

**CITY OF PLAINWELL
MINUTES
Planning Commission
February 17, 2016**

Meeting was called to order by Chairman Lubbic at 7:02

Pledge of Allegiance was said by all present.

Roll Call:

Present: Lori Steele, Chris Slinkman, Diana Lubbic, Carol Weaver, Chris Haas and City Manager Erik Wilson
Absent: Gary Sausaman (excused) Jim Higgs (excused)

Minutes of 1-6-2016 meeting were not available and will be approved at our next meeting.

Chairman's report:

Chairman Lubbic noted she will be attending the Planning Association Spring Institute in April.

New Business:

Public Hearing for 607 N Main St., Golf Cars Plus request for rezoning from C-1 to C-2 and special use permit to allow a used car outdoor sales space, was opened at 7:11.

Jim Scholle from Golf Cars Plus gave an overview of the request.

Sean Kolhoff 152 2nd Ave, spoke in opposition of the change stating that golf courses are struggling and some are closing giving him concerns that in time that golf cars would become less of and used cars will become more of the business plan.

Janet Nogle 130 2nd Ave, delivered 5 letters from concerned neighbors: Christina Madden 145 2nd Ave, Paul and Tina Grimm 137 2nd Ave, David and Laura DenHarder 205 2nd Ave, Tim Wallace 212 2nd Ave, Dr. Harry and Sandra Burdick 230 2nd Ave and an additional letter from herself. These letters were in addition to the letters that were delivered at the previous meeting of Jan. 6, 2016 written by Katherine Greenfield 122 2nd Ave and Janet C Nogle 130 2nd Ave.

The letters were read aloud by City Manager Erik Wilson. Six letters were in opposition to the requested changed, some voiced concerns about additional traffic, devaluation of property, additional noise or extended business hours. Ms. Nogle's letter gave a history of the business prior to the current owner.

Letters begin on the next page.

Before the close of public comments Mr. Jim Scholle of Golf Cars Plus asked to speak again. He stated that he had owned the business and rented the property for the last 14 months. He had been unaware of the prior history of the business. He wants to be a good neighbor to the residents and had made policies including golf cars driven on residential roads would result in termination. Due to the opposition and in the spirit of being a good neighbor, he was withdrawing his request.

Public comments were closed as there was no longer an item to be addressed.

City Manager Erik Wilson addressed the audience in attendance asking if there was anything that could be done to address their concerns as it appeared that Golf Cars Plus wanted to work with them. Janet Nogle was the lone respondent and said no.

Harding's Market Sign:

Gerry Tillmann from Sign Art, Inc. of Kalamazoo gave an overview of the request to refurbish and move the Harding's sign from downtown to the Harding's location on Allegan Street. Current pole will be removed, sanded down, electric wires will be capped off and pole base filled with cement leaving the area safe for foot traffic.

Commissioners commented the sign is actually smaller than the current sign on Allegan St. This old neon sign is iconic to the community and to Harding's. Very retro.

A motion by Haas and 2nd by Steele to approve the relocation of the legal non-conforming sign. Voice vote was unanimous to approve the move.

Old Business: none

Public Comment:

Janet Nogle asked to show pictures of damage to a wooden fence that runs between residents property and Golf Cars Plus. The damage occurred during a burglary of Golf Cars Plus when two golf cars were stolen.

The owner of the property that this portion of the fence is behind stated that the fence was repaired within 2 days of the burglary.

Reports and Communications:

Accepted 1/11/16 & 1/25/16 Council Minutes

Staff Comments:

City Manager Wilson said the public open house about the Master Plan update was well attended and noted a special thank you to Eesley Place Banquets and Old Mill Brewpub and Grill for surprising those attending with homemade salsa & chips and Old Mill Rootbeer, it was a very much appreciated.

Commissioners Comments

Chris Haas reminded everyone of the Winter Event planned for Saturday Feb. 20th from 12—2 providing that we have a minimum of 1 inch of snow. The Plainwell Art Hop will be back March 11th.

