

## ROBINSON TOWNSHIP PLANNING COMMISSION

January 26, 2021

The rescheduled regular meeting of the Robinson Township Planning Commission was called to order at 7:30 PM via Zoom (virtual meeting).

### Present

Shawn Martinie  
Travis Vugteveen  
Bill Maschewske  
Lydia Brown  
George Schippers  
Michelle Gillespie

### Absent

Steve Young

By Michigan law, a roll call attendance was taken with each member in attendance identifying their name and the township and county they were in currently for the meeting. All members present were in Robinson Township.

Also present were Township Attorney Ron Bultje, Zoning Administrator Brian Werschem, rezoning applicant Rodney Rotman, Chris Johnson (Attorney for Rodney Rotman), Nate Voigt, and Joel McJones.

Chairperson Martinie introduced Michelle Gillespie as a new member of the Planning Commission, replacing Rich Sibley who requested to not be reappointed for family health reasons.

A motion was made by Lydia Brown and seconded by George Schippers to approve the agenda as written.

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Yes

The motion carried unanimously with one member absent.

A motion was made by Travis Vugteveen and seconded by Lydia Brown to approve as written the Planning Commission minutes of the January 12, 2021 meeting.

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Abstain

The motion carried unanimously with one member absent and one member abstaining.

Non-Commission Inquiries and Questions – None

### Reports and Communications

Travis Vugteveen reported the following from the January 13, 2021 Township Board meeting.

- 1) The Ottawa County Road Commission estimate for tree removal on 136<sup>th</sup> Ave. between Buchanan St. and Lincoln St. was accepted.
- 2) Summer tax collection for both Grand Haven and Zeeland schools was approved.
- 3) The Township Board approved the following Supervisor appointments.
  - a) Bill Maschewske to the Planning Commission for a 3 year term.
  - b) Michelle Gillespie to the Planning Commission for a 3 year term.
- 4) The following Township Board appointments were made.
  - a) Rich Saddler was appointed to the Zoning Board of Appeals for a 3 year term.
  - b) Bill Maschewske was appointed as the Planning Commission representative to the Zoning Board of Appeals for a 3 year term.
  - c) John Wood was appointed as an alternate to the Zoning Board of Appeals for a 3 year term.
  - d) Doug Putnam was appointed to the Zoning Board of Appeals for a 3 year term.
  - e) Jenny Sias, Mary Twa, and Dennis Berens were appointed to the Park Board for 4 year terms.
  - f) Nicky Slagert and Chad Bush were appointed to the Park Board to fill open terms expiring in 2023.
  - g) Milton Reeths, Rich Saddler, and Rich Conway were appointed as Members along with Greg Poel and Rod Bekius as Alternates to the Board of Review, all for 2 year terms.
  - h) Supervisor Johnson was appointed as the Township Board representative to NORA.
- 5) Resolution 2021-01-01 was approved, temporarily relaxing Zoning and Land Use Requirements.
- 6) The purchase of Slow – No Wake signs was approved.
- 7) Purchase of a gear dryer for the Fire Department was approved.
- 8) Cell modifications were approved for the Class B Earth Change Permit for the South Cedar Site.
- 9) The Site Plan and Special Use applications from Midwest V LLC for a Dollar General store were approved.
- 10) The Special Assessment Contract with changes was approved with Midwest V LLC for water and sewer and the Clerk and Supervisor were authorized to sign it.

Old Business – None

## New Business

As scheduled, the public hearing for the rezoning request from Mr. Rodney Rotman for parcel no. 70-08-24-300-066 was held. An introduction was given by Chairperson Martinie to the public hearing. The public hearing notice was read by Secretary Maschewske and the Chairperson declared the public hearing open. Chairperson Martinie reviewed the rules of procedure for the conduct of the public hearing and requested the applicant to make a presentation regarding the rezoning request.

Mr. Rotman stated he initially requested B-2 Zoning on this parcel, however, at that time, there was a small parcel of RR separating this parcel from an existing parcel of B-2 owned by his wife. He has since purchased this parcel Zoned RR and has had it rezoned to B-2. Additionally, he has combined the B-2 zoned parcels with the existing B-1 parcel, making the now combined parcel split zoned B-1 and B-2. He noted the Master Land Use Plan designates both the B-1 area and the B-2 area as Commercial.

Bill Maschewske – Inquired how far the Commercial designation goes north from M-45 along 120<sup>th</sup> Ave. on the Master Land Use Plan map.

Zoning Administrator Werschem – Both parcels are in the area designated as Commercial on the Master Land Use Plan. He noted that the Master Land Use Plan does not distinguish between B-1 or B-2 but simply states Commercial.

Travis Vugteveen – Stated he was Vice-Chairperson for previous rezoning requests regarding these properties in 2007 and 2012. He explained that the issue that resulted in rezoning the North parcel to B-1 instead of B-2 was the RR parcel to the North, not the fact that they were two separate parcels at the time.

Mr. Rotman – Stated that the Planning Commission did not use tiered zoning when the horse farm east of 104<sup>th</sup> Ave. was rezoned. In fact, he cannot find where tiered zoning is used anywhere in the Township.

Chairperson Martinie – Stated that the overlay district adopted for the area of M-45 and 120<sup>th</sup> Ave. uses transitional zoning with the higher intensity uses located near M-45. He also reviewed the reasons for rezoning the subject land B-1 instead of B-2 from the 2007 Planning Commission minutes.

Mr. Rotman – Stated that tiered zoning was not specifically stated.

Lydia Brown – Noted this is the only parcel on the Northeast corner of the intersection that is Commercial.

Bill Maschewske – Remarked that in 2007 Realtor Curt Carini inquired about B-2 zoning on the L-shaped parcel that was zoned RR just prior to Mr. Rotman's request for B-2 zoning on the subject parcel.

Chairperson Martinie – When was the parcel at the Southwest corner of 104<sup>th</sup> Ave. and M-45 zoned B-2?

Bill Maschewske – Believes it was done as part of the adoption of the Restated 1995 Zoning Ordinance in about 1996. The 1995 Zoning Ordinance was repealed by referendum and negotiations followed to re-adopt the Zoning Ordinance.

Chairperson Martinie – Inquired if some of the Commercial zoning came from the previous zoning ordinance.

Bill Maschewske – Explained that the previous zoning ordinance from 1949 had zoned many intersections with Commercial Zoning with dimensions of 330 ft. by 330ft. I do not have the 1949 Zoning Ordinance in front of me right now to verify the previous zoning at this intersection.

Mr. Rotman – Feels that circumstances have changed and that this is obviously a Commercial intersection.

Chairperson Martinie called for comments from opponents to the requested rezoning.

Joel McJones – Had submitted a letter of opposition dated January 17, 2021 to the requested rezoning. He is still opposed to the rezoning to B-2 and wants the B-1 zoning to remain as a buffer to his residential property. He inquired what is the business model that requires B-2 Zoning for the subject property.

Chairperson Martinie – He could read the list of permitted and special uses from the Zoning Ordinance if Mr. McJones desired.

Mr. McJones – Inquired specifically what Mr. Rotman's plans are that require B-2 Zoning.

Mr. Rotman – It involves being able to do more things. He noted a previous Township Supervisor complemented him on the remodeling of the existing building. He has been a good Commercial neighbor.

Joel McJones – Noted that Mr. Rotman knocked down all the trees on the subject parcel and that they are still there in a big pile for him to look at since 2007.

Mr. Rotman – He cannot burn them right now since he is in Texas but will take care of the problem when he returns.

Chairperson Martinie – Is there any way that what Mr. Rotman wishes to do could be done as a Special Use?

Mr. Rotman – What he has planned fits B-2 zoning.

Chairperson Martinie – Noted that what Mr. Rotman wishes to do is not really the issue in the rezoning request.

Township Attorney Bultje – Since we do not have an application for Contract Zoning, the proposed use is not a factor. It is a matter of what is the most appropriate zoning of the property.

Mr. McJones – Does not want a strip club next to his residence. It could be allowed in B-2 zoning.

Chairperson Martinie – Checked the Zoning Ordinance and noted that a strip club could only be allowed in the B-2 Zoning District by Special Use and was not allowed under any conditions in B-1.

Mr. Rotman – Stated he will not have a strip club on the subject property.

Chairperson Martinie – Stated there are certain Special Uses allowed in every zoning district.

Mr. Rotman – Emphasized that the Township would have to grant a Special Use to allow a strip club if the property were rezoned to B-2.

Chairperson Martinie – That is correct.

Mr. Rotman – Noted that there was lots of speculation about strip clubs.

Zoning Administrator Werschem – Stated that Special Uses are not uncommon and that the Dollar General project required one. He also noted that the zoning goes with the land and not the owner. Different uses can be applied for by successive owners.

There were no more comments from the applicant, the Planning Commission, or the public.

A motion was made by George Schippers and seconded by Lydia Brown to close the public hearing.

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Yes

The motion carried unanimously with one member absent.

Bill Maschewske – What is the difference between this request and the one made in 2012?

Zoning Administrator Werschem – In 2012, only the portion of the original total parcel that was zoned RR was requested for rezoning. The subject area was already zoned B-1.

Bill Maschewske – Found the original 2012 rezoning request. The rezoning of the RR zoned area to B-2 at that time made several non-conforming parcels conforming and that was a significant reason to approve the request.

Chairperson Martinie – Reviewed the 2007 rezoning request and stated that the subject RR area was not requested to be rezoned to B-2 at that time.

Lydia Brown – Feels the reasons given for the rezoning of the subject area from RR to B-1 given in the September 25, 2007 Planning Commission minutes still seem reasonable.

Other members of the Planning Commission agreed with this statement.

The following rezoning criteria were reviewed.

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

Response: To the West is agriculture, to the North and East are residential, and it is commercial to the South. No, the rezoning would not result in spot zoning, however, the current zoning is more compatible with the zoning on three sides and more compatible with the uses of all surrounding parcels.

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 subject property is suitable for residential or commercial use. It can be used as it is zoned and does not have to be rezoned to be reasonably used.

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

Response: This question cannot be answered as there is no evidence in the record.

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

Response: There is no evidence in the record from the public hearing.

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

Response: The future trend is for increasing building and population.

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

Response: One resident opposed the rezoning and could be impacted negatively if approved. There is a possibility for Township residents to be impacted positively if the rezoning is approved.

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

Response: The Master Land Use Plan indicates Commercial, which the current zoning satisfies.

Next to be reviewed were the reasons given for the September 25, 2007 rezoning request from the Planning Commission minutes.

1. The property rezoned to B-1 would serve as a buffer between B-2 and residential uses. (This was felt to still be true.)
2. Rezoning to B-1 would avoid possible offensive uses allowed in B-2. (This was felt to be true.)
3. The B-1 Zoning is consistent with the Master Land Use Plan. (This was felt to be true.)
4. The B-1 Zoning is consistent with the applicants stated intent for the property. (This is no longer true based upon the applicant's statements.)

A motion was made by George Schippers and seconded by Travis Vugteveen to recommend to the Township Board denial of the Rotman rezoning request for parcel no. 70-08-24-300-066 based upon the following factors.

1. There is no evidence in record of surrounding property value changes.
2. There is no evidence in the record of market value changes of the property in question.
3. The increasing trend of population and building growth does not recommend either B-1 or B-2 Zoning in particular.
4. Recommending denial of the requested rezoning would keep the property more consistent with the surrounding properties.
5. The property does not need to be rezoned to be reasonably used. The property can be reasonably used as it is zoned.
6. The current zoning of the property is consistent with the Master Land Use Plan.
7. Maintaining the property zoning of B-1 would make it a buffer between B-2 Zoning and Residential Zoning.
8. Maintaining the existing B-1 Zoning would eliminate possible offensive uses allowed in the B-2 Zoning District.

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Yes

The motion carried unanimously with one member absent.

### Pay Bills

A motion was made by Lydia Brown and seconded by Michelle Gillespie to pay salaries for the January 26, 2021 meeting (one meeting, one member absent).

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Yes

The motion carried unanimously with one member absent.

### Any and All Other Business That May Come Before the Commission

Zoning Administrator Werschem noted several upcoming items.

At the next regular meeting in February, the Planning Commission would need to elect officers. There is also a pending rezoning on 75 acres at the North end of 136<sup>th</sup> Ave. The new owners wish to rezone from R-1 Residential to RR Rural Residential to enable them to have larger and more accessory buildings. It was noted that a significant portion of the property is in the Flood Plain.

Township Attorney Bultje – Stated that Contract Zoning eliminates the need for RR rezoning and gets the applicants what they want without the possibility of offensive uses.

Zoning Administrator Werschem – The applicants have considered attaching the accessory building to the residence in which case no rezoning would be necessary. The applicants are working with EGLE to delineate the wetlands on the property.

Chairperson Martinie – Stated that this meeting is a rescheduled regular meeting since the Planning Commission must hold four regular scheduled meetings per year. To avoid having to hold a meeting and having no business just to satisfy the required four meetings per year, he suggested scheduling eleven regular meetings or at least six.

Travis Vugteveen – We must have four and if we scheduled more, we could cancel without issue.

Chairperson Martinie – Stated we typically do not meet in December if possible. He will propose eleven regular meetings in the Planning Commission Annual Report and Budget, skipping December.

Township Attorney Bultje – Stated the Planning Commission Rules of Procedure may need to be checked. To change the Rules of Procedure, we would need to summarize the proposed changes in advance.



Chairperson Martinie – Updated new member Michelle Gillespie on the required update to the Master Plan.

A motion was made by Travis Vugteveen and seconded by George Schippers to adjourn the Planning Commission meeting at 9:30 PM.

A roll call vote was taken.

Bill Maschewske – Yes

Travis Vugteveen – Yes

George Schippers -- Yes

Lydia Brown – Yes

Shawn Martinie – Yes

Michelle Gillespie -- Yes

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske, Secretary  
Robinson Township Planning Commission