

**Crockery Township**

**Regular Planning Commission Meeting**

**February 16, 2016**

**(Approved)**

Vice-Chairman Ryan Arends called the February 16, 2016, Regular Planning Commission Meeting to order at 7:30 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, and Mike Munch, present. Z/A Robert Toland also was present for this session.

Commissioner Roy Holmes was absent.

**Agenda Item 2. Approval of the Agenda**

Approved as submitted.

**Agenda Item 3. Approval of Minutes**

The Commission reviewed the minutes from the January 19, 2016, Regular Planning Commission Meeting. A motion was made to approve the minutes, as written, by Commissioner Mike Munch. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends. The motion was unanimously approved.

**Agenda Item 4. Announcements**

None.

**Item 5. Communications**

None.

**Agenda Item 6. Public Comment**

Public comment was asked for by Chairman Bill Sanders. No public comment was offered at this time.

## **Agenda Item 7. Action Items**

### **A. Public Hearing (tabled) – Agricultural Pond – Walter Grzybowski.**

Documents provided for this public hearing include; (1) a site plan by Concept Design Studio, Inc., 800 E. Ellis Road, Suite 508, Norton Shores, Michigan, 49441, Project #0412-15, by SMH, Dated October 16, 2015, amended October 21, 2015, January 11, 2016, February 16, 2016, and (2) a Planning and Zoning Review by Z/A Toland, Dated January 19, 2016, reviewing a request for an agricultural pond on parcel #70-04-14-300-024, located at 10831 Cleveland Street.

Mr. Walter Grzybowski was present for this hearing.

Commissioner Ryan Arends made **a motion** to un-table this matter and resume the public hearing. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

Chairman Bill Sanders opened the public hearing.

Mr. Toland had previously informed the Commission (on January 19, 2016) that the pond itself has already been dug, absent a permit issued by the Township. The pond is intended for agricultural purposes, that being irrigation for an intended hop farm. Parcel #70-04-14-300-024 is zoned Ag-1, Agricultural and Open Space and is 16.97 acres in size.

Mr. Grzybowski advised he will comply with the Township's standards for ponds and correct the gradient to the 1 ft. to 3 ft. run (to a depth of five feet), as required by the Township, making his pond shallower. The correction is shown on the amended site plan. Mr. Grzybowski agreed to further amend his site plan, showing the excavated pond material would remain on-site and be graded in the vicinity of the pond.

Chairman Sanders asked for public comment. No public comments were offered in this matter.

Commissioner Ryan Arends made **a motion** to approve this pond request, contingent on an amended site plan being delivered to the Township (showing the excavated and graded pond materials remaining on-site) prior to issuance of the pond construction permit. A 2<sup>nd</sup> was offered by Commissioner Rich Suchecki. The Commission unanimously approved the motion.

B. Public Hearing – Home Occupation – Walter Grzybowski.

Documents provided for this public hearing include; (1) a site plan by Concept Design Studio, Inc., 800 E. Ellis Road, Suite 508, Norton Shores, Michigan, 499-4837, Project #0412-15, by SMH, Dated October 16, 2015, amended October 21, 2015, and January 11, 2016, February 16, 2016, (2) a Planning and Zoning Review by Z/A Toland, Dated January 19, 2016, reviewing a request for a Home Occupation in an Accessory Building on parcel #70-04-14-300-020, located at 10831 Cleveland Street, (3) a schematic site plan by Concept Design Studio, Inc., 800 E. Ellis Road, Suite 508, Norton Shores, Michigan, 499441, Project #0412-15, by SMH, Dated October 16, 2015, including enhanced landscaped vignettes of existing structures on the property, (4) a property use description entitled Old Stone Gate Farm – Event Barn, and (5) a brief letter from Walter Grzybowski II, dated February 12, 2016, indicating the home at 10831 Cleveland Street, will be maintained as a residence.

Mr. Walter Grzybowski was present for this hearing.

Commissioner Rich Suchecki made a **motion** to un-table this matter and resume the public hearing. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

Chairman Bill Sanders opened the public hearing.

Mr. Toland previously indicated (January 19, 2016) the property is intended to host events, such as weddings and receptions. There is a 2400 sq. ft. barn, a small carriage house and renovated home. Parcel #70-04-14-300-020 is zoned Ag-1, Agricultural and Open Space and is 3.39 acres in size.

Mr. Toland informed the Commission the Township's legal counsel had advised the current ordinance addressing home occupations does require the home to be occupied by the property owner.

