

Charter Township of Gun Plain
Planning and Zoning Commission
Minutes of August 18, 2010

Members present; Vogeler, Simons, Kellogg, VanDenBerg, Warnement, Morehouse, Webber

Motion by VanDenBerg 2nd Warnement to approve the minutes of July 21, 2010
All Approve

Motion by VanDenBerg 2nd Simons to approve the Agenda All Approve

Public Comment-none

Motion by VanDenBerg 2nd Simons to close Regular meeting and Open Public meeting All Approve

New Business

Public Hearing for a Conditional Rezone for Andy Northey 1169 106th St., Parcel # 08-550-005-00 R & A Lawn Maintenance Company

The Publication was read aloud to the members of the audience, along with a letter in favor from Tim Schanz (attached) and a letter against the rezoning from 10 neighbors (attached). The Conditional Rezoning Agreement was read aloud (attached).

Mr. Northey described his business which is a lawn maintenance and snow removal business. The clients are in Kalamazoo, Portage, Grand Rapids and Plainwell. Some of his employees live in the Kalamazoo/Portage area.

Dennis Mc Conney-1173 106th Ave., is against this and submitted photos dated 7/25/2010 which shows the piles of lawn debris and the many work vehicles.

Elizabeth Harvey -606 11th St., is against this and has concerns about the affect on her property value and the risk this would have if she wanted to sell.

Ray Bradshaw-1177 106th Ave., is against this and agrees with the neighbors about the mess, the smell from the grass clippings, the piles of brush and logs which attract woodchucks and rodents. He was OK with this in the beginning but has since changed his mind.

Angela Whitaker 614 11th St., is against this and agrees with her neighbors.

Motion by VanDenBerg 2nd Warnement to close the Public Meeting and open the Regular Meeting All Approve

P&Z Continued 8-18-2010

The Board reviewed the Zoning Map Amendment Criteria (attached) and reviewed Mr. Northeys Conditional Rezoning Agreement (attached). We asked for clarification on:

Right amount of trucks-he has 5 work trucks and 4 are parked at Schanz, 2 vehicles are parked on the property at night.

Maintenance-All vehicle maintenance is done inside.

We also had some concern with the noise from maintenance, cleaning of vehicles and the effect on resale which may be difficult for residents. We asked about yard waste and were told he dumps this at Mulders also salt storage would be inside a building. We are not sure if this is appropriate for C-1 or C-2.

Motion by VanDenBerg 2nd Simons to table this issue until the September meeting. All Approve.

JBS Final Site Plan Review 11 11th St., Parcel # 03-08-031-025-00 Gary Komrska, Director of Project Development, Tippman Group

28.8 Acres, warehouse cold storage for finished product. It is a separate building, 81,000 sq. ft. w/future expansion, room for 18 trucks, onsite well house and fire protection pump house. It is fully secured 24 hours per day, the lights are on photo cell and shine down on the property, septic system for rooftop condensation and employee restrooms, there would be about 30-35 employees, a connection between the buildings, they have included a traffic engineer study (attached), there would be an increase of 100 trucks per week about 12 per day.

Anhydrous Ammonia-5500# for the new building which has a computerized refrigeration control system.

Bruce McClintock-Refrigeration Manager/Process Safety Management Program, explained what he does daily, weekly and quarterly and the extensive training. OSHAA approved this program.

Local Emergency Planning Committee(LEPC) Pete-Has no complaints on how they do there business and submitted an area map of where the Anhydrous ammonia would disperse (attached).

See attached memo from Fleis & Vandenbrink

Future areas approved for 1 year unless the size changes.

Martin Hill 78 11th St., resides on property west of the plant and would like to see some type of screening for the residential area.

Noise Engineer looked at plans and submitted a Sound Level Overview(attached)

Continued P&Z 8-18-2010

JBS is committed to installing a berm and will look into the horn honking issue.

Water sampling with neighboring areas-well water testing continues.

