

**Crockery Township**

**Regular Planning Commission Meeting**

**March 21, 2017**

**(Approved)**

Chairman Bill Sanders called the March 21, 2017, Regular Planning Commission Meeting to order at 7:28 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, and Roy Holmes present. Z/A Robert Toland also was present for this session.

Commissioners Rich Suchecki and Mike Munch were absent.

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

Item 7A. Zoning Amendment – Public Hearing – PMR in R-2 Zoning District was placed on the agenda in error (already addressed at previous sessions) and was removed from tonight’s business.

**Agenda Item 3. Approval of Minutes**

The Commission reviewed the minutes from the February 21, 2017, Regular Planning Commission Meeting. A motion was made to approve the minutes, as written, by Commissioner Dave Meekhof. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved.

**Agenda Item 4. Announcements**

None.

**Item 5. Communications**

None.

**Agenda Item 6. Public Comment**

None offered at this time.

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

### A. Zoning Amendment – Public Hearing – Planned Mineral Removal in R-2 Zoning District.

This action item was placed on the agenda in error (having been previously addressed) and was therefore removed.

### B. Gemmen – Planned Mineral Removal/ SLU – Public Hearing.

Documents provided to the Commission in this matter include; (1) A township Zoning Application initiated by RSG Enterprises, LLC, Rob S. Gemmen, signed and dated January 27, 2017, (2) a letter of intent to Z/A Toland, authored by Bruce Zeinstra, RLA, project manager for Holland Engineering, dated January 27, 2017, discussing planned mineral removal (sand mining) on Mr. Gemmen's property, parcel #70-04-17-200-021, located on 130<sup>th</sup> Avenue, north of Cleveland Street, (3) a site plan by Holland Engineering, 220 Hoover Blvd., Suite 2, Holland, Michigan, 49423, 616 392-5938, by Bruce Zeinstra, dated January 26, 2017, project #17-01-026, for "Gemmen Lake", (4) A Planning and Zoning Review by Z/A Toland, dated March 21, 2017, discussing this PMR/SLU, (5) an Ottawa County Road Commission Application and Permit, dated March 13, 2017, Permit #756695, authorizing a field drive for logging access, (6) a County of Ottawa Soil Erosion and Sedimentation Control Permit, Permit #10193, dated March 7, 2017, signed by Jon Braxmaier, Erosion Control Agent, Water Resources Commissioners Office, with attachments, (7) a review by Kevin S. Kieft, P.E., of Prein & Newhof, Engineers for the Township, dated March 10, 2017, discussing this PMR/SLU, (8) an RSG Enterprises, LLC (RSG) Sand Mine & Pond Narrative, discussing this proposed project, with attachment (Michigan Zoning Enabling Act, Act 110 of 2006, 125.3205, Sec. 205 (1 through 7), and (9) an Environmental Impact Report Gemmen Property Pond, by Holland Engineering, 26555 Evergreen Road, Suite 430, Southfield, Michigan, 48076, Dated March 2, 2017.

Mr. Rob S. Gemmen, RSG Enterprises, 13022 State Road, Nunica, is requesting a Special Land Use permit for a Planned Mineral Removal (sand mine) on his property located on 130<sup>th</sup> Avenue, north of Cleveland Street, parcel #70-04-17-200-021, 40 acres in size, and currently zone (R-2) Medium Density Residential.

The sand mining operation would remove approximately 170,000 CYDS of material, creating a 6.5 acre lake, referred to as "Gemmen Lake". The lake would have an improved sand beach of approximately 1.5 acres, making the total footprint of Gemmen Lake and beach area approximately 8 acres.

Mr. Toland provided an overview of the project and noted several areas of interest that may require additional information from the applicant.

Mr. Bruce Zeinstra, of Holland Engineering, was present and spoke on behalf of Mr. Gemmen.

Chairman Bill Sanders opened the Public Hearing.

Mr. Zeinstra reviewed the information found in Holland Engineering's Environmental Impact Report and answered questions regarding mining of the sand and subsequent development of the lake. Mr. Zeinstra explained the proposed method of operation, including the "wet" mining technique, berming of (top) soils for noise reduction, drainage issues, hours of operation, haul routes, and eventual residential lot development on the site, amongst other pertinent information.

Mr. Zeinstra further advised they are in the process of obtaining the proper MDEQ permits.

The Commission, Mr. Toland, and Mr. Zeinstra discussed this proposal at considerable length, reviewing the information found in the documents provided. The discussion included probable impacts to local residents and business, and specific issues of mining methods, including banking of (sand) materials, drainage, traffic, noise, hours of operation, haul routes, equipment and fuel storage, timelines until completion, and perceived safety issues, amongst other applicable concerns.

Chairman Bill Sanders asked for public comment.

Nancy Czinder, 16939 130<sup>th</sup> Avenue, had concerns regarding the truck traffic that would be produced, how storm water overflow would be handled, why another subdivision with a lake would be created, roadway stability concerns, and overall timeline until completion (proposed at 5 years), and local safety concerns related to the Bike Path.

The Commission noted certain activities were allowed; PMR's are allowable under the Michigan Zoning Enabling Act, and Residential lots/developments are allowable in the R-2 Zoning District. The drainage issues were again reviewed, pointing out current drains and eventual flow into Black Creek. The Commission is considering the issues of haul routes, hours of operation, and project timelines. The Commission also noted there is a substantial distance from the Bike Path to the proposed development in regards to safety concerns (children wandering off the Bike Path and onto the proposed project location) of bike path users.

Frank Eldredge, 17101 130<sup>th</sup> Avenue, had concerns regarding the hours of operation, traffic impacts, especially during the summer months, regarding the use of M-104, and specifically what mineral was to be mined.

The Commission advised the sand found on the property was the focus of the PMR and would review the proposed haul routes.

Susan Eldredge, 17101 130<sup>th</sup> Avenue, inquired as to the proposed length of project, five years, and why should it take that long.

Mr. Zeinstra advised the sand would be sold “as needed”, the demand being created by market. Mr. Zeinstra had previously advised the mining would take place in increments, removing the sand while creating the lake, stock-piling the sand on-site, then hauling the sand out as it is needed and sold.

Dave McKenzie, of Hortech, asked if an Environmental Impact Study had been done on the property.

Mr. Zeinstra advised Holland Engineering had provided such a study. The Commission made copies available to interested parties in the public gallery for review during the meeting.

After all interested parties were heard, Chairman Bill Sanders closed public comment.

The Commission will ask the applicant for further specific information, including; (1) a written statement of the mining method proposed (north to south excavation, incremental amounts to be stored (height/width of sand stores), location of sand stores, and how drainage of wet mined (stored) sand is to be accomplished, (2) a mapped description of intended primary and secondary haul routes that may be presented to the Road Commission for comment, (3) Copies of any and all permits issued by the MDEQ for this proposed project, (4) the Commission believes hours of operation should be proposed as Monday through Friday, 7:00 A.M. to 4:00 P.M., no Saturday mining or hauling (maintenance of on-site equipment considered), (5) overall timeline to be determined by Township Ordinance (3 years, with possible extension), (6) a stated method of calculating material removed from site and permit fees, (7) statement regarding the type and number of equipment units intended to be stored on-site (thought to be one excavator and one loader), (8) statement regarding any fuel storage on-site (thought to be none at this time), and (9) a statement of proposed reclamation process and timeline.

After all discussion was complete and all interested parties heard, Commissioner Ryan Arends made a **motion** to table this proposal until the May 16, 2017, Regular Planning Commission Meeting, at which time further information may be provided to the Commission by the applicant. A 2<sup>nd</sup> was offered by Commissioner Roy Holmes. The motion was unanimously approved by the Commission.

C. Beecham – SLU – Pond - Public Hearing.

Documents provided to the Commission in this matter include; (1) a Planning and Zoning Review by Z/A Toland, dated March 21, 2017, discussing this proposal, (2) a Crockery Township Zoning Application, signed by Matt Beecham, dated January 29, 2017, with attachments, including (a) a sketch of Parcel #70-04-20-300-044 showing proposed pond location, proposed home location, and driveway, (b) a sketch of the proposed pond overflow mechanism, (c) a sketch of the proposed pond design, (d) an Ottawa County GIS partial aerial view of the lot with a sketch of the proposed pond location and spoils area, (e) four photographs of current excavations existing on the parcel, (f) an Ottawa County Health Department water well and sewage disposal system permit #17-0151, (3) a review by Kevin S. Kieft, P.E., of Prein & Newhof, Engineers for the Township, dated March 10, 2017, discussing this proposal, (4) an Ottawa County Soil Erosion & Sedimentation Control Permit #10200, dated March 8, 2017, signed by Jon Braxmaier, Erosion Control Agent, Water Resources Commissioners Office, (5) a memo issued by neighbor Leon Stille, dated March 21, 2017, commenting on this proposal, and (6) a memo issued by Jeff Gale, Gale Builders, Inc., dated March 17, 2017, commenting on this proposal.

