

ZONING BOARD MINUTES OF MEETING HELD APRIL 24, 2000

A regular meeting of the Charter Township of Texas Zoning Board was held on Tuesday, April 24, 2000 commencing at 7:00 p.m. at the Texas Township Hall. Members present: George Sprau, Bryan Lewis, Suzette Deaux, Barbara Huber, Steve Bosch, Steve Woollam. Member absent: Tom Hamming. Also present: Zoning Administrator Jeff Mais, Township Attorney Lynda E. Thomsen, and 10 interested persons were also present.

1. **CALL TO ORDER and ROLL CALL**

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

2. **SET AGENDA**

The agenda was not changed.

3. **APPROVAL OF MINUTES and MISCELLANEOUS**

Ms. Deaux **moved** to approve the minutes of the March 28, 2000 meeting. Mr. Sprau **supported** the motion, and it **carried**. Mr. Woollam did not vote, because he was not present at the March 28 meeting. Mr. Woollam **moved** to approve the minutes of the April 11, 2000 special meeting. Ms. Deaux **supported** the motion, and it **carried**.

4. **Fiskars, Inc.**

This matter was left on the table.

5. **Tamara Ricketts**

Item No. 00-106

Address: 5030 S. 9th St. (02-101-241)

Request: Special Exception Use - to Lease U-Haul equipment

This matter was removed from the table. Mr. Ricketts appeared for the applicant, and reported that the ZBA had granted the variances requested. Mr. Sprau confirmed that. Thereupon, Mr. Woollam **moved** to approve the Special Exception Use permit, conforming to the previously reviewed plan and the variances granted by the ZBA. Ms. Huber **supported** the motion, and it **carried** unanimously.

6. **Tamara Ricketts**

Item No. 99010-121

Address: 5030 S. 9th St. (02-101-241)

Request: Site Plan Review

This matter was removed from the table. Mr. Ricketts appeared for the applicant. Mr. Sprau noted that the striping on the parcel does not conform to the revised plan. There was brief

discussion of the "N" Avenue access and whether an amendment to the plan should occur, eliminating that access. The consensus was that the access should remain as part of the plan.

Thereupon, the Zoning Board having reviewed the plan at an earlier meeting, Mr. Woollam **moved** to approve the proposed amendment to the site plan. Mr. Sprau **supported** the motion and it **carried** unanimously.

7. **Mark Boven**

This matter was left on the table, and will be considered as part of Item 12.

8. **Mark Wolthuis**

Item No. 00-111

Address: 6781 West "Q" Avenue (23-101-026)

Request: Amendment of site plan for overhang on south side of property and sidewalk

Mr. Wolthuis reported that the Building Inspector put a stop work order on his project because he had not obtained the necessary permits. Mr. Mais commented that the 9 parking spaces that exist on the parcel are not shown on the most recent approved site plan. Ms. Huber and Chairman Bosch commented that when a site plan was first approved, that parking was required, but was never completed. At a later date, an amendment was approved, and the parking was not required, but it was built. However, the 7 foot wide paved strip at the west and the paving around the back were never approved.

Ms. Deaux commented that the property needs a second handicapped parking space.

Chairman Bosch asked whether the "lean to" is to be an open-air area. Mr. Wolthuis responded in the affirmative, and also stated that he intends to use it as a storage area. Ms. Huber pointed out that all storage on the property is required to be stored inside a building, in accordance with the minutes of the Zoning Board meeting of July 25, 1998. Mr. Wolthuis said he would enclose the area if that were what the Zoning Board requires. Chairman Bosch stated that he sees no problem with outdoor storage. Ms. Huber and Ms. Deaux both commented that because the property borders a residential area, it is important that no outdoor storage is permitted.

The Zoning Board discussed the plan, noting that no lighting is to be added in the area under consideration, and that the green house dimensions are not shown. Mr. Wolthuis described the green house as a movable, zippered door structure without a floor.