Tom Meert-Fire Chief is impressed with their plans.

We reviewed the Site Plan Approval Criteria and found no issues.

Motion by VanDenBerg 2nd Simons that we approve the Final Site Plan for JBS Packerland 11 11th Street, Parcel # 03-08-031-025-00 which includes the items on the memo dated August 16, 2010 from Fleis & Vandenbrink (attached). Which are considered part of the Final Site Plan Review, it includes Future Areas, a berm along the North edge of the entry driveway which will include plantings and approval of a Soil Erosion Permit from the Allegan County Health Department. All Approve

Old Business

Outdoor Furnace Ordinance

Motion by VanDenBerg 2nd Kellogg to approve the Outdoor Furnace Ordinance 146, Chapter 19 Section 19.25 (attached) All Approve 7 Ayes

Board Comments

Medical Marijuana Moratorium

Motion by Kellogg 2nd Vogeler of adjourn the meeting. All Approve

Typed and submitted by D. Webber

I AM AGAINST THE PROPOSED REZONING
 OF 1169 106th AVE. IN GUN PLAINS TOWNSHIP
 FROM R-2 TO C-1.

<u>SIGNATURE</u>	<u>PRINT</u>	<u>ADDRESS</u>	<u>DATE</u>
Dennis McConney	DENNIS MCCONNEY	1173 106th	8-14-2010
Esther McConney	ESTHER MCCONNEY	1173 106th	8-14-2010
Marne Sieber	MARNE SIEBER	1185 106 th	8-14-2010
James D. Sieber	JAMES D. SIEBER	1185 106th	8/14/10
Ray Bradshaw	RAY BRADSHAW	1177 106 th	8-15-10
Sherry Bradshaw	SHERY BRADSHAW	1177 106th	8-15-10
Angela Whitaker	ANGELA WHITAKER	1014 11 th	8-15-10
James Whitaker	JAMES WHITAKER	674 11 th	8-15-10
Elizabeth M. Harvey	ELIZABETH M. HARVEY	606 11 th	8/16/2010
Brian W. Henige	BRIAN W. HENIGE	1181 106th	8-16-10

100% of neighbors ARE AGAINST REZONING

**I am here to oppose the proposed conditional rezoning of 1169 106th Ave
from R-2 to C-1**

*The rezoning request says they will have the right amount of trucks for their job. What does that mean? They presently park 2 to 3 trucks in the front yard and want to add the 4 more now being kept around the corner (also see list of outside equipment).

*They say their business hours are usually 7am-5pm or when they determine necessary, but they are currently doing maintenance around 3pm-7pm weekdays and Saturday and Sunday mornings.

*This business does not come close to meeting Gun Plain Township zoning rules. Also, it would absolutely depreciate neighboring properties with the overfilled front and side yards, noise, smell, and dirt.

*It would benefit everyone, especially the township for them to use a properly zoned building, many of which are available in the area!

*Also, the present commercial landfill that is growing weekly and illegally on the back of that property is causing smell and increased rodent problems. This needs to be completely removed!!!

***Now from a zoning standpoint a C-1 Zone says it is mandatory that all service must be performed on site within a fully enclosed building, including fabrication, repair, cleaning, maintenance etc... And "There shall be no outside storage of any kind".

***Another problem is the side yard which section 10.05, D-1 states "where the side of a lot in C-1 zoning abuts upon the side in any R zoning EACH side yard shall not be less the 25'. Again this is another mandatory requirement! We have about 15' on one side and 8.5' on the other.

I think this along with the pictures shows why the rezoning should not be allowed, without getting into all the other issues.

