

**THORNAPPLE TOWNSHIP PLANNING COMMISSION**

**Regular Meeting, Monday October 25, 2021**

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:03 p.m. at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Elaine Denton, Bryan Finkbeiner, Linda Gasper, Elizabeth Hansson, Tom Kilgore, Sandra Rairigh. Absent: Craig Wandrie Also Present: Catherine Getty, Amy Brown, Sherry Ronning, Matt Cole, and Todd Boerman.

2. Approval of Agenda:

**MOTION** by Gasper, **SUPPORT** by Denton to approve the agenda as printed. **MOTION CARRIED** with 6 yes voice votes and 1 absent.

3. Approval of Minutes:

**MOTION** by Rairigh, **SUPPORT** by Gasper to approve the September 29, 2021, minutes as amended with 'by' after support in item 2. Approval of Minutes. **MOTION CARRIED** with 6 yes voice votes and 1 absent.

4. Citizen Comments: None

5. Public Hearings:

a. Private Road Application #68

1. Applicant Presentation – Matt Cole from Roosien & Associates began with displaying a survey of the 45 acres parcel showing a private road, a large area of wetland and 9 lots. Their original site plan with 9 divisions had included a private road from M-37 which dog legged into the lots. Cole later met with the site plan committee and had been presented with a second option of accessing the development from Misty Ridge rather than M-37. Two of the owners of the lots, #5 and #6, weren't as excited about the new plan, however, the developer had decided that was the route they wanted to go. The application was then revised and is now being brought to the commission for approval. The lots will be serviced by wells and septic systems. Cole met with the health department earlier that morning and the soil has been found acceptable. While the private road ordinance allows for gravel, their plan is to pave the road instead. The lots will be nice and large and look nice. They've also included a pedestrian crossing for future use. Cole asked if the commissioners had any questions for him. Denton asked Cole to explain a little more as to why the potential owners of lots #5 and #6 weren't as excited about the revised plan. Cole said he wasn't sure why as he hadn't talked with them directly but wondered if it was because it

would mean a longer route. The revised plan would not require more wetlands so that is what they decided to do. Also, the Suwyns said that if that is what the township wants to do then that's what they'll do.

2. Staff introduction – Getty & Boerman – Todd Boerman from Vriesman & Korhorn stated that he, Finkbeiner, Wandrie and Denton had visited the site and talked about the Misty Ridge connection and felt it was a good option. It reduced M-37 connections which was really good for the community and also saved money by not having a mixed-use with commercial access driveway. The street is shorter, and the wetlands are better protected this way as well. Getty added that Thornapple Township's and the Village of Middleville's Master Plan is to increase pedestrian connectivity as much as possible. This revised plan does that. Also, when Misty Ridge's plat was developed, they purposely set aside a 66-foot-wide lot with the intention that it would serve this parcel. The parcel could have been developed with utility extensions, but the property owners didn't want to develop that density. The lot can still be used for its intended use with the added benefit of these folks having pedestrian access and eventually Misty Ridge will have pedestrian access to the school campus when it's developed. Boerman thanked Getty and pointed out the plan asks for grading to be such that it will be prepared for any future construction of a pathway. Boerman acknowledges that the revised application does bring other complexities to the situation. For example, a road maintenance agreement would be needed between the village and lot owners which would include who was responsible for snow removal and lawn mowing of the easements. The private road would cross a rear yard drainage swale so accommodating that drainage swale has to be part of both the township and village design and review specifications. A proposed catch basin cut in the storm sewer does meet the needs, even for a 100-year rain event. The existing large wetland area does provide enough area for rains and drainage with a small impoundment to stop the flow and capture much of that without the need for a large retention basin. Boerman continued to discuss the 15 points laid out in his memo to Getty titled, "Middleville Meadow Site Plan Review – Section 27." Boerman believes the plan does meet the design requirements. The site plan committee felt that sidewalks could be waived because of the larger size of the lots and the more rural feel of the development and recommends that to the commission for approval. Lots 1 through 3 may need more grading for building and to lessen the steepness of driveways. Lot 9 will not be part of this street and will possibly be developed as a commercial property later by the Suwyns. Finkbeiner asked Boerman for further details regarding the road maintenance agreement between the village and the developer. Boerman explained that the village would be responsible to the curb line and then the private road owners would be responsible for anything going south. Finkbeiner asked about the small retention pond near the wetlands and what details there are regarding that. Finkbeiner thought that a silt fence would be used during construction but once it's built, it doesn't seem like runoff would be a big impact on the wetlands. Finkbeiner also stated that he thought the pedestrian access would just be traffic from Misty Ridge to the school complex rather than general public and wanted confirmation that was

the case. Boerman confirmed that was correct. Furthermore, Finkbeiner clarified he was part of the recommendation not to put in sidewalks thereby allowing for a more rural character to the development due to the size of the lots. Getty added that this would discourage pedestrian traffic coming from Misty Ridge into the new development and also with the ditches along the road, it doesn't really fit well with sidewalks. Cole went further to explain that the swale would run along the drainage easement to carry and retain the rainwater. Rairigh asked if lot 9 would be included in the road maintenance agreement with the village. Getty stated that it would not, only lots 1 through 8 would be. Getty explained further that lot 1 could be developed as a residential lot, but it could be developed as a commercial lot. They would have to go through the rezoning process. Cole stated that their intent is that down the road it could perhaps be developed into a self-storage. Gasper asked if that was lot 1 that Cole was referring to. Cole clarified it was lot 9. Boerman explained to Rairigh that the maintenance agreement is based on the lots, but if at a future date, there was ever a split, which is unlikely, the agreement would then capture that as well. Getty said the village has expressed that they do want to be able to approve the maintenance agreement.

3. Public Comments: Open - 7:27 p.m., Close - 7:27 p.m.
4. Commission questions and deliberation - Kilgore asked if commissioners had any further questions or concerns. Kilgore thanked the site plan committee for their work.

**MOTION** by Gasper, **SUPPORT** by Finkbeiner to approve Private Road Application # 68 as proposed in the memo by Catherine Getty dated October 22, 2021 with the 8 conditions outlined. Roll call vote: Denton - Yes, Finkbeiner - Yes, Gasper - Yes, Hansson - Yes, Kilgore - Yes, Rairigh - Yes. **MOTION CARRIED** with 6 yes voice votes and 1 absent (Wandrie).

b. Ordinance Amendments - Two-family homes

1. Staff Introduction - Getty - This is an amendment to require access to public water and sewer for two family or duplex dwellings, then remove two family or duplex dwellings as a special use in the agricultural-residential zoning district. Getty said she had not received any public comments as emails or phone calls regarding the change to the ordinance.
2. Public Comments: Open - 7:30 p.m., Close 7:30 p.m.
3. Commission questions and deliberation - Kilgore asked the commissioners if there were any questions, comments, or concerns. Hearing none he asked if anyone would like to make a motion.

**MOTION** by Finkbeiner, **SUPPORT** by Rairigh to recommend changes to the ordinance as outlined in a memo by Getty regarding, "Recommended Ordinance Amendments - Two-Family Dwellings" to the Thornapple Township board for approval. Roll call vote: Denton

– Yes, Finkbeiner – Yes, Gasper – Yes, Hansson – Yes, Kilgore – Yes, Rairigh – Yes.

**MOTION CARRIED** with 6 yes voice votes and 1 absent (Wandrie).

6. New Business:

- a. Mining Inspection Reports – Boerman – Boerman asked the commissioners if they had any questions regarding the reports. Getty added that she had reached out to Aggregate to ask them about removing their conveyor equipment. They said they planned to have it removed by the end of this year. Getty also reached out to Top Grade regarding a pile of debris that was seen, and which appeared to be staged for burning. Furthermore, she reminded them that Thornapple Township does not allow for burning of those kinds of materials. Finkbeiner asked if they were to take down trees whether they could apply for a burn permit. Getty answered that if it is trees or brush, they would be able to. However, lumber is not allowed to be burned nor other construction materials. Gasper asked Boerman if there were any red flags in the reports that the commissioners should especially be aware of. Boerman stated that Aggregate Industries may be interested in another operator coming into the Lettinga property. However, they would need to go through a new site plan and permit application process before that occurred. Boerman would like to first see a site restoration as per the site plan. They will be working closely with them as they get to that point which should be soon. Aggregate had considered an easement with Consumers Energy and thought they might work an area in Leighton Township, which would move material back into Thornapple Township but have decided not to go that route which simplifies the issue for Thornapple Township. Finkbeiner asked about the east and south side where they've made it very steep. That is the area wherein a new operator has expressed interest. Boerman clarified that there is a performance bond in place which would either need to be met by the current operator, or a new performance bond would be taken out by the new operator ensuring that there was coverage for site restoration in place either way. Top Grade is primarily mining sand at this point as well. Boerman also mentioned that it is very likely that Top Grade would be coming in for approval on a scale house soon.

7. Unfinished Business: None

8. Committee Reports:

- a. Ordinance Committee [Kilgore, Finkbeiner, Rairigh, Gasper (alt)] – None
- b. Site Plan Committee [Finkbeiner, Denton, Wandrie, Hansson(alt)] - None
- c. Joint Planning Committee [Rairigh, Denton, Gasper, Kilgore, Getty(alt)] - None

9. Administrator's Report:

- a. Zoning Activity Report – Getty reported she has received a couple of new permits for new houses and a couple of land divisions that have created new lots. She hasn't received any requests for new developments lately. The private road application received tonight represents the biggest development since the Irving Road Project. Gasper asked if they'd be seeing a new development on the Jackson Road property soon. Getty stated she had received

some calls asking about how many splits would be allowed for the property among other questions but there aren't any substantial plans at this point.

b. Code Enforcement Report – Included in the commission packet.

10. Citizen Comments: None

11. Commissioner Comments: Kilgore asked Getty if there were any updates on the Michwave situation. Getty stated she had received two applications for special use. One applicant is the property owner and owner of the tower while the other applicant is an owner of the tower only. Getty does not intend to have a November or December meeting due to scheduling, however, is hoping to address these special use permit applications during a January meeting. Because the towers have been in place for a while and the process has started, January seems appropriate. Getty's main concern is for the public safety and welfare. However, she realizes there are significant struggles with people having access to the internet and that there are real implications to not having that service available in the area. Still, Getty wants to be sure the towers are safe and that if variances are necessary that they go through that process. Because the towers are close to the dwellings, she recognizes that variances will be needed. Kilgore asked how fall zones be addressed and issues such as that. Getty stated that she would be working with Todd Boerman and Eric Thompson from PCI on it, but that the towers are a different construction from the mono pole type of tower. Boerman stated that he is not a civil engineer and so this is not his area of expertise. Also, he was not involved with the process in Caledonia Township. Getty stated that progress is being made on the issue. Gasper asked Getty to clarify whether a November or December meeting was planned. Getty answered that if an application comes in which requires a planning commission meeting, she will make provision for that situation, but at this time it is unlikely there will be a meeting before January.

12. Adjournment:

**MOTION** by Finkbeiner, **SUPPORT** by Gasper to adjourn the meeting at 7:48 p.m.

**MOTION CARRIED** with 6 yes voice votes and 1 absent.



*Sandra Rairigh, Secretary*



*Amy Brown, Recording Secretary*

Approved 2/28/2022