

# Leighton Township Planning Commission Minutes

**Date:** April 12, 2023, 7:00 PM

**Members Present:** Chair Ben Potts, Vice Chair Matt VanderEide, Secretary Matt Vanduy, Commissioners Stephen Shoemaker, Brad Geers, John Hooker, and Tom Snyder.

**Members Absent:** None

**Also Present:** Township Planner, Tricia Anderson of Williams & Works, Jason Derry with PCI, Township Attorney, Mr. Bloom with Bloom & Sluggett, Township Supervisor, Steve Wolbrink, applicants, and several members of the public.

1. **Call to Order:** The meeting was called to order by Chair Ben Potts at 7:00 PM
2. **Approval of Minutes from March 8, 2023.**  
Commissioner Hooker moved, with support from Commissioner Snyder to approve the meeting minutes from March 8, 2023.

Motion carried unanimously.

3. **Public Comments for items not on the agenda:** None
4. **Inquiry of Conflict of Interest:** None
5. **New Business:**

- a. **451 Bayview Ct. – Special Land Use – Public Hearing**

Applicant Joe Tobolic presented his request for a Special Land Use to allow for a 3,200-square-foot accessory building located at 451 Bayview Court, PPN 13-003-035-00. He indicated that the purpose of the outbuilding was for additional storage.

Chair Potts opened the Public Hearing.

Ken Dykstra – asked what the height of the building is. Mr. Derry, Zoning Administrator indicated that he cannot have a business there unless he applies for a special use permit.

Commissioner Shoemaker asked for clarification on exactly what the Planning Commission is Reviewing.

Mr. Bloom added that the Planning Commission can add reasonable conditions, such as a restriction of height, if necessary.

Ms. Anderson added that the request is to allow the square footage of the proposed accessory building to exceed the accessory structure lot coverage limit permitted by right. For the size of his lot and the R-2 District, he cannot exceed 5.5% or 3,200 square feet of size, the lesser of the two. He qualifies for the 3,200-foot limit. As a Class-I special use permit, the Planning Commission must approve such requests.

In going through the special use permit criteria stated in the ordinance, all given criteria appear to be met.

**Commissioner Snyder moved with support from Commissioner VanDuyn, to approve the request subject to the condition that the applicant apply for a building permit prior to construction.**

**Motion carried unanimously.**

**b. 4225 Morren Lane – VREI Industrial Spec Building – Site Plan Review**

Chair Potts recognized the applicant, Mr. Steve Witte of Nederveld and Associates. Mr. Witte presented the request for site plan approval for the construction of a new 12,600 square-foot industrial spec building located at 4225 Morren Lane (PPN 13-265-006-00).

Mr. Witte added that the building to the south is part of the review but it would be for the future. He spoke to the driveway, cross access to 4221 Morren Lane, and approval of the driveway by the road commission. The site is encumbered with a drainage easement, which is why the location of the driveway on Morren Ln. is offset from the driveway across the street. He added that the landscaping is proposed with canopy trees and asked the Planning Commission to reduce the number of trees required based on the adjacent developments with less landscaping. Mr. Witte noted that he met with the site plan review committee and provided revised plans that address the concerns noted in Ms. Anderson's memorandum. The architectural drawing was updated to include the percentage of the building façade materials. Lighting and photometric/fixture specs were provided as well.

Ms. Anderson highlighted areas of her staff report and briefed the Planning Commission on the recommendation of the site plan review committee.

Members of the Planning Commission asked what would prompt the applicant to have to construct the deferred parking and commented on the request to reduce the landscaping requirements sounding reasonable.

**Vice Chair Vandereide moved, with support from Commissioner Snyder, to approve the site plan for the new 12,600 square-foot industrial spec building located at 4225 Morren Lane (PPN 13-265-006-00) subject to the following conditions:**

- 1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.**
- 2. Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.**

3. **The applicant shall obtain all necessary county, state, or federal permits and approvals.**
4. **Any stipulations of the Leighton Township Fire Department, Township Engineer, and County Drain Commissioner shall be met.**
5. **Additional information requested by the Township Engineer must be submitted for review.**
6. **Any proposed lighting on the site shall comply with Section 18.05 of the Zoning Ordinance, for review by the Zoning Administrator.**
7. **Signage shall comply with Chapter 21 of the Zoning Ordinance, for review by the Zoning Administrator.**
8. **Any future land use within any of the proposed tenant suites categorized as a special land use must be reviewed by the Planning Commission.**
9. **The applicant shall delineate the cross-access easement on a revised plan and submit a cross-access easement as part of the site plan approval of the development at 4221 Morren Ct.**

**Motion carried unanimously with roll call vote.**

#### **6. Old Business:**

##### **A. Galloway Landings – 4476 Galloway Landings Drive – Planned Development Amendment (Tabled on March 8, 2023).**

Scott Dienes, the applicant's attorney, thanked the Planning Commission for their patience and gave an update. Lynee Wells noted that they are only asking for approvals on the runway lighting and the agricultural barn. She added that the PD change is still being worked on.

Chair Potts asked for a motion to remove the item from the table. Commissioner Geers moved, with support from Commissioner Vanduyn. Motion carried.

Ms. Wells explained that the new agricultural building that is being proposed is 5,600 square foot building and would be a consolidation of smaller buildings. She added that the proposed barn would be covered under the Right to Farm Act, as the associated use of the building is dedicated to a farm use.

Galloway indicated that the use of the barn would be to house animals and would be all agricultural farm uses. The barn will not be used with anything connected to the wedding venue or the aviation uses within the PD.

Mr. Bloom addressed the Planning Commission with some procedural clarification. He added that the ordinance is a little awkward as it relates to the process for overall PD review along with a site plan. It is not spelled out expressly that the site plan review should really come back to the Planning Commission *after* the Township Board approves the amendments to the PD. Then

the applicant can come back to the Planning Commission with the site plan that includes all the “bells and whistles”.

Mr. Bloom went on to add that the runway lights have already been approved as part of the 2017 PD approval, and so he has added that he has prepared a possible motion for approval of the runway lights. He added that the agricultural building is proposed on property within the PD, and thus they are asking for site plan approval. He added that the Planning Commission has the option of approving the agricultural building, subject to the planner reviewing the plans that were submitted via email shortly before the Planning Commission meeting.

Mr. Bloom added that allowed uses in the underlying zoning include farming and agricultural uses. He added that the agricultural building must be 100% agricultural and cannot be tied to the other uses in the PD. However, if users of the event venue were to go over to the agricultural building to visit animals, that would be ok.

Commissioner Snyder asked if it makes sense to come back to the Planning Commission for the runway lights at the time of the request for the extension and paving of the runway since the applicant would most likely want to add lighting to the extension area. He asked whether the extension would need additional approval for runway lights when they are ready to add them. Mr. Dienes added that the lighting would only be on the existing airstrip

Chair Potts opened the floor for limited public comment.

Nick Barlow – 144<sup>th</sup> Avenue – asked how tall the lights are going to be, and if they planned to be on all night long.

Kate Scheltema – indicated that she is not opposed to the lighting. She added that she would like clarification on part L of the conditions. She asked who is providing protections to the neighbors and she is feeling like there are no protections for the neighbors. She urged the Planning Commission to go out to the airstrip and witness what it’s like to be next to the airstrip. She added that it’s much louder than what they realize. She added that she’s offered this to the Planning Commission for several years, and no one has come out. She feels that reviewing the items in bits and pieces feels out of order and urges the Planning Commission to not approve the lighting.

Todd Meulenberg – the area is zoned R-1 and he does not feel that the paving or the lengthening of the runway fits the residential character of the area.

Don Kuiphof spoke in support of the requests. He wanted to describe the integrity of Mr. Galloway and noted that a man without integrity would see the lack of being able to enforce the restrictions and would do those things anyway. He noted that Clark does not want to be a nuisance to his neighbors and that he is honoring the restrictions. He added that he’s doing these things to make a better life for his family and it’s not something that should be criticized.

Chair Potts closed the public comment period.

Chair Potts asked Mr. Galloway and Mr. Bloom to respond to some of the questions. Mr. Galloway noted that the lighting would be pilot controlled and will be about 18” in height. They

have a 3-watt bulb and will be white in color. Mr. Bloom indicated that he would need to look further into Condition L from the approval to give clarification.

Commissioner Snyder noted that he would recommend that the agricultural barn issue be tabled because they have not gotten Ms. Anderson's comments related to land use and zoning, as the information came in shortly before the meeting.

Many Planning Commission members noted that they would be comfortable with the agricultural building approval without Ms. Anderson's review.

Commissioner Shoemaker asked if other people's horses will be boarded at the agricultural barn.

Mr. Galloway said that he would not board horses commercially. It is just friends and family right now.

Mr. Bloom indicated that regardless of whether the use is personal or commercial, agricultural uses are permitted. He added that Right to Farm only exempts commercial farming.

**Commissioner Shoemaker moved, with support from Commissioner Geers, to approve the site plan for the 5,600 square-foot agricultural barn, subject to administrative approvals.**

**Motion carried unanimously.**

**Commissioner Snyder moved, with support from Commissioner Vanduyn, to approve the runway lights as shown on the Galloway Landings site plan dated February 1, 2023 (and subject to compliance with the applicable requirements of Chapter 18 of the Zoning Ordinance and to all of the requirements from the existing approved 2017 PD) for the existing runway only.**

**Motion carried unanimously.**

**Vice Chair VanderEide moved, with support from Commissioner Shoemaker, to postpone any action on the requests related to the Galloway PD.**

Mr. Bloom noted that he will refine the procedures for the Planning Commission and applicant for the upcoming meeting.

**Motion passes unanimously by roll call vote.**

**6. Public Comments:**

Mark Ouwinga – He addressed the comment made by Mr. Bloom that the township hasn't received any complaints over the years. He noted that he didn't think that the Township or PCI would do anything, so they contacted other authorities.

Kate Scheltema noted that she had a complaint since June and she contacted Mr. Galloway and nothing was done.

Mr. Galloway responded that her perception of take-off and landings and her calling the FAA and police is not appropriate.

Nick Barlow asked if the Planning Commission was going to approve the uses without the input of the public.

Elizabeth Berends trains horses at the stable. She said that there was a plane that was landing and flying out and repeatedly. She was training young horses and she added that it makes it very difficult for what they do at the horse farm.

Lindsey Schmitt said that she has a video of a 3-year-old baby horse and he was happy to explore the noise of a plane. Elizabeth Berends noted that there are different types of horses that react differently to the sounds of a plane.

Chuck from Dorr Twp was there to see what the big deal was about all the opposition. He added that Mr. Galloway is very conscientious about landing and taking off. He noted that he's blown away by the amount of opposition to Mr. Galloway's requests.

**7. Correspondence: None**

**8. Commissioner Comments:**

Commissioner Shoemaker informed the Planning Commission that Gaines Township is looking at a lot of growth potential in the southeast corner according to news of their updating of the master plan. Also, planning and zoning training last month was offered by Salem Township and was taught by Tricia Anderson of Williams & Works. He feels that the idea of conditional rezoning is something they should look into. He thinks it could be useful for scenarios such as the controversial rezoning the other month (GRI Moline). The Planning Commission rejected GRI partially because of the unrestricted uses that they would be able to implement. If a conditional rezoning was offered, it may have had a different outcome. He feels the Township should look into amending the zoning ordinance to include language for conditional rezoning.

Mr. Derry noted that Ch. 27 of the current ordinance actually addresses conditional rezoning.

**9. Adjournment**

**Commissioner Shoemaker moved, with support from Commissioner Geers to adjourn the meeting.**

**Motion carried unanimously by voice vote.**

**Meeting adjourned at 9:01 pm.**