



**THORNAPPLE TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Monday, September 26, 2022
7:00 P.M.**

- 1. Call to Order (7:00 P.M.)**
- 2. Approval of agenda:** *[changes/approval]*
- 3. Approval of Minutes**
 - a. *August 22, 2022*
- 4. Public Comments:**
- 5. Public Hearings:**
 - a. Special Use #158/ Site Plan #118 Applicant: Stephen Koster / Major Home Occupation - Beauty/Nail Salon
 1. *Applicant Presentation*
 2. *Staff Introduction –Getty*
 3. *Public Comments*
 4. *Commission questions and deliberation*
 - b. Special Use #115/ Site Plan #102 Applicant: Janose/Oetman / Excavating Mineral Extraction
 1. *Applicant Presentation*
 2. *Staff Introduction – Boerman / Getty*
 3. *Public Comments*
 4. *Commission questions and deliberation*
 - c. Special Use #157/ Site Plan #117 Applicant: Nick Suwyn / Self-Storage units
 1. *Applicant Presentation*
 2. *Staff Introduction – Boerman / Getty*
 3. *Public Comments*
 4. *Commission questions and deliberation*
- 6. New Business:**
 - a. Termination of Special Use #110 -Household and Recreational Storage - Kenyon
- 7. Unfinished Business:**
 - a. none
- 8. Committee Reports:**
 - a. none

Planning Commission

9-26-22

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9. Administrator's Report:

- a. Zoning Activity Report
- b. Code Enforcement Report

10. Commissioner Comments:

11. Adjournment

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday August 22, 2022

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:01 p.m. at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Elaine Denton, Bryan Finkbeiner, Elizabeth Hansson, Linda Gasper, Tom Kilgore, Sandra Rairigh, and Craig Wandrie. Also Present: Catherine Getty, Amy Brown, and Nick Suwyn.

2. Approval of Agenda:

MOTION by Gasper, **SUPPORT** by Rairigh to approve the agenda as printed. **MOTION CARRIED** with 7 yes voice votes.

3. Approval of Minutes:

MOTION by Denton, **SUPPORT** by Rairigh to approve the June 27, 2022, meeting minutes. **MOTION CARRIED** with 7 yes voice votes.

4. Citizen Comments: None.

5. Public Hearings:

a. Petition to Rezone #46 Parcel 08-14-027-002-09 from Agriculture Residential (AR) to General Commercial (C).

- i. Staff Introduction – Getty explained that Nick Suwyn through his LLC. Was requesting the parcel be rezoned from AR to C as they would like to develop the property by building a self-storage facility there. Getty stated that the Master Plan shows the long-term plan that the property would become commercial. The owners are now ready.
- ii. Applicant Presentation – Nick Suwyn stated that he would like the parcel to be rezoned to commercial as they plan to build a self-storage facility there. He believes there is a need for it in the community.
- iii. Public Hearing - No comments. Getty stated that no emails or phone calls were received regarding the rezoning.
 - 1. OPEN: 7:10 PM
 - 2. CLOSE: 7:10 PM
- iv. Commission Questions and Deliberation – Chair Kilgore asked members if there were any questions or comments. Finkbeiner stated no and that he thought it was a good idea to have a self-storage facility there.
- v. Recommendation to the Thornapple Township Board of Trustees
 - 1. **MOTION** by Finkbeiner, **SUPPORT** by Gasper to recommend to the Thornapple Township Board of Trustees the rezoning of parcel 08-14-027-002-09, 6.08 acres, from

AR to C as it is consistent with Thornapple Township's Master Plan and Future Land Use Map.

Roll Call Vote: Finkbeiner- Yes, Denton- Yes, Gasper-No, Hansson-Yes, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 7 yes votes and 0 no vote.

6. Unfinished Business: None.

7. Committee Reports: None.

8. Administrator's Report:

- a. Zoning Activity Report – Getty asked commissioners if there were any questions about the Zoning report. She also let the commissioners know the Masselink's were splitting up some of their property into eight 1.5-acre sized parcels to would allow for homes to be built. Getty has received a lot of interest in them and expects more building in either the Spring or Summer of 2023. Getty said Williams and Works had been working on the audit of the ordinances and hopes to have a draft to distribute to commissioners soon, but they may or may not have it before the September meeting. However, there will be a September meeting for the following requests. A request for renewal of special use permits for both the Janose's sand mine and the Oetman's sand mines. Also, Getty expects to have a new request for a special use permit for a beauty salon in an occupant's home.
- b. Code Enforcement Report – Gasper asked if the greenhouse/retail store at 8540 W. Crane Rd. was fully closed. Getty replied that they were awaiting a final inspection.

