

ALMENA TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

AUGUST 5, 2013

Members present: Chairman Ron Marvin, Matt Moulds, Mark Roman, Mark Kruizenga, Carol Himes, and Nina Consolatti (alternate). McKenna Associates representative, Christopher Khorey, also in attendance. There were many residents, along with Rezoning applicant, Bob Parshall, also Special Land Use applicant, Edward Santora, present.

Members absent: Brian Rumsey and Steve Manning

- I CALL TO ORDER** – The meeting was called to order at 7:00 p.m. by Chairman Marvin.
- II APPROVAL OF AGENDA** – **Motion** by Ron Marvin to approve the agenda as written, **second** by Mark Roman. **Motion approved 6-0.**
- III CORRECTIONS AND/OR APPROVAL OF MAY 13, 2013 PC MEETING MINUTES** – **Motion** by Mark Roman to approve the minutes of May 13, 2013 as written **second** by Matt Moulds, **Motion approved 6-0.**
- IV PUBLIC COMMENT FOR NON-AGENDA ITEMS** – there was no public comment.
- V TOWNSHIP BOARD LIASION REPORT** – Mark Roman reported that at the last Township Board meeting there was discussion about land use, special use, and combination. Other items discussed were creating an email list for sending information to residents from the township. Sheri has brought information to the Webmaster who will add to our Website.

Ron Marvin asked about minutes of June 12, 2013 Board meeting and clarification of language of zoning ordinance. Mark Roman explained the board discussed noise ordinance such as ATV noise and other language. Ron stated there is no regard sometimes to zoning ordinance and appropriate action should be enforced. He also asked about public hearing preliminary study. Mark stated he would address the board in the next meeting regarding his concerns.

VI PUBLIC HEARING

Parshall – Rezoning Proposed from AGMD to C-3 at 22108 M-43

Robert Parshall, 22108 M-43 requesting the PC board recommend approval to the Township Board for rezoning from Agricultural-Medium Density to C3 Commercial Intensity 3. He presented his case in length, and if rezoning is granted, he would like to place self-storage units on this parcel. He stated the need for self-storage in a rapidly growing township. Chairman Marvin reminded the Commission that they are only here to consider the rezoning request itself.

Christopher Khorey, AICP Senior Planner from McKenna Associates gave a summary and recommendation. He stated that based on his review they recommend the Planning Commission recommend to the Township Board not to approve the proposed rezoning request.

Mr. Parshall spoke again before the PC Board and pointed out that M-43 is a Class A Road and referred to the Drake and Westmain area, and the Kalamazoo – Oshtemo developments. He feels the area needs to flourish and the Master Plan is not written in stone.

The PC members discussed utilities, C-3, C-1 restrictions and land use. Chairman Marvin stated that Mr. Parshall is a business man in good standing and is good for his word, but if the land were resold or acquired it could change usage.

Public Comment regarding the Rezoning Request –

Ronna Bryant, 675 East 240th St., Euclid, OH, letter was read by Chairperson, she wrote that C3 would not be in the best interest of the township and spoke strongly against this rezoning request.

Michael Payne, 22631 Sunset, stated he opposes the request saying it does not comply with rezoning classification nor is the request consistent with the Master Plan. The area has many residential homes and should remain that way; he felt there is no need for change. Also there is no guarantee that a self-storage facility would be built if approved. He then read two letters one from Nora Gylys, 22777 Sunset, she opposes writing that there is no benefit to the community and that a lot of work that went into the Master Plan and we need to adhere to the plan. Another from Kent and Jane Brigham, 22727 Sunset wrote they oppose due to issues such as traffic flow, signage and existing zoning ordinance.

Daniel Bowman, 22576 Sunset, opposes to C3 stating Ms. Bryant letter stated opposition very eloquently.

Terry Adamson, 22734 Sunset, opposes C3 for all the reasons given and asked about C1, C2, and C3. She also stated she likes our zoning.

Chairman Marvin closed hearing for public comment.

PC board discussed special use permit and previous request in length, and concluded that it was not part of the Master Plan and that generally people like the atmosphere of agricultural area and that is why they move here.

MOTION: Motion by Matt Moulds to recommend to the Township Board to deny the rezoning request by Robert **Parshall** for property located at 22108 M-43 Hwy, Kalamazoo, Parcel number 80-02-023-024-20, because of the planners findings 2) Commercial uses are not consistent with the Master Plans of either Almena or Oshtemo in the area in question. 3) Approval of rezoning would allow for a wide range of commercial uses, many of which would not be compatible with surrounding uses. Supported by Nina Consolatti. **Motion approved** 6-0.

Matt Moulds stated he appreciated the public input regarding this matter.

Mark Roman stated findings will be passed on for the agenda of the Board Meeting in September.

Chairman Marvin closed public hearing for Robert Parshall.

Santora – Special Land Use Review for Auto Repair Use at 38800 23rd Street.

Christopher Khorey, AICP Senior Planner from McKenna Associates gave a complete summary and recommendations.

PC board discussed special use permit and if it goes to renter or owner. Chris Khorey stated it goes with land owner.