The Commission discussed Mr. Grzybowski's proposal at length. The Commission felt the parking arrangement, being located on an adjacent and separately identified parcel, also owned by Mr. Grzybowski, was not acceptable. The Commission encouraged Mr. Grzybowski to combine the parcels or expand the parcel bearing the (event) home and other structures to include the parking area for events.

The Commission also discussed, with Mr. Grzybowski, who would be living in the home.

Chairman Bill Sanders asked for public comment in this matter. No public comment was offered.

Commissioner Ryan Arends made **a motion** to table this request for further information until the March 15, 2016, Regular Planning Commission Meeting. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The Commission unanimously approved the motion.

C. Hold a Public Hearing – Pond – Babcock.

Documents provided to the Commission for this public hearing include (1) a Crockery Township Zoning Application, signed by Shawn James, dated January 5, 2016, requesting to construct a pond, (2) a Planning and Zoning Review by Z/A Robert Toland, dated February 16, 2016, discussing this application, (3) a review by Mary Amy Bajt, P. E. for Prein & Newhof, dated February 11, 2016, discussing this application, (4) a County of Ottawa GIS color graphic showing parcel 70-04-07-100-039 and surrounding parcels, and (5) a color CAD graphic showing the proposed pond location on the parcel, as well as, the proposed driveway, home location, well and septic, and pond elevations.

The Planning Commission has received a request from Shawn James (contractor) and Travis Babcock (property owner) for a Special Land Use Permit to construct a 24,400 Sq. Ft. Pond on Parcel #70-04-07-100-039, located on a private street off of Taft Street. This parcel is currently zoned R-1 Low Density Single-Family Residential and is 2.25 acres in size.

Mr. Travis Babcock and Mr. Shawn James were present for this hearing.

Chairman Bill Sanders opened the public hearing.

Mr. Toland provided a lead-in covering his planning and zoning review. Mr. Toland also indicated the private drive/easement to this parcel was created in 2006. The private drive and easement does appear to meet current Township regulation, and will be inspected as part of this proposed project.

Mr. Babcock and Mr. James both stated the excavated materials will remain on site and be used in construction of the home to elevate and landscape the home and driveway. Mr. Babcock stated the pond would remain as a wildlife pond.

Ms. Diana DeVries, 14118 Taft Street, inquired if the pond would adversely affect adjacent home owners water wells. The Commission felt it was unlikely the proposed pond would adversely affect nearby water wells. As proposed, the pond would likely reflect the water table and there is no intention by Mr. Babcock to alter the pond level by pumping well water into the pond. Mr. Babcock also stated he does not intend to chemically treat the pond water.

Mr. Anthony Lazarus, 14078 Taft Street, asked if the pond was to have a liner or be lined with clay or the level adjusted with well water. Mr. Babcock stated it was not going to be lined with any material and he has no intention to pump water into the pond. Mr. Babcock believes the pond will hold water based on the water table.

Mr. Bob DeVries, 14078 Taft Street, asked if the private drive/easement met Township standards. Mr. Toland advised it does.

Ms. Patricia Kitchens, 14170 Taft Street, asked how many lots the private drive could serve. Mr. Toland advised it will likely serve four lots. Again, Mr. Toland stated the private drive does appear to be within the present Township regulations.

Virginia Achterhof, 13975 Taft Street, also reiterated the concerns stated by her neighbors.

Commission discussed the proposal with Mr. Babcock and Mr. James. The Commission felt the lot contours should be shown, to include the proposed elevations for the home, landscaping, and driveway. Additionally, Mr. Babcock and Mr., James stated they will likely change the configuration of the pond by shortening the southern tip of the pond. The Commission also felt a soil erosion and sedimentation permit may be required due the amount of surface area being disturbed for the home, driveway, and pond area.

Commissioner Rich Suchecki made **a motion** to table this pond proposal for further information until the March 15, 2016, Regular Planning Commission Meeting. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

#### D. Public Hearing – Pond – Harmon.

The Planning Commission has received a request from Patrick Harmon for a Special Land Use Permit to construct two recreational ponds, one pond being 8,931 Sq. Ft., and the other pond being 15,970 Sq. Ft., on Parcel #70-04-35-100-002, located at 10894 Garfield Drive. This parcel is currently zoned Ag-1 Agricultural and Open Space and is 62.3 acres in size.

Documents provided to the Commission for this public hearing include (1) a Planning and Zoning Review by Z/A Robert Toland, dated February 9, 2016, discussing this project, (2) a Crockery Township Zoning Application, signed by Patrick Harmon, dated January 8, 2015 (year is a likely error by applicant, should likely read 2016), (3) a review by Mary Amy Bajt, P.E. of Prein & Newhof, dated February 11, 2016, discussing this project, (4) an e-mail exchange between Z/A Toland and Patrick Harmon, dated February 15, 2016, where Mr. Harmon explains the intended purpose of the ponds, (5) a notice of violation, authored by Z/A Toland, addressed to Patrick Harmon, dated November 17, 2015, advising work is taking place without being permitted, (6) a notice of violation, authored by Jon Braxmaier, SESC Agent for the County of Ottawa, Soil Erosion and Sedimentation Control, addressed to Patrick Harmon, dated November 17, 2015, advising work is taking place without a SESC permit, (7) three color images of the excavations on parcel 70-04-35-100-002 by Z/A Toland, (8) a sketch drawing of the north portion of parcel 70-04-35-100-002, showing excavated areas, placement of excavated materials, and land contours, and (9) a site plan by Nederveld, 217 Grandville Avenue, Suite 302, Grand Rapids, Michigan, 49503, 616575-5190, Drawn by MS, dated December 29, 2015, project #15201788, with amendment dated February 8, 2016.

Mr. Patrick Harmon was present for this public hearing, along with his legal counsel, Attorney Phillip Slot, and Nederveld representative Ms. Kelly Cavanaugh.

Chairman Bill Sanders opened the public hearing in this matter.

Z/A Toland provided a lead-in to this hearing by reviewing his Planning and Zoning report, several violation notices addressed to Mr. Harmon for work being done without permits, and providing a general overview of the excavations already completed by the applicant.

Attorney Phillip Slot indicated Mr. Harmon intends to utilize the property for a hobby farm and cleared an area of use. This area was then further expanded to include ponds for (crop) drainage and recreational use. Mr. Slot believes the MDEQ has no issue with the excavated area.

Ms. Kelly Cavanaugh, of Nederveld (Engineering Firm) advised all the excavated materials remain on-site and the ponds do not appear to holding water and are essentially borrow pits at present. Ms. Cavanaugh advised they are asking that the excavated areas be approved as ponds for the time being and until further plans for use can be presented.

Mr. Harmon stated he accomplished the current excavations with borrowed equipment. Mr. Harmon advised he initially intended to clear land for Hop farming and added the ponds to help with land drainage. Mr. Harmon further commented he hopes to build a home on the property at some future time.

Chairman Sanders asked for public comment.

Mr. Gordon Haskins, 10642 Garfield Street, was concerned about potential ecological impact and unpermitted project could have on the immediate vicinity, including Jubb's Bayou, a portion of which is found on the lower levels of Mr. Harmon's property. Mr. Haskins was dismayed that such a project would take place without seeking the necessary permits. Mr. Haskins believes the sensitive wetlands and forested areas in the vicinity deserve protection and believe there should be an assessment of the property by the MDEQ.

The Commission encouraged Mr. Harmon to seek out an MDEQ assessment of his property and advised him all necessary permits are his responsibility to obtain, including a soil erosion and sedimentation permit.

**A motion** was made by Commissioner Dave Meekhof to approve the ponds, contingent on delivery of a soil erosion and sedimentation permit to the Township. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends. The motion was unanimously approved by the Commission.

#### **Agenda Item 8. Presentations.**

Mr. Toland provided the Commission with a draft of Existing Lots of Record language, Section 3.13, for review. The amendments were reviewed, discussed, and appear satisfactory to the Commission.

Mr. Toland provided the Commission with a draft of (SLU) Contractor, Supply and Equipment Yard language for review. The amendments were reviewed and the Commission recommended several changes and deletions to the proposed language.

Mr. Toland provided the Commission with a draft of Home Occupations in Accessory Buildings for review. The amendments were reviewed and the Commission recommended several changes to the proposed language.

Mr. Toland provided the Commission with a draft copy of zoning map changes for study and discussion at a future time.

#### **Agenda Item 9. Discussion Items**

None.

**Agenda Item 10. Adjournment**

**A motion** to adjourn was made by Commissioner Ryan Arends at 9:54 P.M. A 2<sup>nd</sup> was offered by Commissioner Mike Munch. The motion was unanimously approved.

Respectfully Submitted,  
Jon C. Overway, Secretary  
Crockery Township Planning Commission

Next Meetings:       Regular Session(s) – March 15, 2016

Special Session(s) - TBD