

ROBINSON TOWNSHIP PLANNING COMMISSION
August 22, 2017

The regular meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie Rich Sibley Travis Vugteveen Bill Maschewske Tom TenBroeke George Schippers	Steve Young

Also present were Township Attorney Ron Bultje, Zoning Administrator Brian Werschem, and seven members of the public. The attendance sheet is not attached since it contained no names or signatures.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to approve the June 27, 2017 Planning Commission minutes as corrected. The correction was to the spelling of Scholtz on page 4.
The motion carried unanimously.

Non-Commission Member Inquiries -- None

Reports and Communications

Travis Vugteveen reported the following from two Township Board Meetings

July 12, 2017 Meeting

1. The Site Plan for the Ottawa County Parks Department Trailhead was approved.
2. The Ottawa County Hazardous Materials Plan was adopted.
3. Proposals were reviewed to revise the Township website.
4. The Fire Department request for new hoses was approved.

August 9, 2017 Meeting

1. The public hearing for the M-45 Storage facility was held and both the Special Use and Site Plan applications were approved.
2. Land Division fees were increased.
3. The private road fee was adjusted.
4. Soil removal permits were revised to require the signatures of both the owner and the excavator.

5. The M-231 resolution for continuation South of M-45 was rejected.
6. The Township Hall renovation is complete and is under budget.

Announcements -- None

Old Business – None

New Business

Chairperson Martinie introduced the public hearing for the request from the Grand Rapids Diocese to contract rezone parcels nos. 70-08-33-400-024, 050, and 051 from A-1 to B-1. The public hearing notice was read by Secretary Maschewske. The Rules of Procedure were read by Chairperson Martinie and the public hearing was declared open.

A presentation was made by attorney Jim Rabaut of Warner, Norcross, and Judd and representing the Grand Rapids Diocese. Also present were Mike Lown, Chief Financial Officer for the Diocese, and Steve Wizinski, also of the Grand Rapids Diocese. Attorney Rabaut gave a brief description of the parcels and the reason to rezone from A-1 to B-1. The Diocese sees a need for an additional Parish and this location is, in their opinion, ideally located geographically for that purpose. The applicants had voluntarily submitted a contract with the rezoning request which would limit the use of the property to church related activities or farming. The property currently is leased for several more years for agricultural use and this will continue until the lease expires. At that time, the Diocese would plan to build a church and school. The applicants feel the project would benefit the community by being limited to church functions, would build community, and would be located near PUD-Mobile Home, Mining, and PUD-Recreational Park zoning.

Mike Lown – Noted that utilities are already located on the site. Additionally, the church does work at the County Jail which is located across the street from the subject site.

Chairperson Martinie – Does the property include frontage on Fillmore St. and is there a residence on the parcels?

Mike Lown – Yes and no, respectively.

Chairperson Martinie – Please explain what an “activity center” is as described in the Contract.

Mike Lown – This would be a facility for youth ministries, community dinners, ministry programs, and other similar uses.

Travis Vugteveen – Typically a cemetery is associated with the church. Do you propose to have a cemetery on the site?

Mike Lown – Not at this time. It was noted that the parcel has a high water table.

Rebecca Todd – She owns the property adjacent to and West of the subject property. She noted that her property has an easement to access a landlocked blueberry field to the north. She wants to know if the easement will in any way be affected by this rezoning and the proposed use.

Randall Todd – Noted that they pay taxes on the easement.

Chairperson Martinie – Who owns the blueberry field?

No one in attendance knew.

Chairperson Martinie and Attorney Bultje – Stated their easement would be unaffected by the rezoning.

Randall Todd – Stated he does not favor additional development. He would like the subject property to stay farming (A-1 Zoning). Mr. Todd also noted that the water table was found 3 feet below the ground surface. He does not want to be crowded by the church.

Egbert Geertman – He owns property to the North of the subject parcels on Briar Drive. Inquired when the applicants planned to start construction.

Mike Lown – The property is still leased for agriculture for several years.

George Schippers – Why was St. Anthony's closed?

Mike Lown – St. Anthony's was a mission church and logistically it did not make sense to keep it open.

Rich Sibley – Are all three of the parcels under lease and do the leases expire at the same time?

Mike Lown – Yes.

Randall Todd – Noted the subject property was cleared about 3 years ago and previously had overgrown pine trees.

Chairperson Martinie – Does anyone else have any comments or wish to speak?

There were no more comments or questions from the public.

A motion was made by George Schippers and seconded by Tom TenBroeke to close the public hearing.

The motion carried unanimously with one member absent.

Chairperson Martinie – Noted that the previous discussion with the applicants on this subject on March 28, 2017 was regarding the contract rezoning to RR and not B-1. He also noted that Section E of the application is not correct in that M-1 Mining district is the only district other than A-1 that is directly adjacent to the subject property.

Attorney Rabaut – Stated he was trying to emphasize that adjacent uses are very compatible.

Township Attorney Bultje – Explained the reason for requesting contract rezoning to B-1 instead of RR. By so doing, Special Use approval is no longer needed. Concern was expressed by the applicants that following the contract rezoning to RR, the applicants may have difficulty several years later securing the Special Use approval required with RR rezoning.

Bill Maschewske – Expressed concern about B-1 zoning instead of RR.

Chairperson Martinie – Expressed concern that the number one criteria for rezoning is if the rezoning would be spot zoning, which this would be.

Chairperson Martinie – Why weren't churches included in the list of allowable uses in the A-1 zoning district? Why does contract rezoning override spot zoning?

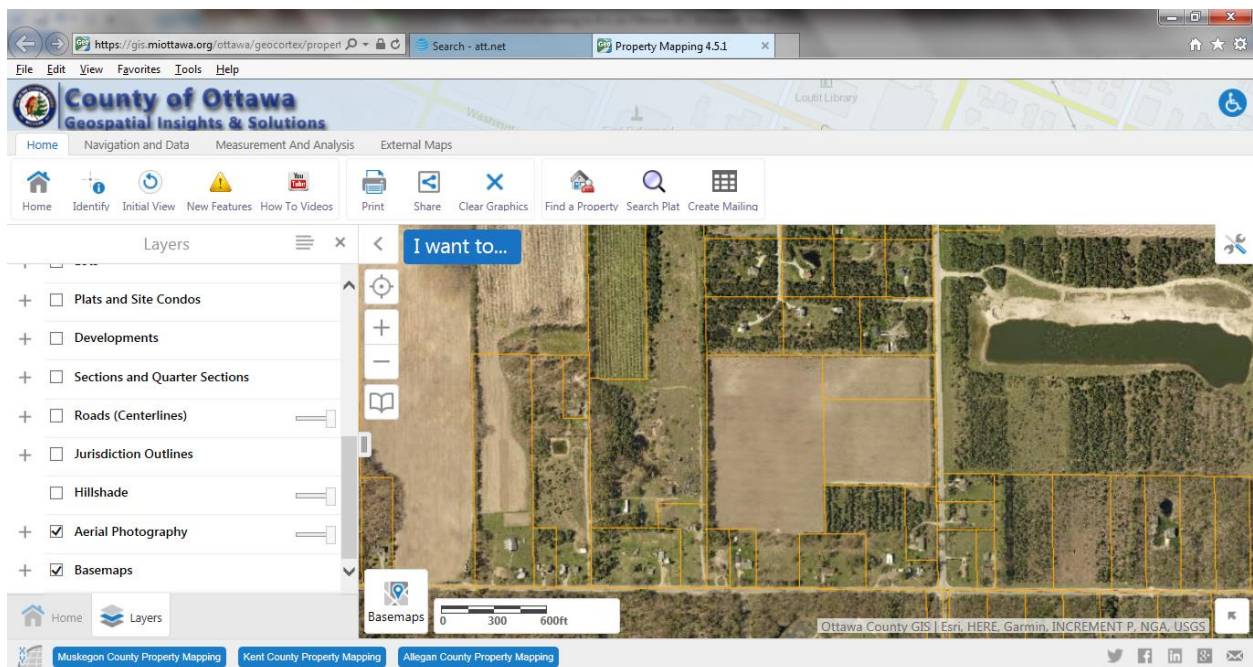
Bill Maschewske – Stated that when the Zoning Ordinance was written, churches and schools were specifically excluded from the list of permitted and special uses in the A-1 District to prevent these uses from occupying Agricultural lands. The intent was to preserve agricultural lands and direct church and school uses to the RR, B-1, and B-2 zoning districts.

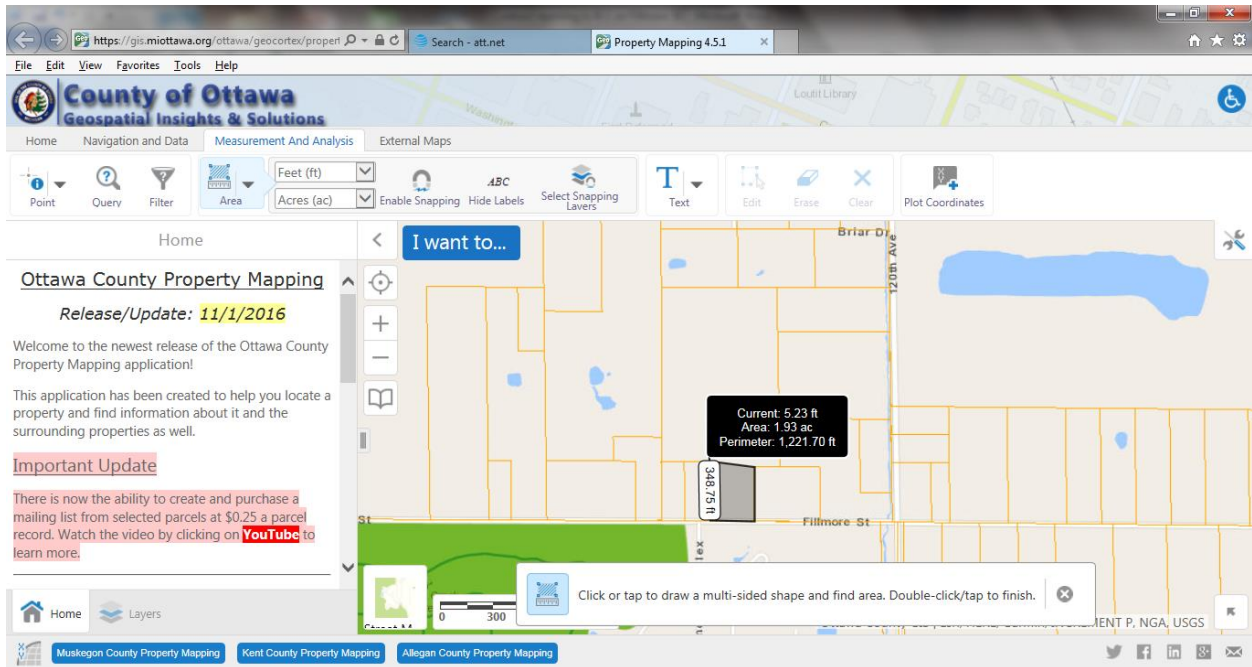
Township Attorney Bultje – Regarding the spot zoning question --With contract rezoning, it is the use allowed that is important, not the zoning district.

Bill Maschewske – Distributed the following list of concerns with the proposed rezoning request.

1. The Master Plan correctly identifies the subject parcels for A-1. (Reference the March 2017 Planning Commission meeting in which planners were satisfied with current plan)
2. To rezone the subject parcels to B-1 would be spot zoning since no B-1 or B-2 is adjacent.
3. A statement is made by the applicant in the rezoning request (Section 41.2 F) that adjacent parcels are zoned PUD- Mobile Home Park, M-1, and PUD- Recreational Park. Attachment AL-2 to the applicants application identifies all adjacent parcels in Robinson Township as being zoned A-1 The adjacent parcels across 120th Ave. to the east are not identified for zoning, however, it is correctly identified as being zoned M-1.
4. The rezoning request is not consistent with discussions between the applicant and the Planning Commission held on March 28, 2017. The discussion held was to consider contract rezoning to the RR district. There is a huge difference regarding future rezoning of these parcels and adjacent parcels. This large area of B-1 will act as a seed for additional B-1 zoning.

5. How does the “activity center” identified in Section 2 of the Contract fit? This could be a privately owned community center independent of the Church.
6. Approval of the rezoning request would not be consistent with the purposes of the Robinson Township Master Plan.
7. When the Zoning Ordinance was written and adopted, Churches and Schools were specifically excluded from the list of Permitted Uses in the Agricultural A-1 Zoning District so that agricultural land would not be consumed by these uses. Churches are allowed, either as permitted or by special use in the RR, R-1, R-2, B-1, B-2, and LMDCOD Zoning Districts.
8. The Township should not continue to use Contract Zoning to erode the Township’s agricultural base. The only previous contract rezoning’s have involved changing A-1 zoning to something inconsistent with the Master Land Use Plan.
9. Contract rezoning to B-1 will provide a case to rezone to unconditional B-1 in the future should the current owner’s plans change and/or the owners change.
10. Contract rezoning the subject parcels to B-1 will provide a “seed” for additional B-1 or B-2 zoning in the area. The Planning Commission just agreed in March that it was satisfied with the current Master Land Use Plan.
11. Unlike previous contract rezoning’s that changed A-1 to another zoning district, these parcels are used almost entirely for agriculture and are productive agricultural properties. Only the frontage along Fillmore St. is wooded and not tillable (approximately 1.9 acres of the 27 total acres). (See Ottawa County GIS photo below)





Attorney Rabaut – Stated he is comfortable changing the words “activity center” to “church activity center”.

Chairperson Martinie – Is concerned about the precedent setting aspect of the contract rezoning.

Township Attorney Bultje – Stated that the specifics of this case need to be documented.

Travis Vugteveen – What is the current use of the property zoned for Mobile Home Park?

Chairperson Martinie – It is being used for agriculture.

Rich Sibley – What was the use of the subject property before three years ago?

Randall Todd – Scrub pine trees.

Next to be reviewed were the criteria for rezoning.

1. What is the character of the surrounding property? Will the requested rezoning result in spot zoning?

Response: Technically, this is spot zoning. The nature of the surrounding property is residential. The Zoning Ordinance recognizes that churches are consistent with residential uses. Because this is a contract rezoning, the use is consistent with residential uses.

2. What is the suitability of the property in question for various purposes? Can it be used as it is zoned? Does it have to be rezoned in order to be reasonably used?

Response: The property can and is being used as it is zoned. The property does not need to be rezoned in order to be reasonably used.

3. What will be the effect on surrounding property values?

Response: The rezoning would not be a detriment. The applicant's attorney indicates that, based upon experience, it will enhance property values when developed.

4. What will be the effect on the market value of the property in question?

Response: There should be no significant change to the value of the land since the use is locked with the contract zoning. As a recorded document, the contract goes with the land.

5. What is the general trend of future building and population growth?

Response: Both are increasing.

6. How would the welfare of the Township residents be affected if the rezoning is approved or if it is denied?

Response: If the church is constructed, it will have a positive effect on the Township resident's welfare. If not constructed, it will have no change.

7. What does the Master Plan indicate the land should be zoned?

The subject property is currently planned for agriculture and is zoned A-1 Agriculture.

Rich Sibley – He has spent the first 1 ½ years on the Planning Commission trying to understand the Master Land Use Plan. He is concerned about the loss of agricultural property.

Chairperson Martinie – Is concerned that we would be allowing a church in a district that specifically did not allow them for a good reason.

A motion was made by Travis Vugteveen and seconded by Tom TenBroeke to recommend to the Township Board approval of the contract rezoning request for parcels 70-08-33-400-024, 050, and 051 from A-1 to B-1 subject to the contract zoning agreement substantially in the form submitted with the June 20, 2017 rezoning application and based upon the following reasons:

1. As limited by the contract, the rezoning would be consistent with the surrounding property, much of which is not used for agricultural purposes. Specifically, the contract rezoning would be consistent with the County Complex immediately across the street from the property. Further, until the church building is constructed, the property will continue to be farmed, in accordance with the Master Plan.
2. The applicant claims a positive effect on property values.
3. The market value of the property will not be significantly affected.
4. The general trend of building and population is increasing. This trend is likely to continue, given that the property is served by public water and public sanitary sewer.
5. The welfare of the Township residents would be positively impacted if the church is built.

A roll call vote was taken.

George Schippers – Yes
Tom TenBroeke – Yes
Bill Maschewske – No
Shawn Martinie – Yes
Rich Sibley – Yes
Travis Vugteveen – Yes
The motion carried with one member absent.

Township Attorney Bultje – Stated the contract will need to be revised in Sections 2 and 3 to document the uniqueness of the request. This will also be shown by the minutes and includes such things as the proximity to the Ottawa County Complex and the jail. The church currently has programs with inmates at the jail.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to pay Planning Commission salaries for the month of August 2017.
The motion carried unanimously with one member absent.

Zoning Administrator Werschem discussed the upcoming migrant housing application.

Chairperson Martinie noted that in the future, Site Plans would not be reviewed by individual line items and Planning Commissioners should bring a list of their issues, if any, to the meeting for discussion.

Township Attorney Bultje – Stated that he is leaving Scholten Fant as of tomorrow and is joining the firm of Dickinson Wright in Grand Rapids. The Township Board has requested to continue services with him until the next Township Board meeting at which time a long term decision will be made regarding legal representation.

A motion was made by George Schippers and seconded by Tom TenBroeke to adjourn the Planning Commission meeting at 9:40 PM.
The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission