

Leighton Township

Planning Commission

Minutes

Date: May 8, 2019, 7:00 PM at the Leighton Township Hall

Members Present: Harry DeHaan, Tom Smith, Scott Chestnut, Louis Murray, Ben Potts

Members Absent: John Hooker, Matt VanderEide (with notice)

Also Present: Kirk Scharphorn Jr., Zoning Administrator; Andy Moore, Township Planner, and approximately ten residents.

1. **Call to Order:** Chairman Scott Chestnut called the meeting to order at 7:01 PM in the Leighton Township Hall
2. **Minutes from April 10, 2019:** Accepted as submitted
3. **Public comments for items not on the agenda:** None
4. **Conflict of interest:** None
5. **Public Hearing:** Robert Velting, rezoning of 0313-010-081-00 from R-2 to Lake Residential.

Moore read the public hearing notice.

Mr. Velting was present and made a short presentation, explaining that he was interested in constructing an accessory building on the property for his residence across the street. Moore noted that is only permitted in the Lake Residential district, hence the rezoning request. Moore reviewed his report and the standards of Section 28.04 of the zoning ordinance. His recommendation was to approve it.

Chestnut opened the public hearing and asked for comments. No comments were made.

Deliberation: Murray asked if the property could be sold separately with only an accessory building on it. Moore responded that if he applied for an accessory building the Township would require that the applicant record a deed restriction or similar instrument to ensure that the property is not sold separately from the main dwelling on the opposite side of E Lakeshore Drive.

Motion by Murray recommend approval of the proposed rezoning to the Township Board. Supported by Potts. All 5 members voted yes via roll call vote.

6. **Public Hearing:** Leseco, LLC, application for a special land use to operate a vehicle sales and equipment facility at 4685 Division.

Moore read the public hearing notice.

Noah Schneidmantel made a brief presentation, explaining that the plan was to have five to ten cars at a time on the property and offer them for sale. The price would be around \$5,000-\$10,000. He proposed business hours in his application packet.

Moore reviewed his report, which included a review of the applicable site plan review standards, special land use standards, and specific special land use standards for vehicle and equipment sales. Moore noted that the application substantially complies with the zoning ordinance, noting that the applicant was already approved for this use at 1174 147th Avenue, and was unsure if the township should keep approving these types of uses.

Chestnut opened the public hearing.

Dan Davis said that he is abandoning the previous Special Land use at 1174 147th, that location did not work due to truck traffic and other factors. So the plan is to “move” the special land use to this new location. Murray questioned the hours of operation, specifically that starting at 6AM seems pretty early. Discussion ensued on hours. Commissioners agreed that previously approved hours for the previous location were good. 8am – 5pm M-F, by appointment only Saturday, closed Sunday. Moore noted that the applicants should get a letter from the property owner at 1147 147th withdrawing the special land use, and a letter from the property owner at the present location stating that they are aware of and agree to the use.

Motion by DeHaan to approve the proposed special land use with the following conditions:

- 1. Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.**
- 2. The applicant shall obtain all necessary county, state, or federal licenses and permits.**
- 3. Any stipulations of the Leighton Township Fire Department, Township Engineer, and County Drain Commissioner shall be met.**
- 4. Signage shall comply with Chapter 21 of the Zoning Ordinance, for review by the Zoning Administrator.**
- 5. The use shall always comply with Section 20.12(n).**
- 6. There shall be not more than ten (10) vehicles offered for sale on the property at any time.**
- 7. There shall be not more than two employees on the site at a time**
- 8. Hours of operation shall be within 8:00 AM to 5:00 PM Monday-Friday, by appointment only on Saturdays, and closed Sundays.**
- 9. The applicant shall submit a letter from the property owner at 1147 147th Avenue indicating that the special land use approved on June 13, 2018 is abandoned.**
- 10. The applicant shall submit a letter from the property owner at 4685 Division acknowledging the use and giving the applicant permission to operate it.**

Motion was supported by Smith. All members voted yes via roll call vote.

7. Public Hearing: Dan Dykstra.

No public notice was available to read, but Moore summarized the nature of the request.

Mr. Dykstra stated that he is building a new residence and wants to store boat, camper, cars, etc. All personal items, no commercial items or operations would be stored in the building. Because the proposed building exceeds zoning ordinance standards, a special land use permit is required. Moore reviewed his report, along with the applicable site plan and special land use standards. Moore noted that some information is unclear but generally felt that the PC could approve the application.

Chestnut opened the public hearing:

- Leon VanderLaan, 4237 Swanzea, asked if the property would be divided. The applicant indicated that he did not plan to split the property.
- Peter Phillips, 750 142nd Ave, wants the township to keep the residential and agricultural character and heritage of the township. Feels this is important to keep.

Chestnut asked if what the future uses of the property were. Applicant said they might have someone farm the front of the parcel. Other properties nearby are farmed.

Chestnut closed the public hearing.

Murray wants to add a condition that there will be no commercial activities permitted in the building. Scharphorn noted that this was already addressed in the ordinance.

Motion by Murray to approve the proposed special use with the condition that no commercial activities would be permitted in the accessory building. Motion was supported by Smith. All members voted yes via roll call vote.

8. **Public Comments:** Township Clerk MaryLou Niewenhius said that the Planning Commission needs microphones. They will be set out for the next meeting.
9. **Commissioner Comments:** Chestnut noted that the Planning Commission received a letter notifying them that Thornapple Township is updating their Master Plan.
10. **Adjournment: Motion by Smith, supported by Potts, to adjourn. Motion was approved unanimously via voice vote.**

Meeting was adjourned at 8:04 PM.

Respectfully submitted,

Andy Moore, AICP
Leighton Township Planner