Adjournment

Meeting was adjourned at 8:30

To the City of Plainville Planning
Commission

Im against the rezoning and special
Use for 607 N. Main Street - Plainville

Our residential street has too much
traffic from this business. We have
~~semi truck traffic that goes down~~
Second & First Avenue. My under-
standing is that they should not be
going down our streets. That they
should be using N. Main Street
for these deliveries. I think we
need a sign that says No Truck Traffic
like on First Ave going east from
Main Street.

4 yrs ago the U.P.S. ^{Semi} Truck took the A.Y.V.
lines of my house.

Christina Madden
145 Second Ave
Lot 11 Batchelor Dumbam
Addition

Semi Trucks
Roadway
U.S.F.
Estes

gray & orange truck with small black logo
U.P.S. Semi

February 15, 2016

To; City of Plainwell Planning Commission,

While we cannot make it to this Planning Commission Public Hearing, This letter is to inform you that we (Paul & Tina Grimm) ,are very much opposed to the proposed rezoning of 607 N. main street from C-1 local commercial to C-2 general commercial and special use permit to allow for a used car outdoor sales space for the following reasons,

- 1) We believe and have seen in the past were this kind of zoning will decrease our property value.
- 2) We also believe this zoning ordinance could open the door for other undesirable businesses to go in that address should the used car or golf cart sales cease doing business.
- 3) This is a very nice and also quite neighborhood with a used car lot being that close to this neighborhood (First & Second Avenue) we believe there would be extra traffic with people test driving cars which also leads to very real safety concerns.

Sincerely;




I David Den Harder will
~~not~~ Be able to attend the
meeting Feb 17 Due to work
my wife will not attend also
Due to having surgery.
We do not want the zoning
changed

David Den Harder 2-16-16
Dana Den Harder 2-16-16

I am against the Rezoning of
607 N Main Street and a special use permit
for a used car lot

Tim Wall
Tim Wallace
2-16-16

212 22nd ave.
Plunkett

Property owners at 230 West 2nd Avenue, Plainwell, Mi 49080, Dr Harry Wm Burdick and Sandra L. Burdick object to the rezoning of 607 N. Main Street. C-2 and the proposed used car sales business.

Sandra L. Burdick
Harry Wm Burdick

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In reading over the proposed minutes for the January 6, 2016 Public Hearing, I have a problem in that they are incomplete and in some instances incorrect.

At the first Item 6. Noreen stated that she had e-mailed and advised that the Petitioner needed to have some present at the Hearing and they did not have their paperwork complete.

After the second Item 6. Prior to my speaking up, Noreen indicated that they could go ahead with the Hearing as she could probably answer most of the Commissioners' questions. The first question raised was the shaded area on the Map. Noreen stated that was an error and the it had been corrected. I when I spoke, I specifically asked if I understood correctly that the error was corrected, and Noreen said yes it had been taken care of.

Noreen indicated that to have the used car sales, the zoning had to be changed to C-2. There were a few questions regarding the sales display and the amount of cars involved. Noreen started out with 7, then 8 or 9, finally 20 while looking over her paperwork, then said that would have to be checked out. From what was said, I did not understand that an actual used car sales operation already existed. In reading over the Re-Zoning Request, I was surprised to find that the business had taken in vehicles for trade of golf cars and trade-in used automobiles had been re-sold by the business.

WHAT I WOULD LIKE TO KNOW IS WHERE THE CARS HAVE BEEN DISPLAYED - AND WHERE ARE THE CARS BEING PREPPED FOR RESALE, AND WHY THIS HAS BEEN ALLOWED BY THE CITY.

There were a few other questions, that Noreen did not know the facts to provide answers. Then Commissioner Weaver spoke. She stated that she had lived in the apartments across the street on Second Avenue for 20 years. She indicated that there were no problems, that here weren't loud noise problems, and felt they were good neighbors, and didn't bother the neighborhood. She finished by saying that she recommended the Commission approve the request.

That's when I said, "I beg to differ with you." First I stated that it was obvious that she did not have the

experience that neighbors have. I did mention that, that evening to the meeting I noticed that they had changed the light bulbs from the bright blue-white to more of an orange mercury type of bulb. I explained that, the old light bulbs not only shined directly onto Lot 28, but also carried over onto my Lot 29. Noreen asked me to check out if the new bulb shined onto the adjoining residential lot(s).

