

Charter Township of Gun Plain
Planning and Zoning Commission
Minutes of May 17, 2023

Members present; Sullivan, McHugh, Bennett, Shannon, Albertson-Stowell,
Webber
Absent; Novick

Motion by Shannon 2nd Sullivan to approve the Minutes of April 19, 2023
approved

Motion by Sullivan 2nd Shannon to approve the Agenda Approved

New Business

Public Hearing to rezone 580 10th St. from R-2 to C-2, Ridderman/ R-Store LLC

Motion by Webber 2nd McHugh to open the Public Hearing Approved

No Public Comment

Motion by Sullivan 2nd Shannon to close Public Hearing Approved

We went through the Zoning Map Amendment Criteria

Motion by Webber 2nd Bennett we recommend the Gun Plain Township Board of Trustees approve the request by Ridderman/R-Store LLC to rezone from R-2 to C-2 Parcel #03-08-019-002-00 plus the parcel (which does not have a Parcel number yet) described in the attached Public Notice located at 580 10 St. and 582 10th St. The Zoning Map Amendment Criteria (attached) has been met.
All Approve

Site Plan JBS 11 11th St.
Brian Webster and Abe Anderson

Motion by Albertson-Stowell 2nd Bennett to approve the site plan for JBS 11 11th St., Parcel # 03-08-031-007-00 as it meets the Criteria for Granting Site Plan Approval (attached). This approval does not include the building located in Cooper Township. All Approve

Old Business

Future Land Use Map, Master Plan and Zoning splits-pending

Zoning Administrator

Pine Lake

Motion by Bennett 2nd Webber to Adjourn approved

D.Webber

Ridderman / R-Store LLC
582 ~~580~~ 10th St
03-08-019-002-00

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:

1. OK 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. OK Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.
3. N/A 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. OK 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. OK 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.

Ridderman/R-Store LLC
03-08-019-002-00

7. *NH* 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.
8. *OK* 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. *OK* 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. *OK yes* 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. *OK* The requested rezoning will not create an isolated and unplanned spot zone.
12. *OK* The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

PUBLIC NOTICE

GUN PLAIN CHARTER TOWNSHIP PLANNING COMMISSION

Ordinance No. 181

To: The residents and property owners of the Township of Gun Plain Charter Township, Allegan County, Michigan and any other interested persons.

PLEASE TAKE NOTICE that the Gun Plain Charter Township Planning Commission will hold a Public Hearing on Ordinance No. 181 on Wednesday May 17, 2023 at 6:00pm at their regular Planning Commission meeting. Ordinance No. 181 amends the official Gun Plain Charter Township Zoning Map and Ordinance in relation to the below described property.

Amend the Official Zoning Map and rezone the following parcel number 03-08-019-002-00 that is R-2 (Low Density Residential District) to C-2 (General Business District) at 580 10th Street, Plainwell, MI 49080 plus the following legal description: Township of Gun Plain, County of Allegan, State of Michigan Beginning at the Northwest corner of Lot 63 of Alpine Estates, according to the recorded plat thereof, as recorded in Liber 7, Page 86, Allegan County Records, thence South 0°48'51" West (recorded as South 0°34' West), along the West line of Lot 63, said plat, 88.50 feet; thence North 89°15'38" West 272.73 feet; thence North 0°48'51" East parallel with the West line of Lots 63 thru 68 of said plat, 713.84 feet to the Southwest corner of Lot 70, said plat; thence South 89°44'59" East (recorded as East), along the South line of Lots 70 and 69 said plat, 272.76 feet to the Southeast corner of Lot 69 said plat; thence South 0°48'51" West (recorded as South 0°34' West), along the West line of Lots 68 thru 66 of said plat, 323.73 feet to the Southwest corner of Lot 66 said plat; thence North 89°17'00" West (recorded as West), along the Westerly extension of the South line of Lot 66 said plat, 30.00 feet; thence South 0°48'51" West (recorded as South 0°34' West), parallel with the West line of Lots 65 and 64 of said plat, 304.00 feet; thence South 89°13'42" East (recorded as East), on the Westerly extension of the North line of Lot 63 said plat, 30.00 feet to the point of beginning. Out of Parent Parcel #03-08-019-001-00.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person at the Township Office, 381 8th St., P.O. Box 146, Plainwell, Michigan 49080, up to and including the date of the public hearing and may also be submitted to the Township Planning Commission at the public hearing.

PLEASE TAKE FURTHER NOTICE that Gun Plain Charter Township will provide necessary

Ridderman / R-Store LLC
580 10th St
582 10th St

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PLEASE TAKE FURTHER NOTICE that Gun Plain Charter Township will provide necessary reasonable auxiliary aids and services at the hearing to individuals with disabilities upon seven (7) days written notice to the Township Clerk at 381 8th Street, P.O. Box 146, Plainwell, Michigan 49080 or by Phone 269-685-9471 or Fax 269-685-5169.

GUN PLAIN CHARTER TOWNSHIP BOARD
381 8th Street, P.O. Box 146
Plainwell, Michigan 49080
Phone 269-685-9471/Fax 269-685-5169

JBS
11 11th St
03-08-031-027-00

33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

SECTION 20.05 CRITERIA FOR GRANTING SITE PLAN APPROVAL

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Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. *OK* All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- B. *OK* The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.
- C. *OK* The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. *OK* The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.
- E. *OK* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. *N/A* There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. *N/A* All streets shall be developed in accordance with the Township Subdivision Regulations and the Allegan County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to accommodate the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that as specified by the Township. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.
- H. *OK* Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of

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the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.

- I. NA All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this Ordinance.
- J. NA Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets. All exterior lighting shall be recessed within the fixture or structure in which it is attached.
- K. NA Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- L. OK Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- M. OK An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
- N. OK It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.

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- O. *NH* A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.
- P. *NH* All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
- Q. *NH* All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

SECTION 20.06 REVIEW AND APPROVAL Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township Superintendent may secure comments from the Township Building Inspector, Allegan County Road Commission, Sheriff's Department, and the Township or consultant Engineer and Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and other applicable ordinances. When the Planning Commission approves a site plan with conditions from the applicant, the Township Superintendent shall require a revised site plan with a revision date, indicating said conditions on the site plan.
- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Gun Plain Charter Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk's office.
- D. **Final Site Plan.** When a site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission, the Township Superintendent or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Zoning Official and the Applicant.

SECTION 20.07 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL