

**Orange Township  
Planning Commission Meeting**

**Berlin/Orange Fire Department Bldg  
265 W David Hwy  
Ionia MI**

**January 20, 2009 - 7:00 p.m.**

*Approved on 7-21-09*

Chairman Dan Reeder called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Supervisor Wayne DePotty noted that a quorum of Board members was present to listen but they are not taking any action or conducting any business per the Open Meetings Act.

**Roll Call:**

Present: Dan Reeder, Duane Nash, Brian Stuart, Tom Green and Zoning Administrator, Jeanne Vandersloot.  
Member William Thomas was absent.

**Minutes Approval:** Chairman Reeder asked Nash to read the last minutes aloud. Green motioned, Nash seconded, to approve the July 15, 2008 minutes as presented. Motion Carried 4-0.

**Agenda Approval:** Stuart motioned, Green seconded, to amend the agenda to add a discussion of a dust ordinance/dilapidated building ordinance and add Ionia County Commissioner Jim Banks. Motion Carried 4-0.

**Agenda Item # 1 – Elect Officers**

Green motioned, Stuart seconded, to keep the same Chair with Reeder, same Vice Chair with Stuart and place Thomas as the Secretary. Motion Carried 4-0.

**Agenda Item # 2 – Site Plan Review for Flea Market**

Vandersloot briefly went through the differences from the previously approved last year's site plan and the new proposed site plan. The property has commercial zoning. Main differences are that both buildings will be used for sales and adding outdoor sales areas. The driveway will be extended to the rear parking area and seven total trees are proposed along the two street fronts. The front paved parking lot will be blocked off from vehicle traffic and be used for outdoor sales. An area is proposed for equipment, vehicles and large items in the corner area of State and Nicholas Rd intersection. Russ Surface was present to represent the owner.

Several questions and comments from the Planning Commission members were brought up. The large equipment sales area is proposed on top of the drainfield area – the Ionia County Health Dept should be consulted because typically parking or driving is not recommended on a drainfield area. Where will the vendors park? Russ thought probably either in their individual sales area or in the regular parking lot. Numbers of trees are less than originally proposed and the members were concerned to not block visibility. Last year, the equipment sales were in violation of the original approval and sat there all week along with a trailer just tarped over. If the sales are on weekends, then everything should be gone during the week. The equipment sales area looked cluttered and not visually appealing to drive by traffic.

Green motioned, Nash seconded, to approve the application and site plan as presented except eliminate (not permit) the large equipment/RV sales area and eliminate the State Rd tree at the south end. Motion carried 4-0.

Nash motioned, Green seconded, to review the first motion for possible additions. Motion carried 4-0. Nash motioned, Green seconded, to add onto the first motion to also include a requirement to move the handicap parking spaces to the north onto the pavement for a length of 22 feet. Nash motioned, Stuart seconded, to approve the previous motion but add a requirement that a minimum of 2 porta-john units be placed on the property for vendors and customers. Motion carried 4-0.

**Agenda Item # 3 – Set 2009 meeting dates**

The members are staying with the same quarterly third Tuesday schedule. The dates for regular meetings will be April 21, July 21 and October 20 at 7:00 pm at the Fire Department Building. Motion to accept dates by Stuart, seconded by Nash. Motion carried 4-0.

#### **Agenda Item # 4 – Dust and Derelict Building Ordinances**

Nash motioned, Green seconded, to do each of these separately. Motion carried 4-0. The dust ordinance was discussed at the June 2008 meeting and there was a motion not to adopt such an ordinance. This has come up at several Board meetings, seems to be an issue between neighbors, and should be worked out between them or in a civil court action. The agriculture community is opposed to dust restrictions. Nash motioned, Green seconded, to not go forward with any dust ordinances again at this time.

On the derelict building ordinance, a former Board member has brought this up. Green said that this subject has been quiet the last few Board meetings and they are not sure of the complaint history. Supervisor DePotty said he preferred that the members decide one way or another so that it does not have to keep coming back again and again to the Board meetings. Some buildings falling down may be objectionable to some but private property rights and financial conditions are more important at this time. A specific definition would have to be prepared so it would not be subjective. Commissioner Powell said that the Ionia County Health Dept could be of assistance with some of these buildings with their regulations. Nash motioned, Stuart seconded, to not pursue a derelict building ordinance at this time. Motion carried 4-0.

#### **Agenda Item # 5 – Ionia County Commissioner – Jim Banks**

Banks noted that two other County commissioners were present – Amanda Powell and Jack Shattuck. They have been working on the new animal shelter for some time now and were prepared to submit a site plan to the Township for review. The shelter location will be north of David Hwy about 600-700 feet back to the north. The driveway will likely be across from Coryell Trucking. An article came to their attention regarding County facilities and review of site plans. They asked their County Attorney to look into this article and situation. When they received the legal opinion back, a meeting was set up between Jim Banks, Don Ransom, Dan Reeder, Wayne DePotty and Jeanne Vandersloot for explanation and discussion. It was decided that the County should come to the Planning Commission meeting to explain this legal opinion. They thought this was the responsible community way to handle the news.

The legal opinion, once approved by the entire Commissioner's group, will be copied to the members. There was a legal ruling by the Supreme Court that County buildings are not subject to local zoning. The case was Pittsfield Twp vs. Washtenaw County. County authority laws take precedent over the Michigan Zoning Enabling Act. Banks read the summary of the legal opinion, which stated that an animal control building is a County building and the County can erect buildings not subject to local zoning and cannot make expenditures to a zoning group. The County plans to keep the site plan as consistent with the Orange Twp zoning regulations as possible including setbacks, etc.

There were some questions about the airport. Banks noted that the airport buildings are from different laws and under a different reviewing body at the State and aircraft safety supercedes other regulations. Orange Township receives some personal property taxes from the airport. The shelter property has about 330 feet of David Hwy frontage; adjoining landowners are the hospital property to north, Blough to the west, Griswold's to the south and airport to the east. Banks said the plans would not change with this new ruling.

They visited the new Kent County Animal Shelter, costing about \$190 per square foot, over a million dollars and very large at 27,000 square feet. Powell said that the current floor plan is about 5800 square feet, must meet building code, a separate drainfield for people waste and animal waste, obtain an Ionia County Road Commission driveway permit, gravel first and pave later and a controlled outdoor area for exercise or adoption interaction. The rest of the County land may be used for glider hangers. The building will be sound proofed so no barking will be heard from the neighbors. The air handling system is one of the most important design features needed for disease control.

Animals brought in by truck will be driven into a garage bay, doors closed, then unload animal so no outside escape would be possible. They plan on an adoption room where animals could be viewed and handled. DePotty noted that the plans should be designed for future additions, to reflect growth as needed. Powell noted that the County has a high adoption rate and do not take large or unusual animals – those are contracted out to foster families/property. The County will have future informational meetings to answer questions and see plans for the County residents.

The members appreciated the time and courtesy to come to them first instead of learning about it from a letter or newspaper article.

#### **Public Comment:**

Comments were included in the animal shelter subject above.

**Adjournment**

Stuart motioned, Nash seconded, to adjourn the meeting at 8:20 pm. Motion carried 4-0.

**Next meeting:** The next scheduled meeting is at 7:00 pm, April 21, 2009, at the Fire Dept. Bldg.

*Submitted by Jeanne Vandersloot, Recorder*