HOWEVER, THE FIXTURE STILL NEEDS TO HAVE A SHADE SO THAT IT DOES NOT SHINE ONTO THE NEIGHBORING RESIDENTIAL PROPERTIES.

There will be a few extra parts to what I said that night to fill in story. Noreen had no idea of what had gone on with the Boylan's and now the new owners, in the past almost 50 years since Gene Vis sold the property. To begin with the Zoning Ordinance in effect at that time stated that non-conforming use property when no longer used, was to revert back to the intended zoning, i.e., Lot 26 would have reverted to R 1-A. The adjoining property owners were not notified of the change in use. What was discovered in the process of preparing for trial between my parents, Boylan's and the City, was the City Fathers put through the change in use to allow a small manufacturing business to occupy part of the business. Later on came the big pole barn on Lot 26. Again, adjoining property owners were not notified. Bushes were removed from the northerly east side on my parents Lot 30, when Boylan's started to bulldoze their lot to build the pole barn. My Dad asked what was going on, and that they couldn't just come in and destroy our property. When the wooden stakes were put in for where the barn was to be placed, my Dad told them they were too close to our property line. After being told they could build up to the line, my Dad saw Linc DuPon. He was informed they pole barn could be built right on the line. My Dad told Linc he had already been through this with the City over using our lot 29 and Dreier's lot 31 for a storm sewer for our end of the street, and Boylan's couldn't run water on our property. Linc insisted the pole barn could be built on the line, my Dad replied he would see about that. One day before the pole barn was built, my parents had a funeral to attend. My Dad was walking in the front yard waiting for my Mom. A couple of friend pulled up and asked where the big pole barn was going up that they had heard about. They walked out in back with my Dad, and

looked over the situation and commented they wouldn't want such a big pole barn next to their property. Nothing was said to Boylan's, but the next week the wooden stakes for the pole barn were moved slightly in from both lot lines bordering Lot 26.

SO, THE CITY ALLOWED BOYLAN'S TO ENCROACH ON OUR LOT LINE BY NOT ENFORCING THE SET-BACK RULE.

My Dad still kept his word and let them use part of our back lot to lay out materials and place their ladders. My Dad had bought crs from Les Boylan, and when our bushes weren't replaced, he called Mr. Boylan. Les paid for the new bushes that my Dad planted. My Dad talked with Bob Havens, the Supervisor at Boylan's, and told him they would have to figure a way to mow the small strip of land between the pole barn and our property line. Boylan's never mowed the grass and we wound up having to mow it if we wanted it done.

Land was bought for the storage yard. Again, adjacent land owners were not notified. This time Lot 30 for us and Lots 32 and 34 for John and Elnor Dreier. My Dad and John asked Bob Havens what was going on, and they were told Boylan's bought the land for storage of golf cars that they were leasing out, as they needed a place to store them for the winter. They were told there wasn't anything they could do about it, as the City had approved it. In the late 70's, Bob Havens approached my parents and Dreier's to see about taking out our bushes along our side of the fence that had been let to grow taller to cut out seeing all of the junk parts and golf cars in the storage yard. Bob Havens said that Boylan's would take out the old wire fence, and put up an opaque fence so that my parents and Dreier's would have to see any part of the storage yard and junk parts. I was out in the back with my parents, John and Bob Havens when it was all discussed. It was stressed that it would be a nice opaque fence and we wouldn't see anything beyond the fence. I finally asked what kind of fence. Mr. Havens replied a cyclone fence with webbing. I told my parents they didn't want that kind of fence, as when the webbing broke who was going to pick it out of our yards, and who was going to replace the webbing given what had already gone on for so long. It was agreed that it would be made of horizontal wooden boards, only whole boards would be on

our side (not a bunch of pieces nailed together). The boards would alternate on each side of the posts, and no barbed wire on top. No part of the storage yard would be seen from our side.

