that use is not allowed and prohibited in the zoning ordinance. Culhane rebutted stating he cannot find in the ordinance where that use is prohibited and therefore does not see an issue with allowing the applicant to continue the crushing. Jim Brown stated that although the zoning ordinance does not strictly prohibit a certain action, it is still an unauthorized use.

Scott Conners added this has been the one issue he has struggled with because in their industry (engineering) that specific operation is considered an industrial use and feels that it should be

done on an industrial site and then brought to their Michigan site - feels pretty strongly that because it is a residential area, an industrial use is just not allowed. Wayne Harrall said although he appreciates the recycling of material and understands that the site is large and could be buffered, at the end of the day it is a process - processing aggregates is just something that cannot be approved in a residential district. Doug Kochneff asked what type of precedence it would set if the Planning Commission decided to allow the use to continue. Jim Brown said it would be difficult to refuse the next one because the Planning Commission allowed this use, but it would be just as wrong the second time as allowing the first.

Mark Prein said it ultimately comes down to the definition of a commercial landscaping business/use. Jim Brown agreed stating that would be correct, adding crushing etc is not a landscaping use, it is industrial. Bill Culhane asked if the applicant would be able to bring the non-aggregate material back on site to store it, if it is crushed/processed at a different location. Brown stated that is something that could be discussed, but it would go to the scope of that specific activity.

Wayne Harrall said he recently has been on the site and stated that they have significant stock piles, and would not be opposed to the applicant stock piling certain materials; he just does not think the actual process should be conducted in a residential area. Scott Conners said that may be the main issue, they cannot process on site but they may be able to store stock piles on site. Dan Ophoff does not agree and stated that if the ordinance does not allow it, the Planning Commission should not allow it. Mark Prein brought up the question of what makes something natural vs non-natural. Bill Culhane said if it is not in the ordinance, he believes it is not their place to add it; he was just looking for clarification from the attorney. Ophoff said the Planning Commission needs to decide on which direction they are going to go.

Wayne Harrall said he feels that there is a consensus that the applicant will not be allowed to process on site, they need to figure out if that is something the Planning Commission will allow the applicant to store onsite. Tom VerHage said he would like to know why they would not be allowed to store certain materials onsite. Jim Brown said according to the ordinance, stockpiling or storage is not a permitted use/allowed in a residential district. Mark Prein asked how long the applicant has been using concrete, etc on their site. VerHage said at least 10 years. Brown clarified that the ordinance does not allow storage of that kind of material, period. Prein said if they do not agree with that, the only way to change it is to have the ordinance changed. Brown stated that is correct, provisions would have to be made to allow that.

Wayne Harrall stated that while working through things with the applicant, the Planning Commission had the ordinance amended to include retail sales, for Katerberg VerHage, in October of 2017.

Jim Brown said bins are structures to contain material vs stock piles (that are 35 ft tall); those are two extremely different things - regarding what the Planning Commission has allowed in the past with previously approval landscape companies.

Doug Kochneff said it is a great site, but brought up the number of truck trips it would take to move the material to and from the site, and does not believe crushing should be allowed as he views it as an industrial use.

Wayne Harrall said he feels that a condition should be added that the applicant may be allowed to store **crushed** concrete onsite, within a specific allowance/condition within reason. Tom VerHage replied that it would be very helpful (storing onsite), adding they would be willing to cut down height, but allowing it to be stored onsite would be helpful.

Wayne Harrall was thinking more for internal use (allowing storage onsite), and Scott Conners said he is not opposed to allowing the applicant to have some storage for smaller projects. Doug Kochneff said if they eliminate the processing, it is going to cut the truck traffic down significantly. Harrall said again his feeling that if they have a couple truck loads (of concrete) stored onsite that would be sufficient for site maintenance. Harrall stated he does not have a problem with the piles, as long as they protect the water area, etc.

Wayne Harrall moved on stating the consensus the Planning Commission has come to so far is; no more processing and no more storage for projects, of non-natural materials.

Wayne Harrall said the applicant can have material stored onsite for their own, internal use. Scott Conners said they can have a designated amount/stock pile onsite for potential smaller projects. Bill Culhane asked that the crushed concrete and asphalt they currently have onsite is allowed. Jim Brown said it can be reasonable to allow them to get rid of the materials over time.

It was moved by **Scott Conners**, seconded by **Bill Culhane**, to adopt the proposed resolution to approve the requested special land use, upon additional terms and conditions, as follows:

1. Up to 1000 cubic yards of crushed concrete and up to 1000 cubic yards of asphalt millings may be stored in outdoor bins, so long as these materials are used only in **small** landscape projects or for the applicant's own use for internal roads on the site. The bins must be fully enclosed on at least three sides and must be high enough so that all the material is fully contained. The bins must be located only near the existing bins, near the large pond in the center of the property.
2. The evergreen trees to be added along the east property line per the site plan must be at least 20 feet high when planted.
3. The special land use must be set back at least 100 feet from all property lines, except that it must be set back from the nearest Michigan Street right of way line at least 50 feet. The site plan must be amended to show the setback lines, and the revised plan must be submitted to the zoning administrator. The existing setbacks on the residential parcels are approved as is, but if any of the dwellings are to be removed so that the land can be used for the landscaping business, this may take place only if previously approved by the planning commission. No setback is required for the most easterly parcel off Bradford Street, so long as that parcel is used only for a driveway as a nursery area for growing trees and other plants.
4. All stockpiles of broken-up concrete, asphalt and other aggregate materials are prohibited, except that the applicant may crush and otherwise process the aggregate materials in the stockpiles up to, but not after, July 31, 2019.

5. All stockpiles of concrete, asphalt and other aggregate materials must be entirely removed from the property not later than July 31, 2021. No additional concrete, asphalt or other aggregate materials may be brought to the site after the date of this meeting.

The motion was approved by a vote of 6 members in favor and no member against, one member being absent.

3. General Public Comment.

Linda Meford, 560 Forest Hill Ave SE, 49546;

- issue with the board member that is not present and wonders if anything is going to be done about that situation
- personally feels that it is a disgrace to the Township, a conflict of interest and has caused this
- will there be repercussions for his actions

The Planning Commission stated that that is not something that is handled at this level; those questions need to be addressed to the Township Board.

The meeting adjourned at 9:03 pm.



Scott Conners, Vice Chair