Mr. Matt Beecham is requesting a Special Land Use permit for a Pond on parcel #70-04-20-300-044, this property is 7.46 acres in size, located on Leonard Road, west of 130<sup>th</sup> Avenue. This parcel is currently zoned (R-2) Medium Density Residential.

Matt Beecham and his builder, Jeff Gale, Gale Builders, Inc., were present for this hearing.

Mr. Toland provided a lead-in to this proposal indicating a substantial amount of excavation has already occurred on the property in violation of Township regulation and the Soil Erosion & Sedimentation Permit. No work has been started in regard to the construction of the proposed pond itself. Work was halted until the proper permits could be obtained.

Chairman Bill Sanders open the Public Hearing.

Matt Beecham advised he has excavated a driveway area, pushing aside and piling the top soil, digging a 10 foot wide trench/ditch, several feet deep, immediately adjacent to his driveway, and used that soil to build up the bed of the driveway. The driveway and excavated ditch is approximately 1000 feet long. Additional soil was excavated from a sizable area at the north end of the driveway for additional fill, again used in building the driveway. All the excavated areas appear to be filling with water, based on the photographs provided to the Commission.

Jeff Gale has been hired by Matt Beecham to now oversee the project. Mr. Gale advised he is assisting in gaining the proper permits and dealing with any future construction.

The Commission has asked Matt Beecham to provide engineered drawings of the proposed pond and any related construction. The Commission is also asking Mr. Beecham to provide a reclamation plan for the excavation done to date, explaining how the affected areas will be reclaimed and the timeline for doing so.

Mr. Gale advised they intend to retain Attorney James Fortney to assist them with the pond and reclamation process.

Public comments offered;

Mr. Elmer Bluhm, 13251 Leonard Road, (neighbor immediately to the east) expressed his concern regarding the amount of excavation that has occurred on Mr. Beecham's property in order to construct the driveway. Mr. Bluhm also inquired if there was a set-back for driveways. The Commission indicated there was no set-back for driveways. Mr. Bluhm encouraged the Commission to see that the Beecham property excavation sites are properly restored.

Mr. Leon Stille, 13355 Leonard Road, (neighbor immediately to the west) made written comments to the Commission in this matter. Mr. Stille had no objection to construction of a pond, but did have a concern over the amount of excavation occurring on the property and the methods used to construct the driveway. Mr. Stille also encourage the Commission to see the Beecham property is restored and the excavated areas properly reclaimed.

After all discussion was complete and all interested parties heard, Commissioner Roy Holmes made **a motion** to table this proposal until the April 11, 2017, Regular Planning Commission Meeting, at which time further information may be provided to the Commission by the applicants. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends. The motion was unanimously approved by the Commission.

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

None.

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

### A. Zoning Map Changes.

Mr. Mike Murphy, of Murphy Investments, initiated a discussion regarding recent zoning map changes, particularly in the C-1 Commercial Zoning District. Mr. Murphy advised he has an interest in condominium style, self-serve storage units, and is exploring this type of development for a property he owns in the C-1 District. Mr. Murphy is asking the Commission to explore the possibility of allowing such units to exist within the C-1 Zoning District. The Commission advised Mr. Murphy they would discuss his interest.

### B. Earth Change Regulations.

The Commission received Draft #1 of proposed Earth Change (Ordinance) language. The Commission entered into a preliminary discussion regarding this proposal and will study the language. The Commission intends to further discuss this issue at the April 11, 2017, Regular Planning Commission Meeting.

## **Agenda Item 10. Adjournment**

**A motion** to adjourn was made by Commissioner Roy Holmes at 10:16 P.M. A 2<sup>nd</sup> was offered by Commissioner Ryan Arends. The motion was unanimously approved.

Respectfully Submitted,

Jon C. Overway, Secretary  
Crockery Township Planning Commission

Next Meetings:           Regular Session(s) – April 11, 2017

Special Session(s) - TBD