Dennis McConney

R+A LAWN CARE

8-16-2010

LARGE EQUIPMENT

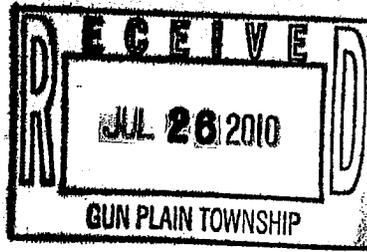
NOW
STORED
OUTSIDE

- 2 STAKE TRUCKS, COMMERCIAL BODIES
- 4 PICKUPS
- 3 DOUBLE AXLE TRAILERS
- 1 SINGLE AXLE TRAILER
- 1 BOBCAT
- 1 XTRA BOBCAT BUCKET
- 1 SET BOBCAT FORKS
- 1 LARGE SALT DOP ATTACH FOR P/U
- 2 SNOW PUSHER BLADE 8-10'
- 1 LARGE WIRE BASKET
- ROLLS OF IRRIGATION PIPE

+ WINTER- SKIDS OF SALT

+ PILES OF CHIPS & MULCH SOMETIMES

+ EMPLOYEE VEHICLES & PERSONAL
JET SKI TRAILER & PERSONAL CAR



TO: Gun Plain Township Planning Commission

July 24, 2010

FROM: Schanz Tire and Auto Supply

We own property on 106th Ave. and have no issue with the proposed improvement of the zoning from residential to commercial.

Schanz Tire and Auto Supply
304w Allegan st.
Otsego, MI. 49078

A handwritten signature in black ink that reads "Tim Schanz". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

08-550-005-00

1169 106th Ave

R-2 to C-1 Rd A Landscaping - Andy Northey

- e. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
 - f. Identification of the Zoning District requested and the existing zoning classification of the property.
 - g. A vicinity map showing the location of the property, north arrow, and adjacent land uses and zoning classifications.
 - h. Any additional information deemed appropriate by the Planning Commission.
2. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
- a. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 - b. Name and address of the petitioner.
 - c. Reasons for the proposed amendment.

C. Zoning Map Amendment Criteria

In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

NO
NO
NO

- 1. Consistency with the goals, policies and future land use map of the Gun Plain Charter Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.
- 3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- 4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

- 5. *NO* The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- 6. *OK* The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- 7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand. *Commercial is available in township.*
- 8. *Yes* The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
- 9. *NO* If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
- 10. *NO* If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
- 11. *NO* ~~NO~~ ~~NO~~ The requested rezoning will not create an isolated and unplanned spot zone. *ac-1 is NE of the property*
- 12. *NO* The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- 13. Other factors deemed appropriate by the Planning Commission and Township Board.

D. Zoning Ordinance Text Amendment Criteria

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.

- 1. The proposed amendment would correct an error in the Ordinance.
- 2. The proposed amendment would clarify the intent of the Ordinance.
- 3. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the Ordinance.
- 4. The proposed amendment would address changes to state legislation.

Conditional Rezoning Agreement

This Conditional Rezoning Agreement, dated July 26, 2010, is between Gun Plain Charter Township, P.O. Box 146, Plainwell, MI 49080-0146 (the Township) and Andy Northey, 1169 106th Ave, Plainwell, MI 49080, and is as follows.

Background Recitals

Andy Northey owns the property located at 1169 106th Ave. Plainwell, MI 49080 (Parcel ID# 08-550-005-00 Lot 5 Woodland Subdivision.) This Parcel is shown on the Future plan and Master plan to be commercial property.

Andy Northey has requested the property to be rezoned to C1 so that R & A Lawn Maintenance and Landscaping may use the property to conduct there business in. Andy Northey has voluntarily offered in writing to the Township certain conditions to be placed on the property if the rezoning is approved.

Agreement

- The property will run a Lawn Maintenance and Landscaping Company in the Spring Summer and Fall Months and will have a Snow Removal Company in the Winter
 - We will have the right amount of trucks needed for our job
 - Business hours are usually between 7am and 5pm weather permitting in the Spring, Summer and Fall and will operate when necessary weather permitting in the Winter
 - We will usually only be at the property to pick up equipment and to drop equipment off
 - We agree to exclude all other uses allowed in C1 except mentioned above
1. If the Township believes the property is being used in a manner in violation of this Agreement, the Township shall give Andy Northey and any Tenant sixty (60) days written notice to cease the use which is in violation of the agreement. If said use is ceased during the sixty (60) day period, this Agreement shall continue. If said use does not cease within the sixty (60) day period, this Agreement shall terminate and the property shall revert back to the R2 zoning.
 2. A copy of this Agreement shall be recorded with the Allegan County Register of Deeds.

3. This Agreement shall be binding upon and inure to the benefit of the heirs, successors, transferees, assignees, and grantees of the parties hereto.

Gun Plain Charter Township

By: _____
Supervisor

By: _____
Clerk

Property Owner Parcel ID# 08-550-005-00

By: _____
Andy Northey

August 18, 2010

Mr. Mike VanDenberg
Gun Plain Township
381 8th Street
Plainwell, MI 490800

Re: Traffic Data/Site Access Review
Proposed JBS Plainwell Packerland Expansion
Gun Plain Township, Allegan County, MI

Dear Mike:

Progressive has completed the review of the traffic-related aspects of the proposed expansion in Gun Plain Township in Allegan County. Our knowledge of the project to date is based upon a preliminary site plan provided and discussions with and field observations by Tippmann/JBS staff regarding site design and operations.

Introduction

As proposed, the project would expand upon the existing facilities that are currently located just into Kalamazoo County. To provide improved access to existing buildings and additional access to the new facilities, three driveways are proposed to 11th Street (adjacent roadway is called 11th Street in Allegan County and 12th Street in Kalamazoo County). The Southern/existing driveway would largely be used for cattle delivery, the middle driveway would provide access to a small employee parking lot, and the Northern/new driveway would be used for all refrigerated truck deliveries both pre and post-production.

It is our understanding from data provided by JBS that the existing site generates approximately 700 truck visits per week (roughly 100 trucks day), with a significant majority of those using 12th Street and D Avenue as their route to and from the site. With this expansion, the orientation of most of the truck traffic to the South is expected to remain and the number of trucks per week may increase 10% to 15%, to approximately 800 truck visits per week.

Review and Comments

Truck Operations

The existing truck operations data provided by JBS for a recent 2-week period in late July indicate that the existing single driveway tries to accommodate up to 18 to 20 inbound trucks during its "peak hour" (heaviest 1 hour traffic period within a day). This peak hour can vary slightly between morning and afternoon, but often occurs in the 8:00-9:00 am time period.

With the addition of the second/new truck driveway at the North end of the overall site, the peak hour inbound truck volume will be split fairly evenly, with a maximum of approximately 12 to 13 inbound trucks at each driveway (includes a 10% to 15% increase over existing operations). This results in an average arrival of about 1 truck every 5 minutes on average (60 minutes/12 trucks). Using a standard random arrival factor of 3 times an average rate, it is expected about 3 trucks will arrive every 5 minutes at each of the two truck driveways.

The internal gate operations can process inbound trucks at a rate of about one truck every 4 to 5 minutes. Therefore, to meet the expected peak-hour demand for internal storage at each of the two driveways, a minimum storage of three trucks will be needed.

The existing truck storage at the existing/southern driveway is approximately four 70-foot trucks (WB-62's). The design of the new/Northern driveway will provide storage for approximately eight to nine 70-foot trucks. It was designed specifically to not only easily accommodate expected peak-hour pre and post-production, warehouse, and packaging truck traffic, but also to provide a "safety valve" in case the southern driveway experiences an unexpected arrival rate of cattle delivery trucks (revised design also provides for improved internal connectivity between existing and new facilities). In short, the expansion into two truck driveways will allow the overall site to internally accommodate peak hour truck arrivals with **no queuing onto 11th or 12th Streets.**

Roadway/Access Characteristics

According to Allegan County Road Commission (ACRC) records, 11th/12th Street currently carries approximately 3,500 to 4,000 vehicles on an average weekday (less on weekend days). 11th Street is currently designated as an all-season roadway within the county's system. Per discussions with Kalamazoo County Road Commission (KCRC) staff, 12th Street is scheduled for reconstruction in 2011 that will bring it up to all-season standards. That project will encompass the section from D Avenue to the north Kalamazoo County line.