9. Commissioner Comments: None.

10. Adjournment:

- a. **MOTION** by Gasper, **SUPPORT** by Finkbeiner to adjourn the meeting at 7:11 pm.
MOTION CARRIED with 7 yes voice votes.

Sandra Rairigh, Secretary

Amy Brown, Recording Secretary

Approved _____

TOWNSHIP *of* THORNAPPLE

200 E. Main St. ♦ PO Box 459 ♦ Middleville, Mich. 49333 ♦ Fax 269-795-8812 ♦ 269-795-7202
e-mail: cgetty@thornapple-twp.org www.thornapple-twp.org

Catherine Getty
Zoning Administrator

September 15, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator

RE: Special Use #158/Site Plan #118
Major Home Occupation – Beauty/Nail Salon 5030 Squire Lane
Parcel 08-14-015-016-80

Background Information

Stephen Koster, applicant, is seeking approval for a special use to operate a Major Home Occupation to operate a beauty/nail salon. The parcel is 5.42 acres with frontage on Crane Road and Squire Lane. Squire Lane is a non-conforming private road with a 50' easement established for ingress and egress.

Site Plan Committee recommendation

The Site Plan Committee (Wandrie & Hansson) visited the site on September 13, 2002. Recommend Planning Commission approve Special Use 158/ Site Plan 118 as it meets the standards for Major Home Occupation Section 19.43(c)a-o.

EXHIBIT 1 - SPECIAL USE & SITE PLAN APPLICATIONS
EXHIBIT 2 - LOCATION OF PARCEL
EXHIBIT 3 - ZONING ORDINANCE

EXHIBIT 1
SPECIAL USE & SITE PLAN
APPLICATIONS

SO# 158
(SP# 118)



SPECIAL LAND USE APPLICATION SECTION 19.43 – MAJOR HOME BASED BUSINESS

Thornapple Township, 200 E. Main St., Middleville, MI 49333

Phone: 269-795-7202 Fax: 269-795-8812

Email: zoning-administrator@thornapple-twp.org

PROPERTY INFORMATION

Property Address: 5030 Squier Ln Middleville MI 49333

Parcel ID Number: 14-015-016-80 Zoning District 14 Wetlands Present: Y

Parcel Size Frontage: _____ feet Depth: _____ feet Area: 5.43 [Acres or square feet]

Description of proposed Major Home Based Business: Nail salon. Offering services for hands and feet, including manicure, pedicures, nail polish application, nail repair, and hand and foot treatments.

APPLICANT INFORMATION

1. Applicant / Property Owner

Identify the person or entity making this petition:

Name: Stephen Koster Cell Phone 616-334-7810

Mailing Address: 5030 Squier lane Telephone 616-334-7810

City Middleville State MI Zip 49333 FAX _____

E-Mail stephen.koster20@gmail.com

REQUIRED APPLICATION WRITTEN ATTACHMENTS

- o Floor Plan of residence or accessory building, drawn to scale, depicting floor area to be used for the major home based business.
- o Legal description of the property, including wetland designation
- o Site Plan per article XX, if required

Section 19.43(c) of the Zoning Ordinance requires compliance with the following listed standards:

For all Major Home Based Businesses, a special land use permit shall be required as issued by the Planning Commission following public hearing and subject to the following site, building and operating criteria:

- o The use shall be conducted entirely within the dwelling and/or not more than one (1) accessory building.
- o The use shall be operated by persons residing in the dwelling and not more than one (1) other person.
- o The exterior appearance of the dwelling and accessory building, if used in connection with the home based business, shall not be modified to accommodate the use.

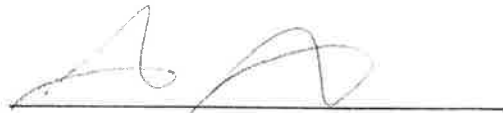
- o The home based business shall not occupy more than 49 percent of the total dwelling floor area, excluding the basement as defined in this Ordinance.
- o The use shall be clearly incidental and secondary to the dwelling.
- o Outdoor display of goods or merchandise is prohibited.
- o Equipment used in connection with the home based business shall be parked or stored within a building or within a gated 6 foot high screening fence enclosure.
- o There shall be adequate off-street parking and maneuvering area.
- o There may be only incidental and occasional selling of goods, merchandise, supplies or products.
- o No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides, and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.
- o There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat, or glare resulting in an adverse effect at or beyond the property line.
- o As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
- o There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
- o Any sign shall be non-illuminated and shall comply with the sign requirements for the zoning district in which the use is located.

REQUEST & AFFIDAVIT

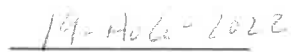
The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this application and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

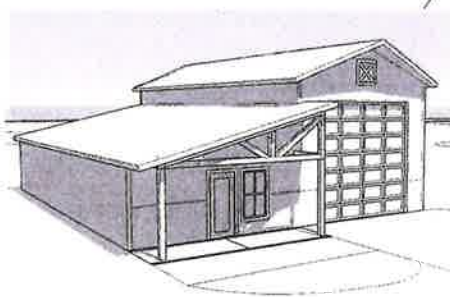
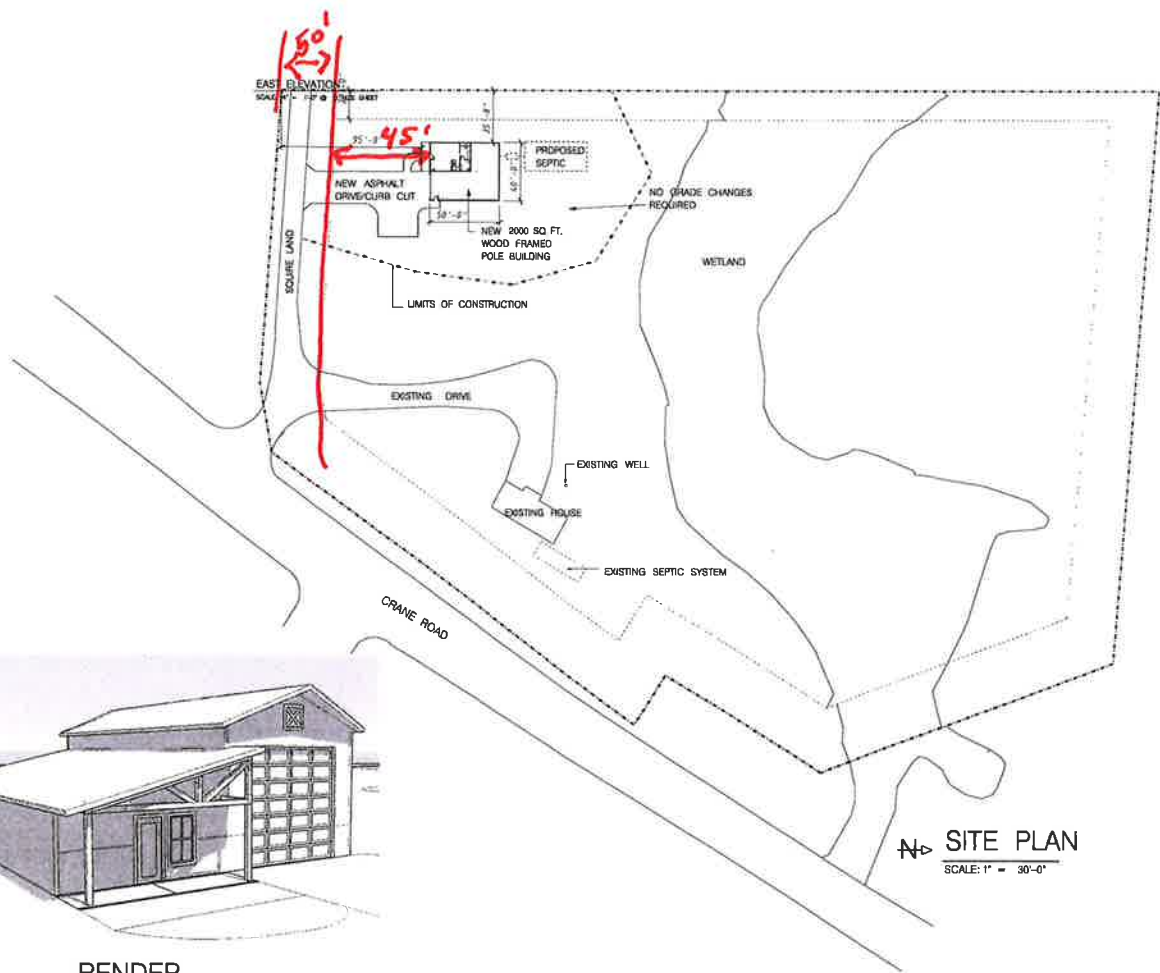
- ✓ The applicant understands the foregoing requirements, and
- ✓ The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and
- ✓ The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and
- ✓ The undersigned hereby grants the Zoning Administrator or designee the right to access the subject property for the sole purpose of evaluating or inspecting this Special Use.