Edward Santora stated that all he wants to do is repair vehicles and mentioned the driveway was complete the before the application was presented and that he is currently purchasing the property on land contract. Mr. Schewe told him the special use permit was in place and he was told it was okay to go ahead by Almena Township Supervisor and Scott Paddock. He had an unofficial complaint letter posted on his building. He did attend a Township Board meeting and was told to cease and desist. He is currently not running his business from the building. Mark Roman asked about the complaint of lighting in which Mr. Santora explained that the lights have been there for 20 years and that he replaced one that was not working. Mr. Santora stated he just wants to be legit and stop having so much stress regarding it. Mr. Schewe commented he was there to support Mr. Santora.

Mark Roman read lighting regulations and discussed lighting, shields and compliance if it's a nuisance. Ron Marvin read Zoning ordinance language regarding special land use/home occupation. Chris Khorey explained the description and noted that the current Special Land Use Permit is expired.

Ron Marvin stated that he would need a variance and that the PC Board can not authorize a variance. Nina asked Mr. Khorey to explain to the public that according to the new ordinance you could not build a building like this; he covered many different scenarios. In summation he feels there needs to be a way to make the special use work.

Mr. Santora asked about staying in the building. Ron explained we need to follow the process of the law and make sure this is done right and not to set a precedent. PC members discussed justification for a variance. Chris Khorey suggested tabling the issue until ZBA meets.

Public Comment regarding the Special Use Request –

Elizabeth Buxton, 38981 23rd stated the structure is already there and it has been there so why not use it. It would be maintained. She expressed how wonderful a neighbor Mr. Santora is. She feels the structure would be taken care of and remarked that too many structures are not kept up and causing more blight. We are not asking for something new we just want it maintained.

Bruce Buxton, opposes and wishes the pole barn would be gone and allow it to be a residential dwelling. He feels it has been a problem every three to four years and tired of arguing about it. He does not like the race cars they are too loud.

Robert Parshall, opposes and explained he built the building and the two houses later and felt the building should be used just for storage. He complained that oil tanks are outside the building and waste oil too. He stated cars are parked out back, and the race car is fired up late in the

evening. He then offered to take the building away and offered cash to the owner. Mr. Parshall gave lengthy history. He feels Mr. Santora is still working on automobiles even after receiving a letter from Township. He questioned if there was a license for the business. He claimed his tenants are having issues and it does not fit the Master Plan. He also stated it seems to have more traffic since letter of cease and desist. He stated it took four years for him to get approval.

Elizabeth Buxton, asked when the building was built; didn't it get approved for special use then? Chairman Marvin explained that the zoning was different.

Lee Greenacre, 34348 23rd, stated that this should be approved, Mr. Santora lives two houses down and he has improved the area, he is a good neighbor and Mr. Greenacre is not hearing any noise. He stated he works 2nd shift and would definitely hear if there was noise happening during the day.

Joseph Blood, 39033 23rd, questioned auto facility and if PC sees that it fits. The area has been cleaned up. He is okay with approval with restrictions. He has environmental concerns.

Mr. Santora again responded to question regarding oil tanks and explained they are picked up, and there is no oil stored on the property.

Mark Roman asked about car capacity and if there will ever be trucks repaired there. He also asked about starting up stock car.

Ron Marvin asked about HAZMAT disposal.

Ed Santora explained there are three car slots for repair. He stated he has proper disposal for all liquids and he gets paid for recycled oil so there is no waste. He said he has never started up the race car late at night.

Mr Williams – 23rd, approves stating that the area is very dark and the lights help the neighborhood and that his grandparents have never had a problem. He feels Ed Santora is a good guy and is a helpful neighbor.

Hearing was closed to the public comment.

Discussion followed:

Carol Himes asked about approving with special consideration – Chris Khorey responded giving lengthy explanations with different scenarios. Mark Roman suggested a special meeting. He stated it behooves us to make our best effort with conditions (fence, lighting, hours of operation.) Matt Moulds agrees and feels it has been a hardship on the owner but we have to follow the ordinance law. Ron Marvin stated he goes along with urgency and will contact Kristen to schedule ZBA meeting. Ron Marvin recommended approval of these conditions to the township board and also not to take action until approved by ZBA. Nina Consolatti felt prior approval could pressure ZBA. Carol Himes would like it to go ahead and facilitate as soon as possible.

MOTION: Motion made by Ron Marvin to table the Santora Special Use Application until ZBA has an opportunity to make a ruling regarding Section 21.03B, then we will act at that time on.

Support by Nina Consolatti. **Motion approved 6-0.**

Chairman Marvin closed public hearing portion of Santora application.

VII UNFINISHED BUSINESS – None

VIII NEW BUSINESS – None

IX ADJOURNMENT – **Motion** to adjourn by Nina Consolatti, **second** by Carol Himes. **Motion passed** 6-0. The meeting adjourned at 10:00 p.m.

Colleen Draves, Recording Secretary
Almena Township Planning Commission

Cc: PC (8)
Twp. Board (7)
ZBA (5)
Christopher Khorey
Bill Henderson
Attorney Kelly Page
Attorney Gary Stewart