The bushes and old fence including posts were removed. A plain welded wire fence was put up to keep people out of the storage yard. My Dad and John objected to Bob Havens and were told there was nothing that could be done about it because it wasn't in writing. The junk parts and rusty golf cars started to collect behind the fence along the three lots. John and my Dad met with Bob Havens and Mr. Gorehouse, the Manager. My Dad looked straight at Mr. Havens and said you know my word is my bond I let you even use my lot to help out when the pole barn was built. Now I expect you to keep your word to us. The answer was the same Boylan's didn't have to keep their word. My Dad said he would see about it. The junk parts and rusty old golf cars only got worse. My Dad went to the City to see about getting the City Junk Yard law enforced. The City's response was one o the "famous" Plainwell Police visits. Officer Bunce rang the doorbell, and said he wanted permission to look around our backyard. My Dad figured the wanted to look out in back at the storage yard. My Dad went outside with Bunce. My Mom got around and I told her that I was coming out too. By the time we got out in the back yard, the ticket had already been written. Bunce asked what was wrong with me. He was told that I had been very sick and had heart trouble and paralysis in my legs because of my illness, and that I was there because when my parents were away from the house, I was the one to tend to matters pertaining the property. He then cut the visit short, but first went over the things that were wrong with my parents property (4 or 5 pieces that had fallen of the the wood pike between our pines, and a few other small infractions and had my Dad sign the ticket. On his way out to the diveway, Bunce told my Dad he had to move the large cultivator that had the snowplow attached to it for clearing the driveway because he hadn't put that on the ticket. Bunce and my Dad had already gone around on that before my Mom and I got outside. Bunce just knew that it didn't work. Finally, my Dad had enough and told Bunce that he wasn't a betting man, but he would put up a \$1,000 that it would start within three pulls. Bunce said well he just couldn't do that, but the cultivator had to be moved.

My Dad told him you're so sure, I'll show you. He got it ready to start and on the first pull, it started. My Dad looked at him and said now who's right. Bunce couldn't get off our property soon enough. Bunce avoided us after that visit. I told my parents that they were being singled out by going to the City to get the junk ordinance enforced. They went ahead and made the few corrections to get the ticket discharged. We drove around the City to look at yards of Council members and City officials, and wrote down infractions that you could see straight from the street. My parents went to the next Council meeting, and addressed the Police visit. At that meeting was when they found out that the City was in the process of up-dating the Zoning Ordinance and Map (and Lots 29 and 30 were not on the Map). When they got home, I asked how it went, and my Dad said it was different than any other Council meeting he had been to over the years. It was the first time that he was asked to sign in to attend the meeting, and he wanted to know if this was what Tom Moon had taught us. I told him he knew better than that. He said no they didn't sign in. The Council said that they would not enforce the junk yard ordinance and would not get Boyland's to put up the wooden fence. Mt Dad's reply was that he would see about it. John was afraid to sue be cause of creating trouble in the neighborhood. This was the second hit for my parents property (on the north and east sides -- totaling 13 rods) and my parents felt it had to stop. My Dad checked and found out that under the circumstances he had a right to sue Boylan's to keep their word to put up the wooden fence and maintain it, largely due to the fact of destroying the bushes. A couple of attorneys agreed to take it on until they found out it involved the "Good Ol' Boy" suystem in Allegan.

Later on Joe Drobney walked into it later on, after my parents sued Boylan's. Joe was out on patrol one day and pulled over when he saw the three of us in the front yard. Joe was fishing for information. Finally, my Dad told him it looked like we might have to sue the City. Joe looked at my Dad and said, "You try that and we'll shoot you right down." My Mom walked away immediately. I looked at Joe and told him our house was the wrong one to say those words to, and he asked why. I told him that a vendetta was sworn out against the whole Dell family during the murder trial of my one cousins. He said he didn't know anything about

that. I told him maybe he should think before saying something like that again to someone. Joe apologized to my Dad; my Dad never accepted it.

After the attorney sued Boylan's, my parents had to enjoin the City. To make it short, the three attorneys had a "cool deal" worked out. Day of the trial, no one had their briefs to the court before the trial. The judge wasn't buying it. He gave each of them a short period of time to prepare their handwritten briefs, as he wasn't going to dismiss it. Part way through the first morning Boylan's attorney asked permission to have one of their witnesses testify, as he had taken time off of work. Then the attorneys for Boylan's and the City kept calling their witnesses. The next day during the morning break, I asked why my parent's witnesses weren't testifying. Someone heard me, as when Court resumed the Judge stopped and instructed the attorneys that he wanted to hear my parents case. I was called later in the afternoon. I had taken photos from our side of the fence of the storage yard. The Judge wanted to see the photos first. He asked me a few questions and started looking at the photos. He then rapped the gavel and said, "Everybody in Chambers now." He was off the bench and had the door open before people had time to stand. When they all came out, the Judge started to apologize to my parents. He agreed that the semi-trucks should not load and unload from our street, and then use our street for ingress and egress and the trucks should be using the North Main street entrance to the property for loading and unloading, the golf cars should not be driven on our street in the residential area, and that the City should have enforced the junk yard ordinance. However, as the attorney's brief only stated the part about the prior Zoning Map being not being drawn right, there was nothing that he could do about the other matters. He then went on that there was also nothing that he could do about the Map, it didn't matter if a monkey had drawn it, what was passed by the City was the law -- the City was excused with prejudice. The fence was a different matter. It would be wooded as agreed, so that the storage yard and contents could not be seen from our property in any way. He then said topped with barbed wire. My Mom interrupted and said absolutely not. The Judge asked why and she responded because we didn't live in Germany. The Judge said no barbed wire on our portion of the fence. The outlined the

rest of the part about the fence. He asked if there were any questions. My Dad said that he was done mowing the small strip of Boylan's property along the pole barn, that Boylan's had never kept their word about doing. The Judge didn't have a problem with that, and told Mr. Gorhouse to see that it was taken care of. Mr. Gorhouse complained that he didn't know how it could be done. The Judge said that was his problem for building the pole barn too close to the lot line. My Dad spoke up and said that as long as they behaved themselves, and let us know when someone was going to be on our property they could come on our property to mow and take care of the small strip, but Boylan's had to behave themselves or that was it. Mr. Gorhouse started in saying, that he wouldn't accept such a deal he didn't want to have anything to do with my parents they were terrible people. He Judge rapped the gavel and told him that under the circumstances for what they had put my parents through he felt my parents had just made a most generous offer, and he would recommend that it be accepted now and rapped the gavel.

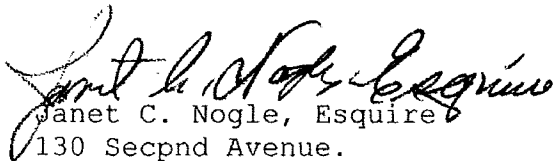
The fence wasn't put up as agreed as agreed, and my Dad had tell Mr. Gorhouse if it wasn't done right he would see my parents in Court, they were out of time. Most of the time we dealt with Bob Havens while he was there. After Mike Boylan came in as Manager, we dealt with Mike. We had very little problems with Mike. My Dad and I told Mike that we considered our word our bond and expected the same of others. We had very few problems with Mike. Pat Boylan came after Mike, and he was told the same of our expectations of people keeping their word, and the offer made in Court, and to not follow the terms of the offer would result in revoking the offer immediately and he could figure things out as best as possible. Pat was something else to deal with. Pat and I went round and round, finally in the Summer of 2008 after two phone calls, I gave him ten days to keep his word or the offer was no more. The grass wasn't cut, and it still hasn't been cut, nor any of the other stuff that is supposed to be done.

As to the rse of the minutes concerning me. <y Parents bought the land and had the house built in 1940. I stated at Hearing that where I live now had been my official domicile for better than 70 years. I stated that the semi-trucks were not supposed to use our street and that the

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golf cars were not to be driven on our street. As far Golf cars I never said that. In fact I never said racing. It was when I asked if the Used Car Sales was allowed to be put in how did the City intend to stop buyers from using our street to test drive the cars. Commissioner Sausaman said he didn't think it could be done. I then told the Commissioners about Jim Koestner's garage guy using our street as a test strip many years ago, and Jim telling my Dad there was nothing that could be done about it. My Dad contacted the Police Chief and when Kiestner's car went down the street, red lights followed the car. No more test strip.

Finally, when Chris Madden and I were tanked for stating our concerns, we were told it would be nice if we could get some of the other neighbors to state how they felt. We both said good luck. People seem to expect me to carry the ball and fight for the entire neighborhood.


Janet C. Nogle, Esquire
130 Secpnd Avenue.