After further discussions, Chairman Bosch asked for public comments. There were none. Mr. Woollam noted that Mr. Mais has listed 6 or 7 items that should be added to the plan. Mr. Mais noted that he raised the issue of runoff because additional paving has been constructed that was not shown on the plan that was most recently approved. However, he has no reason to believe the existing facilities are inadequate to handle the runoff.

Thereupon, Mr. Woollam **moved** to approve the site plan amendment, subject to submittal of a revised plan showing:

- a) an additional handicapped parking space;
- b) enclosure of the lean to area in a way that conforms to the requirements of the building code;
- c) the dimensions of the green house;
- d) the 38-foot rear yard setback.

Ms. Huber **supported** the motion, and it **carried** unanimously.

9. **Tom Walker and Attorney William R. Oudsema**

Item No. 00-112

Address: 3909-02-126-019 & 02-126-112 (National Parkway)

Request: Amendment of Section 8.112 of the ordinance

Terry Schlee appeared for the applicant. He is the architect for Mr. Walker. His client had a plan, but things have changed due to other developments in the Township. The developer has concluded that a tennis facility is not financially feasible unless an outdoor swimming pool is available and the limitations on spectators are removed. It was noted that late in 1999, at the request of this applicant, Section 8.112 had been amended to add language allowing limited sorts of outdoor recreational uses in the C-3 district, with strict limits on the number of spectators.

Mr. Schlee commented that the concept is not a family swimming pool concept. The use would be targeted at a higher quality user than, say, the Y. Also the limits on spectators create a problem. The Zoning Board discussed the concerns that had caused the Board to include the limits in the amendment adopted in 1999. Chairman Bosch asked whether the applicant is now proposing no limits on the number of spectators. Mr. Schlee said that there are no limits in their proposal, but they are willing to compromise. Ms. Deaux asked what the term "higher quality" user, not like the Y means? Mr. Schlee replied that a tennis facility is a membership facility with higher costs than some facilities, and carries with it a premise that it is not wide open to the public. Attorney Thomsen warned the Zoning Board about the danger of considering an amendment in the context of a single developer's concept, when the amendment will apply throughout the C-3 district. Mr. Lewis suggested that perhaps adding pools as a special exception use would be reasonable. Others agreed that was a good suggestion. Mr. Woollam asked about spectators, and although the applicant did not propose any specific limits, compromise was mentioned again. Members of the Zoning Board commented that if a special exception use were created, there must be standards that apply to it.

Chairman Bosch opened the Public Hearing, but there were not comments, and the hearing was closed.

Mr. Woollam **moved** to table this matter. Ms. Deaux **supported** the motion, and it **carried**. The applicant agreed that tabling is appropriate, to give the applicant time to work on revisions.

10. **Larry Hollenbeck**

Item: 00-113

Address: 9th Street and "N" Avenue (02-201--18)

Request: Site Plan Review, Ice Hockey Building

Chairman Bosch immediately informed Mr. Hollenbeck that the Zoning Board has a long list of incomplete information. Mr. Mais confirmed that he spoke last week to Jerry and tried to reach the applicant the day of the hearing. The applicant was made aware of the list that was mailed to them about deficiencies in the plan. Mr. Hollenbeck disagreed, and contended that he had no idea there was any problem. He argued that it is not fair to give him the option of delaying consideration of the matter on the day of the meeting.

Mr. Sprau mentioned that the plan does not include any final contours, as required by the ordinance. The property description does not agree with the drawing. He has a lot of questions,

including how the parking figures were arrived at. Mr. Woollam agreed that there are many omissions. Chairman Bosch stated that as a matter of practice, when the plans include this many deficiencies, the Zoning Board tables the item until the required information is provided. Ms. Deaux mentioned that she has highlighted 18 things that are missing from the plan.

In response to a question, Mr. Mais noted that Sandy of the Township staff mailed the list he prepared to the applicant last week. Mr. Hollenbeck denied receiving it. After further discussion, Mr. Hollenbeck apologized for the miscommunication. Thereupon, Chairman Bosch **moved** to table the site plan until the required information is submitted. Ms. Deaux **supported** the motion, and it **carried** unanimously.