Applicant / property owner signature



Date



RENDER
NO SCALE

ND SITE PLAN
SCALE: 1" = 30'-0"

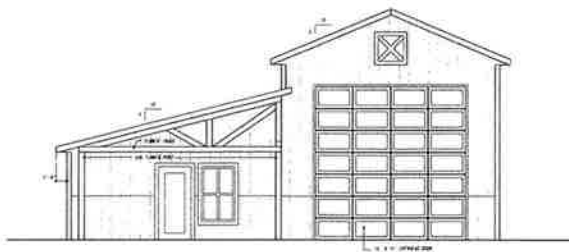
315 Grand River Drive, N.E.
Grand Rapids, MI 49503
Angela M. Gaudin
Architect
Tel: 616-729-2855

Design
ARCHITECTURE

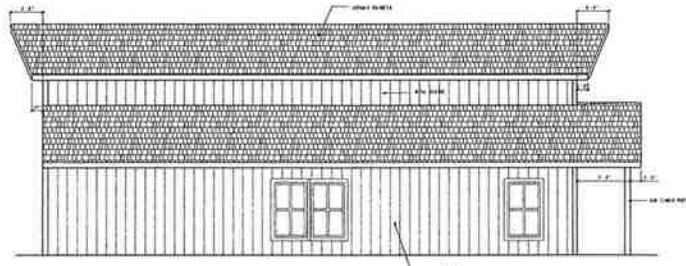
NEW POLE BUILDING
5030 Squire Lane
Middleville, MI

DATE	REVISION

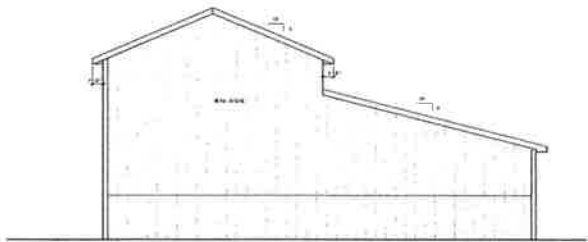
1



SOUTH ELEVATION
SCALE: 1/4" = 1'-0" @ D SIZE SHEET



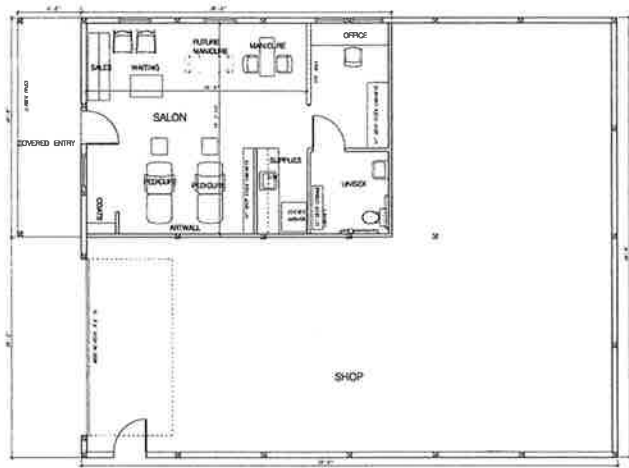
WEST ELEVATION
SCALE: 1/4" = 1'-0" @ D SIZE SHEET



NORTH ELEVATION
SCALE: 1/4" = 1'-0" @ D SIZE SHEET



EAST ELEVATION
SCALE: 1/4" = 1'-0" @ D SIZE SHEET



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0" @ D SIZE SHEET

3118 Grand River Drive, N.E.
Grand Rapids, MI 49508
Phone: 616-722-2885
Fax: 616-722-2885
Design
ARCHITECTURE

NEW POLE BUILDING
5030 Squire Lane
Middleville, MI

DATE	ISSUED FOR
	PROJECT
	NO.

