

Crockery Township

**Regular Planning Commission Meeting**

**October 15, 2024**

**Minutes**

Chairman Ryan Arends called the meeting to order at 6:30 p.m. Roll call:

Present: Commissioners Mike Munch, Ryan Arends, Dave Willis, Ryan Kelly and Jake Noel.

Absent: Commissioners Roy Holmes and Robert Machiela.

Planner Julie Lovelace with Fresh Coast Planning and Attorney Ron Redick were present on behalf of the Township. Paige Silva was also present as Recording Secretary.

There were 11 people seated in the public gallery.

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

Approved as submitted.

**Agenda Item 3. Approval of Minutes**

A **motion** was made by Commissioner Noel to approve the Minutes as written from September 17, 2024. A second was offered by Commissioner Munch.

**Agenda Item 4. Announcements**

Commissioner Kelly reported that the Board reviewed the Crockery Township Fire Department Benefits Package. They are looking to hire by or in December 2024. The Water Bonds will go out in February or March.

**Agenda Item 5. Communications**

None.

**Agenda Item 6. Public Comments**

Chairman Arends offered public comment for any item not on the agenda.

Janella Jonio - 16015 104th Ave. - Reminded everyone that the Fire Chief, Bill, mentioned Westbound I-96 will be closed between M-104 and US-31. The detour route is M-104 so heavy traffic is expected during this time. The Closures will be from Wednesday, October 18th through Sunday, October 20th.

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

#### A. Adjacent Land Transfer Between Nonconforming Lots

Planner Lovelace introduced this matter. This commission was made aware of a conflict in the general ordinance 2019-19. She introduced the proposed amendment to Section 23.10.2 and outlined the provisions of the amendment. Commissioner Arends recalled that the Commission has spoken about this a few times.

Commissioner Willis made **a motion** to open the public hearing. A second was offered by Commissioner Noel.

No public comments were offered or received.

Commissioner Willis made **a motion** to close the public hearing. A second was offered by Commissioner Munch.

Chairman Arends asked each commissioner if they had any concerns and they each said “no”. Attorney Redick stated in Subsection B of 23.10.2, there is a reference to Section 19.14.43, he suggests that 43 be left off because it may not be 43 in the future. With this minor change, the deletion of “43” from the aforementioned section, Commissioner Noel made **a motion** to send to Crockery Township Board for review and approval. A second was offered by Commissioner Munch.

#### B. Timmerman Special Land Use - Adjacent Land Transfer Between Nonconforming Lots

Chairman Arends asked that Julie give an introduction on this matter. This Special Land Use is consistent with the previous topic. It was this application that caused the inconsistency to be noticed and the amendment to be made. This Special Land Use is regarding 9914 and 9886 Cleveland Street. Both are zoned agricultural and open space, which requires a 40 acre parcel size. 9914 Cleveland

is 21.15 acres and 9886 Cleveland is .5 acres. The applicant, owner of 9914 Cleveland, would like to transfer property from the large property to the smaller parcel which would make the smaller parcel grow to 1.4 acres. Leaving 20.25 acres for the “remnant parcel”. Julie said that if it were approved, the applicant would have to show a new survey showing that the existing buildings meet the minimum setback requirements. She said that the accessory buildings also meet the zoning requirements and there would be no issues on either property for accessory buildings. Planner Lovelace reviewed the standards for special land uses. In this instance, sewage disposal is not applicable. The proposed lots must meet the depth-to-width ratio and lot width requirements. She displayed a picture where the frontage of the property is. She suggests a condition upon approval: the property at 9914 Cleveland must retain 330 feet at its east side frontage and it should be shown in the survey. Depth to width ratio should not exceed 4:1. The survey must show the existing buildings meet the minimum setbacks.

**A motion** to open the public hearing was made by Commissioner Munch. A second was offered by Commissioner Willis.

No public comments were offered or received.

Commissioner Willis made **a motion** to close the public hearing. A second was offered by Commissioner Noel. Attorney Redick said that an additional condition should be added to the motion stating that the Special Land Use should not be effective until the Zoning Ordinance Amendment is effective, if adopted (that was the first item on the Action Items list this same night).

The Commissioners have discussed this matter at prior planning commission meetings. Commissioner Munch asked about the non-applicable provisions. Planner Lovelace confirmed that they do not apply to this application. Commissioner Arends emphasized the 330 feet minimum frontage, effective on the aforementioned amendment contingency, and the ratios not to be exceeded. Commissioner Willis said that keeping the 20 acres intact and not further divided, is ideal. Commissioner Arends agrees.

**A motion** to approve the Special Land Use under the three aforementioned conditions was made by Commissioner Kelly. A second was offered by Commissioner Noel.

C. Crossroads Blueberry Special Land Use - Pond

Chairman Arends asked Planner Lovelace to introduce this matter to the public and the Commission. The Township received an application for a pond which exceeds 5,000 cubic yards of material to be moved. The proposed parcel was visualized on the screen. The pond is for agricultural irrigation purposes. The proposed pond meets the minimum requirement of 25 feet in setbacks. The organic material to dig the pond would remain on the site to create a berm on the east side of the pond. There may be soils containing wetlands. Planner Lovelace said that she will suggest that the applicant reach out to Environment, Great Lakes and Energy - State of Michigan (EGLE) although there may be no application necessary. The Commission has to go through the site plan review standards. She found that the proposed pond is consistent with this ordinance including its capacity, public health, safety and welfare implications, etc. There is no health department approval necessary. EGLE permitting may be required. There are no accompanying buildings, structures, or landscaping. The standards for consideration of a Special Land Use (SLU) are that it should not have any effect on natural resources or storm water or traffic, it should meet federal state or local laws. Further, no pond should be constructed to create the incidental or intentional erosion of neighboring property. There are 80 feet from the pond to the road right of way. There should be no storm water runoff issues. Planner Lovelace suggested conditions of approval including the land be graded and seeded. The slopes and banks of the pond comply with the slope requirement. There is no outlet proposed at this time. EGLE acknowledgement is a requirement upon approval.

The side yard meets Zoning setback requirements. The Applicant did not propose filtration or treatment. The Applicant does want “no trespassing” signs. Planner Lovelace asks that they make the signs a condition of approval and where they will be located. Organic material will not be brought off of the property.

Commissioner Arends asked for discussion among the Planning Commission members. He began by asking Planner Lovelace to zoom out on her display to show a nearby pond which also looked full at the time of the GIS photograph, meaning there must be a relatively high water table. There is a blueberry farm nearby. Commissioner Willis asked if the berm needed to also be graded and seeded. Planner Lovelace clarified that yes, this would be a condition of the approval.

Commissioner Willis made **a motion** to open this matter for public hearing. Support was offered by Commissioner Noel.

No public comments were offered or received.

**A motion** to close the public hearing was made by Commissioner Munch. A second was offered by Commissioner Kelly.

Commissioner Arends asked Attorney Redick's opinion. Attorney Redick said he believes Planner Lovelace covered all the bases. Commissioner Arends affirmed that there are stipulations that go along with this approval.

The Commission spoke about where to place the "no trespassing" signs, not along 96th - perhaps along Taft St. There is 630 feet of road frontage. Also on the adjoining dirt road. The Applicants offered "no trespassing" signs as their safety precaution. The Commission did not see the point in mandating where and when they are placed and decided that the Applicants shall "erect no trespassing signs at their discretion."

**A motion** to approve the Special Land Use, upon the Applicant meeting the conditions of approval, was made by Commissioner Noel. A second was offered by Commissioner Willis. Conditions of approval are:

- The banks of the pond and surrounding disturbed areas, including the berm, shall be graded and seeded immediately upon completion of the pond
- An EGLE permit, or communication from EGLE stating no permit is required, shall be obtained
- "No Trespassing" signage shall be erected in locations at the property owner's discretion
- All excavated material shall remain onsite

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

None.

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

#### **A. Amendment to Condominiums Zoning Ordinance**

Planner Lovelace stated that she and Attorney Redick noticed that the Condominium Ordinance did not have provisions for minor changes to the original plan. She proposed an amendment which mimics the "minor changes" clause for site plan review. This was taken from the existing ordinance. She gave examples of what would be considered minor such as parking, plants, not-changing the basic layout and "minor in nature".

Commissioners Arends and Kelly agreed that this is a good thing. Since the Commission is in agreement, she can schedule it for a public hearing. This should wait until we have an action item on the agenda.

Attorney Redick said that 17.09.3 should add “unless the Planning Commission determines it is a minor change.”

**Agenda Item 10. Adjournment**

**A motion** to adjourn was made by Commissioner Mike Munch at 7:10 p.m. A second was offered by Commissioner Jake Noel.

Respectfully Submitted,

Paige Silva  
Recording Secretary

Next Regular Meeting: November 19, 2024  
Next Special Meeting: TBD