Mr. Hollenbeck and his representatives then raised questions about what they described as a construction trailer that is on the way to the site. Chairman Bosch commented that the Building Official will have to address that issue.

11. Township Board Request

Rezoning Texas Corners Commercial Property

As the Zoning Board turned its attention to this matter, and the minutes of the Township Board meeting where the request was made, Larry Loeks addressed the Board. He stated that he and other owners of property in the corners area support rezoning the R-4 property located west of the Township Hall, and they also support rezoning of land to the new V-C district that has been proposed by Mr. Kilpatrick, the Township Planner. However, they do not support rezoning property to C-1. Ms. Huber commented that she believes that was the consensus opinion that resulted from the joint meeting with the Township Board that was held a while ago. Jim Kerwin also spoke, and concurred with Mr. Loeks. Mr. Sprau commented that in his opinion, rezoning any land to C-1 would be very dangerous, given the absence of setback requirements for that zoning district.

Thereupon, Mr. Sprau **moved** to table this request, pending development of V-C district language for the ordinance, with the request to the Township Board that it authorize Mr. Kilpatrick to work on that as soon as possible. Mr. Woollam **supported** the motion and it **carried** unanimously.

Mr. Loeks and Mr. Kerwin commented to the Board that the agenda was not on the Township's web page until late in the afternoon, which made it very difficult to know that this item was on the agenda. They complained that it is frustrating to have concerns about specific matters, but to be deprived of advance notice that those matters were going to be considered. Mr. Mais indicated that he will pass that on to the Township staff.

12. Review: Groundwater Protection Ordinance and Various Cluster Development Ordinances

There was no new information about the Groundwater Protection ordinance, but Attorney Thomsen commented that contrary to Mr. Kilpatrick's memo from last February, she had not drafted the ordinance. It is a Comstock Charter Township ordinance. Members of the Zoning Board commented that they are not sure whether the Groundwater Protection ordinance should even be on their agenda, and perhaps it would be better to have the Township Board adopt it as a police power ordinance. Mr. Sprau mentioned that there are state and federal agencies that have the obligation to monitor the groundwater, and to protect, and those agencies also have a budget for that purpose. Attorney Thomsen stated that she would mention this to the Township Board.

Mr. Mais' report on PUD revisions that could be adopted to authorize PUD's in the Agricultural zoning district. There was a thorough discussion of his suggestions, and also of comments that had been made by the Township Board members on this issue. There was a consensus that only minor changes should be made to the PUD, because the bonus authorized under the current ordinance seems to be appropriate. Mr. Boven agreed, but commented that a 1 acre minimum parcel size in Ag may be larger than is appropriate. Tom Rogers supported the limits from the Antwerp Township ordinance. Mr. Bosch commented that the current PUD ordinance does not prohibit smaller parcels, so long as the overall density conforms to the ordinance requirements. He commented that clustering significantly reduces costs to developers, because the amount of infrastructure is reduced. There was discussion of private, community wastewater systems. The consensus was to require connection to available public water and sewer facilities located within 1320 feet of the PUD unless the applicant persuades the Zoning Board that connection is not feasible or practical, and that is confirmed by the Township's engineer, applying generally accepted engineering and design standards. Other issues were discussed, and the Board directed Mr. Mais to provide draft language for consideration at the May meeting.

13. Citizens' comments

There were no citizens' comments. Chairman Bosch asked the Board whether as a matter of policy, it wants to have Mr. Mais, as Zoning Administrator, review revisions to conditionally approved site plans and sign and date them as approved, without having a member to the Board participate. All agreed that is appropriate. There was no further business, and the meeting was adjourned at about 9:15 p.m.

Respectfully submitted,

Bryan Lewis, Secretary

Date minutes prepared: April 27, 2000

Date minutes approved: