

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, February 26, 2018

1. The meeting was called to order by Chairperson Sevald at 7:00 p.m. at the Township Hall.
2. Present: Sandra Rairigh, Bryan Finkbeiner, Jim French, Tom Kilgore, Elizabeth Hansson, Mark Sevald and Craig Wandrie. Also present: Catherine Getty, Todd Boerman, Stephanie Skidmore, Dan Timmer and Linda Gasper.
3. **MOTION** by Rairigh, support by Finkbeiner to approve the Agenda. **MOTION CARRIED** with 7 yes voice votes.
4. **MOTION** by Rairigh, support by Wandrie to approve the January 22, 2018 Minutes as printed. **MOTION CARRIED** with 7 yes voice votes.
5. Citizen Comments: None.
6. Public Hearings:
 - A. Special Use #87/Site Plan #69, Mineral Extraction – T&M Partners LLC (Parcel 08-14-035-022-00):
 - i. Applicant Presentation: None.
 - ii. Staff Introduction/Site Plan Committee Report: Getty provided an overview of the Special Use #87/Site Plan #69 application. Getty further indicated that the site has not experienced many changes since the previous approval. Boerman provided an overview of his letter addressed to the Township expressing his guidance regarding the Special Use #87/Site Plan #69.
 - iii. Public Comments: Sevald opened the Public Hearing at 7:06 p.m. Based upon her previous tenure with the Planning Commission, Gasper stated that the Applicant has worked very hard to be compliant and is in support of the application. Wandrie asked Boerman if he had any issues or concerns regarding the approval of the application. Boerman stated that he does not currently have any issues or concerns. Sevald closed the Public Hearing at 7:08 p.m.
 - iv. Commission questions and deliberation: **MOTION** by Kilgore, support by French to approve Special Use #87/Site Plan #69, Mineral Extraction – T&M Partners LLC (Parcel 08-14-035-022-00) provided the following conditions are met:
 1. All operations associated with the mineral extraction and processing use shall be limited to the property in strict

- conformance with the approved Site Plan #69 originally dated January 21, 2004, and as revised on January 31, 2018.
2. Operations for mineral extraction must be in strict compliance of Section 19.53 of the Zoning Ordinance.
 3. The term of this renewal shall be February 26, 2018 through February 24, 2020.
 4. Operator is to notify Township in writing prior to commencement of active mining or removal of materials from site.
 5. Site access via M-37 Highway only. A sign shall be posted at the M-37 entrance to the mining area indicating times of operation per ordinance, and gate installed at entrance to property per approved site plan.
 6. Ingress and egress road at M-37 to be paved with asphalt or concrete for a distance of not less than two hundred (200) feet. All minerals removed by truck from site shall occur via this route and no other.
 7. An earth berm, not less than eight (8) feet shall be constructed using soil from the subject parcel. The berm shall be placed within the one hundred (100) foot minimum setback along the entire south and west property lines, though all areas within twenty-five (25) feet of any property line shall remain undisturbed. All existing trees in the aforementioned twenty-five (25) feet shall not be removed.
 8. Fence installed around the perimeter of Phases 1, 2, and 3 of the mining site must be maintained in good condition until extraction and mining operations have been completed.
 9. The bottom elevation for mining area shall not be less than nine (9) feet above the documented high groundwater and adjusted if groundwater elevations determined from monitoring wells are higher than previously documented. Monitoring wells to be located per February 2, 2004, plan and be installed and operable prior to commencement of mining sand. Said wells are to be monitored on or about May 1 each year to verify groundwater elevation.
 10. A truck/trailer tire wash shall be maintained by the applicant along the exit lane of the ingress/egress driveway to prevent dirt, silt or other minerals originating in the mine from being deposited

in the public roadways. The tire wash shall be used whenever sand is being mined from the site.

11. The entry area, grading, paving, fencing, landscaping and signage shall be maintained as shown in site plan #69 dated January 1, 2004, while removing said mineral from the site. Any incomplete items on premise may be bonded by way of cash bond for the estimated cost of improvement but in no event shall any required improvements remain incomplete after reclamation is complete.
12. The mining permit grants the applicant the authority to mine and remove sand mineral. Crushing of stone on premises is prohibited, though screening of material is permitted.
13. The method of sand extraction will be mechanical (for example, front end loader or back hoe) and shall not employ pumping or other water born methods to remove minerals from site.
14. Area of mining shall not be closer than one hundred (100) feet from any lot line and not less than one hundred (100) feet from the M-37 Highway east of right of way line. Mining limits to be clearly staked by applicant.
15. A Soil/Sediment Control Permit as issued by the Barry County Planning Department shall remain in effect during the course of this permit whenever new areas of top soil are stripped.
16. No express or implied approval of an end use or permanent use of the subject property is given by the Planning Commission. Any permanent use will be subject to the Township Zoning regulations then in effect.
17. No further placement of un-vegetated stockpiles within the required setbacks.
18. Reclamation bond set at \$159,000 in favor of Thornapple Township through the term of this permit renewal in accordance to the terms specified in the Township's Zoning Ordinance, Section 19.53(s)(1).
19. Liability insurance through the term of the permit in the amounts and terms specified in the Section 19.53(s)(2).
20. The applicant must maintain a minimum escrow amount of \$3,000.00 for inspection fees according to Section 19.53(r) of the Zoning Ordinance. Regular inspections will be made to assure: 1) verify elevations and compliance of reclaimed areas; 2) verify

progressive reclamation; and 3) verify general compliance of the Zoning Ordinance and permit conditions

21. Inspections by a Thornapple Township official or by a hired consultant may be performed at any time with notification to the applicant. Roll Call Vote: Sevald, Yes; French, Yes; Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**

7. New Business: None.

8. Unfinished Business: None.

9. Committee Reports:

A. **Ordinance Committee:** Getty indicated that the Ordinance Committee has been reviewing different ordinances over the past few months.

- i. **MOTION** by Kilgore, support by Rairigh to recommend a Public Hearing to gather public input regarding an amendment to Accessory Dwelling – Zoning District and Special Use, specifically allowing for accessory dwellings for use by immediate family members requiring special care as a special use in the A, AR, and RR Zoning Districts. **MOTION CARRIED** with 7 yes voice votes.
- ii. **MOTION** by French, support by Finkbeiner to recommend a Public Hearing to gather public input regarding an amendment to the Waterfront Setback Requirements, specifically removal of 21.4(b) and use Section 14.5 to regulate setbacks (50'). Roll Call Vote: Sevald, Yes; French, Yes; Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**
- iii. **MOTION** by Hansson, support by Finkbeiner to recommend a Public Hearing to gather public input regarding an amendment to attached garages exceeding 75% of the useable main floor of a dwelling, specifically attached garages would be permitted to exceed 75% of the usable main floor square footage if parcel is 5 acres or larger in the A, AR, RR and RE Zoning Districts – Sec. 21.2 and 21.3. Roll Call Vote: Sevald, Yes; French, Yes; Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, No; Wandrie, Yes. **MOTION CARRIED.**
- iv. **MOTION** by Rairigh, support by Kilgore to recommend a Public Hearing to gather public input regarding an amendment to Private Road Standards, specifically allowance for one (1) parcel to be created with the establishment of an easement meeting the required frontage on the easement and providing a driveway to meet minimum standards for safe emergency service access. Roll Call Vote: Sevald, Yes; French, Yes;

Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes.

MOTION CARRIED.

- v. **MOTION** by Kilgore, support by Finkbeiner to recommend a Public Hearing to gather public input regarding an amendment to the Common Open Space Residential Development, specifically, to clarify standards required for open space residential development and to ensure consistency with the Township’s private road standards. Roll Call Vote: Sevald, Yes; French, Yes; Finkbeiner, Yes; Hansson, Yes; Kilgore, Yes; Rairigh, Yes; Wandrie, Yes. **MOTION CARRIED.**

B. **Site Plan Committee** – No report.

C. **Joint Planning Committee** – No report.

10. Administrator’s Report:

- A. Getty indicated that there was an error by J-AD with a Township Board Public Hearing Notice that inadvertently stated that it was a Planning Commission Public Hearing for March 12, 2018. Getty stated that this was an error by J-AD and there is not a Planning Commission meeting scheduled for March 12, 2018.
- B. Zoning Permit Report: Report included in meeting packet.
- C. Enforcement Report: Report included in meeting packet.

11. Commissioner Comments: None.

12. Adjournment: **MOTION** by Rairigh, support by Kilgore to adjourn the meeting at 8:04 p.m. **MOTION CARRIED** with 7 yes voice votes.

Sandra Rairigh, Secretary

Stephanie Skidmore, Recording Secretary

Approved _____