Based upon our review of the existing roadway system (and planned improvements) and discussions with staff from both road commissions, the primary roadway system will easily be able to accommodate the expected addition truck traffic from a capacity standpoint as well as a structural standpoint. To note, the daily maximum capacity of a typical two-lane roadway with characteristics like these sections of 11th and 12th Streets is considered to be in the 12,000 to 14,000 vehicle range. Even taking into account the effects of substantial number of larger, slower moving vehicles like trucks, these roadways will still be well below capacity.

The proposed access points are well spaced at approximately 500 feet apart, so typical access management standards are met.

In summary, we do not see any significant traffic impacts being created by the proposed project, nor site design flaws that would result in poor operations on the local public roadway system. Please let us know if you have any questions regarding the above review comments.

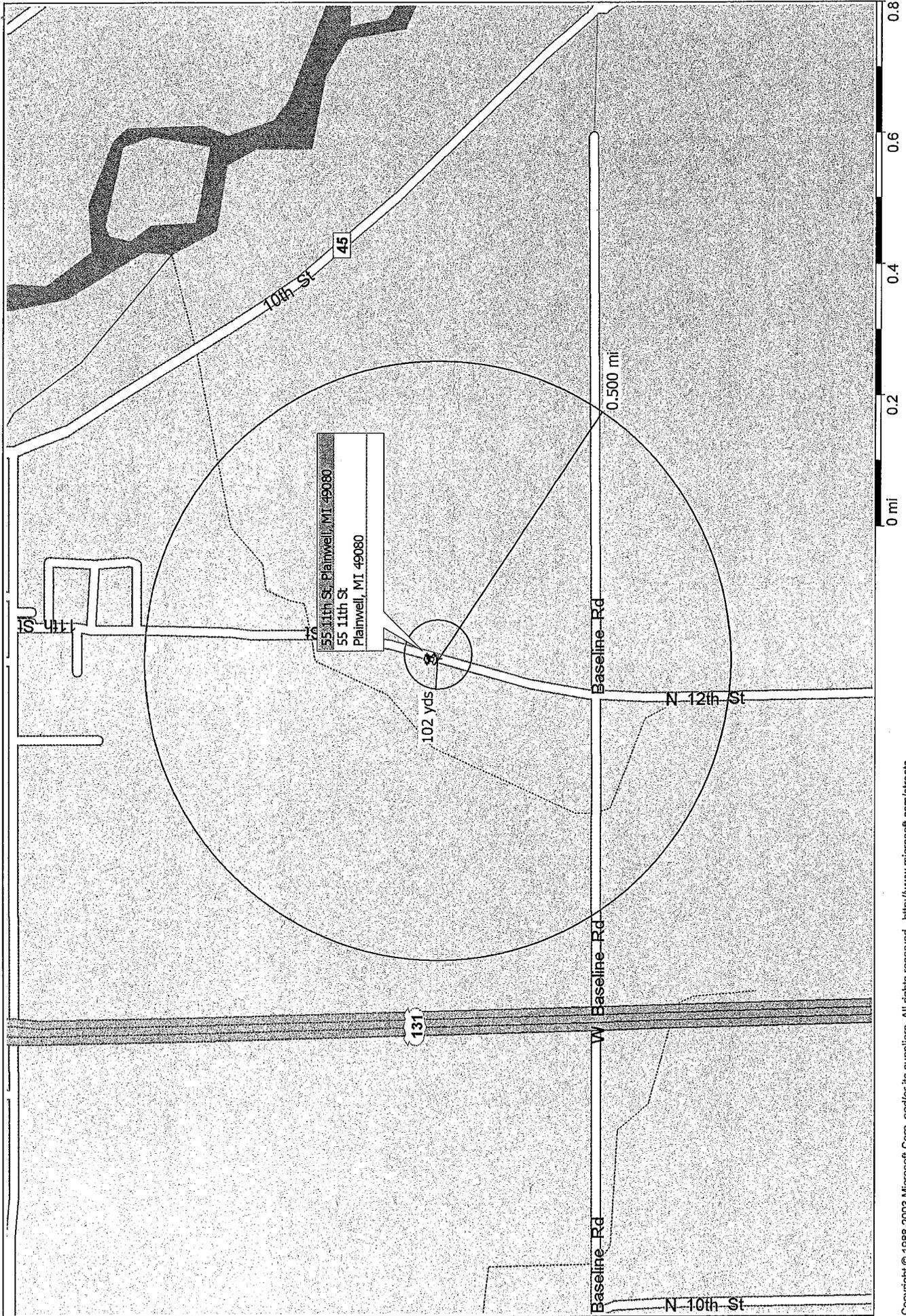
Sincerely,

PROGRESSIVE ARCHITECTURE ENGINEERING



Peter C. LaMourie, P.E. PTOE
Transportation Engineering Practice Leader

JBS vulnerability zones





FLEIS & VANDENBRINK

ENGINEERING, INC.

Offices in Michigan and Indiana

4798 Campus Drive, Kalamazoo, MI 49008

Office (269) 385-0011 Fax (269) 382-6972

Memo

To: Gun Plain Charter Township
From: Tim Woodhams PE
Date: August 16, 2010
Re: JBS Packerland Expansion - Final Site Plan Review

Fleis & VandenBrink Engineering, Inc. (F&V) has had the opportunity to review the Final Site Plan submittal for the JBS Packerland Expansion. The site plan submittal is substantially in compliance with the Township Zoning Ordinance and therefore, approval is recommended with final technical review of plans once construction drawings have been completed.

We also note the following for informational purposes:

- On-site septic fields will need to be permitted.
- Storm water calculations have been provided. Final design to be reviewed in conjunction with final construction plans. Piping system designed for 10 yr. storm event with 100 yr. detention complying with Allegan County Drain Commission requirements.
- No industrial discharges appear to be proposed. However, NPDES requirements (SWPPP) may be required.
- No structures are proposed within any building setbacks. Building height does not exceed the zoning requirement.
- Parking requirements appear to be in compliance. ADA requirements will need to be met including signage.
- Driveways will need to be permitted by the County Road Commission.
- Landscape requirements appear to be in compliance.
- Signage will need to be permitted by the Township.



JBSPainwellNoise081710.doc

August 17, 2010

PRINCIPALS

- Theodore A Barten, PE
- Margaret B Briggs
- Michael E Guski, CCM
- Samuel G Mygatt, LLB
- Dale T Raczynski, PE
- Cindy Schlessinger
- Lester B Smith, Jr
- Victoria H Fletcher, RLA
- Robert D O'Neal, CCM
- Andrew D. Magee
- Michael D Howard, PWS
- Laura E Rome

Mr. Gary Komrska
 Director of Project Development
 Tippmann Group
 9009 Coldwater Road
 Fort Wayne, IN 46825

Subject: Sound Level Overview – JBS Plainwell, Michigan

Dear Gary:

Epsilon Associates, Inc. (Epsilon) is pleased to comment on potential sound issues for a proposed expansion of the JBS Packerland facility in Plainwell, Michigan. The expansion is a cold storage warehouse and shipping facility. Epsilon has extensive experience in measuring and analyzing sound levels from refrigeration warehouses and distribution facilities, including Projects with the Tippmann Group.

I have reviewed the Tippmann Group's site plan drawings and aerial photographs of the Plainwell site. Potential sound sources from operation of the new facility would be:

1. Refrigeration trucks at the loading docks.
2. Refrigeration trucks in the staging area north of the building; and
3. Several pieces of rooftop HVAC equipment on the Machine Room, Office Building, and Maintenance Building.

There is a large existing Packerland Facility immediately south of the proposed project. Based on the smaller size of the proposed facility, it is likely that the proposed Project would generate less noise than the existing facility.

There are two existing dwellings near the proposed facility. One is approximately 500 feet north of the truck staging area, while the second is on the west side of 11th Street, opposite the proposed employee parking area. This dwelling is approximately 275 feet from the nearest mechanical equipment on the Office Building.

3 Clock Tower Place, Suite 250
 Maynard, MA 01754
 www.epsilonassociates.com

978 897 7100
 FAX 978 897 0099

Mr. Gary Komrska
Tippmann Group
August 17, 2010

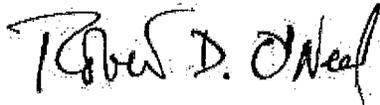
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From Epsilon's professional experience, the sound levels from one refrigeration truck range from 60-70 dBA at 50 feet away depending on the age and manufacturer of the unit. Typical HVAC equipment would be expected to be about 60 dBA at 50 feet. Therefore, sound levels from one refrigeration truck unit would range from 40-50 dBA at a distance of 500 feet, and a few decibels higher at 275 feet. The attached Figure 1 provides some typical decibel levels for common events and sources of sound for perspective.

If a more in-depth sound level impact study is required for this site, we would be pleased to conduct one at the appropriate time. If you have any questions on this letter, please feel free to call me at (978) 461-6236, or contact me via e-mail at roneal@epsilonassociates.com.

Sincerely,

EPSILON ASSOCIATES, INC.

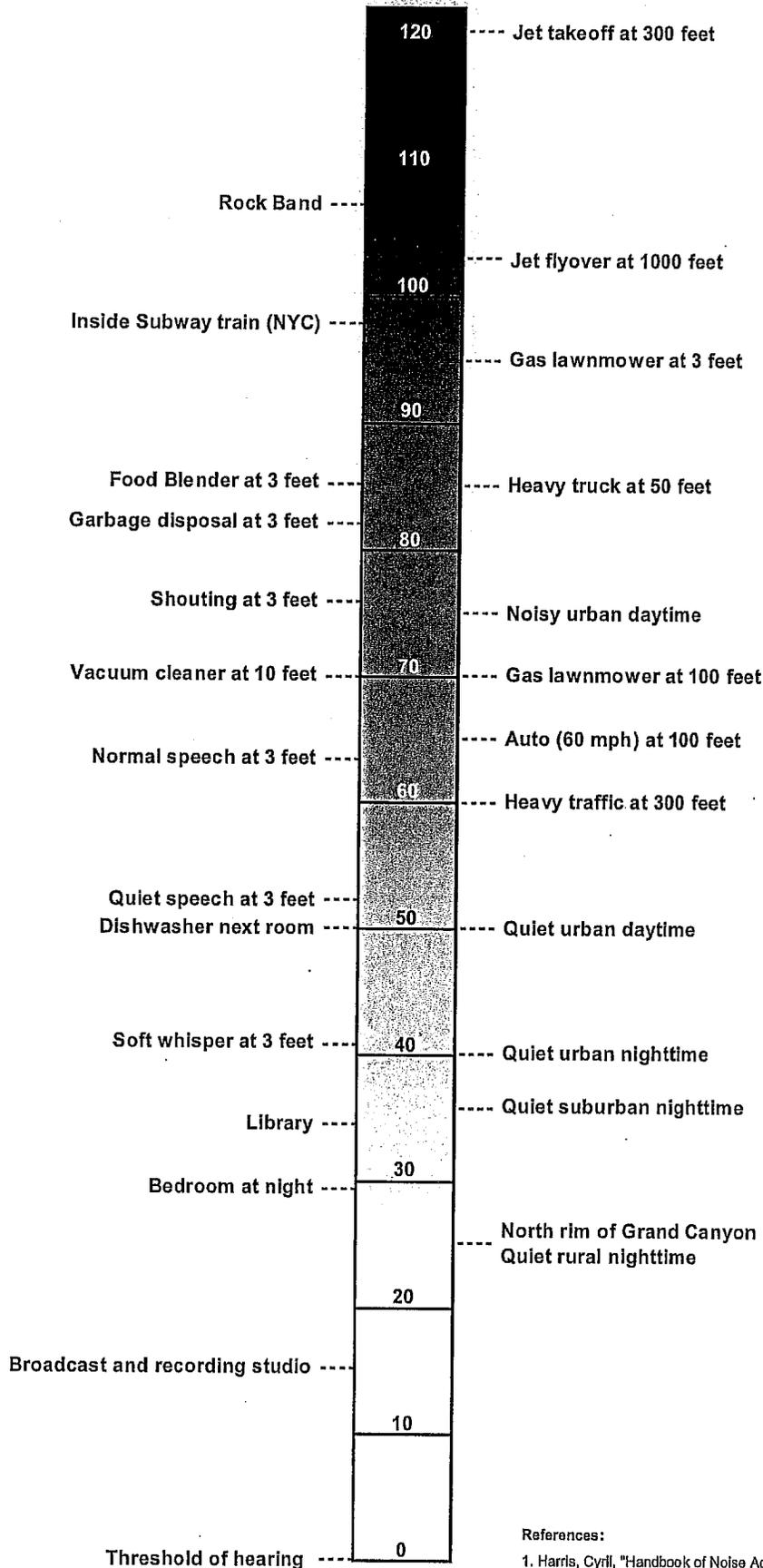


Robert D. O'Neal, INCE, CCM
Principal

COMMON INDOOR SOUNDS

Sound Pressure Level, dBA

COMMON OUTDOOR SOUNDS



References:

1. Harris, Cyril, "Handbook of Noise Acoustical Measurements and Noise Control", p 1-10., 1998
2. "Controlling Noise", USAF, AFMC, AFDTC, Elgin AFB, Fact Sheet, August 1996.
3. California Dept. of Trans., "Technical Noise Supplement", Oct, 1998

JBS Packerland Facility Plainwell, MI

ORDINANCE NO. _____
AMENDMENT TO THE GUN PLAIN TOWNSHIP ZONING ORDINANCE

ADOPTED: _____
EFFECTIVE: _____

AN ORDINANCE TO AMEND THE GUN PLAIN TOWNSHIP ZONING ORDINANCE FOR THE PURPOSES OF REGULATING THE INSTALLATION AND USE OF OUTDOOR FURNACES.

GUN PLAIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN ORDAINS:

OUTDOOR FURNACE

***Add Under Chapter 19 General provisions a new Section 19.25 OUTDOOR FURNANCES
Which shall read in its entirety as follows:***

SECTION 1 Purpose. The purpose of this ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the Charter Township of Gun Plain so as to secure and promote the public health, safety and welfare of the Township and its inhabitants.

SECTION 2 Outdoor Furnaces Defined. For purposes of this ordinance, the term “outdoor furnace” shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat and/or hot water for such building or structure.

SECTION 3 Regulations. An outdoor furnace shall not be permitted within the Township unless it complies with each of the following:

- Outdoor furnaces are permitted by right only in AG; R-1; and R-2 (minimum of five (5) acres) Zoning Districts.
- Minimum side yard setback of twenty (20) feet; rear yard setback of fifty (50) feet; not permitted in the front yard.
- The following materials are specifically prohibited in outdoor furnaces.
 - A. Rubbish or garbage, including but not limited to food waste, food wraps, packages, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.