2

Section 19.43 Home Based Business

Each home-based business shall conform to the following standards:

- (a) A home-based business meeting criteria set forth below for a minor home-based business may receive a home-based business permit issued by the Zoning Administrator without holding a public hearing. All other home-based businesses shall file for special land use approval as prescribed in this Article.

Permitted home based businesses include, but are not limited to the following:

(1) Beauty salons and barber shops.

- (c) For all other home-based businesses, a special land use permit shall be required as issued by the Planning Commission following public hearing and subject to the following site, building and operating criteria:
 - a. The use shall be conducted entirely within the dwelling and/or not more than 1 accessory building.

Applicant Response: Yes, Will be entirely contained in approximately 30-40% of proposed pole building.

- b. The use shall be operated by persons residing in the dwelling and not more than one 1 other person.

Applicant Response: Yes, The primary use will be for Jennylynn Koster's employment. Possible to add a second technician in the future, but size and layout will prevent from any additional employees.

- c. The exterior appearance of the dwelling and accessory building, if used in connection with the home-based business, shall not be modified to accommodate the use.

Applicant Response: The building plans for the pole building are being submitted with this application and will be built according to spec and not modified for the business afterward.

- d. The home-based business shall not occupy more than 49 percent of the total dwelling floor area, excluding the basement as defined in this Ordinance.

Applicant Response: Correct the nail salon will take up less than 49% of the pole building with the rest being used for personal storage. No business activities will involve the primary residence on the property.

- e. The use shall be clearly incidental and secondary to the dwelling.

Applicant Response: Correct no business activities will involve use of our primary residence on the property and it will only be taking up less than 49% of the proposed pole building which we are building for personal storage.

- f. Outdoor display of goods or merchandise is prohibited.

Applicant Response: We will not have any goods or merchandise on display outdoors. The nail salon will be a service based operation and retail sales will only be on an incidental or occasional basis.

- g. Equipment used in connection with the home-based business shall be parked or stored within a building or within a gated 6-foot-high screening fence enclosure.

Applicant Response: The entirety of the operation will be inside of the proposed pole building.

- h. There shall be adequate off-street parking and maneuvering area.

Applicant Response: As shown in the submitted plans we will have a separate drive and parking for 3-4 vehicles on the property.

- i. There may be only incidental and occasional selling of goods, merchandise, supplies or products.

Applicant Response: Our business will be service based and retail sales are not intended in the business.

- j. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.

Applicant Response: Understood, and we have no plans to have of these on the premises with the exception of a propane tank for a fuel source which will be properly contained and supplied by a licensed propane dealer.

- k. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat, or glare resulting in an adverse effect at or beyond the property line.

Applicant Response: Understood, This business will not produce any of the above.

- l. As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.

Applicant Response: The eventual goal would be to serve 5-10 clients per day.

- m. There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.

Applicant Response: We source all our supplies locally or through the standard mailing process. We will have no need for deliveries from commercial suppliers.

- n. Any sign shall be non-illuminated and shall comply with the sign requirements for the zoning district in which the use is located.

Applicant Response: Agreed, We will follow the proper signage procedure and permit process.

- o. Each home-based business is subject to an annual compliance inspection at the discretion of the Zoning Administrator.

SPECIAL USE

Section 19.3 Basis of Decision

The decision of the Planning Commission on a special land use shall be incorporated in a statement which sets forth the findings, determinations and conclusion relative to the special land use application being considered. The statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards

established elsewhere in this Article, shall be satisfied by the special land use application being considered.

The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Article:

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
- (2) The special land use shall not impair the essential character of the surrounding area.
- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare.
- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- (6) The special land use shall not have a substantial negative impact on the natural resources and natural features.
- (7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.

- (8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (9) The special land use shall not place demands on public services and facilities in excess of current capacities.
- (10) The special land use is in general agreement with the Township's Master Plan.

The Planning Commission may impose conditions with the approval of a special land use which are necessary to protect the public health, safety and general welfare and to ensure compliance with the standards for approval stated in this Section or any other applicable standards contained in this Article. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

EXHIBIT 2
LOCATION OF PARCEL



EXHIBIT 3

ZONING ORDINANCE

Section 19.43 Home Based Business

Each home based business shall conform to the following standards:

- a. A home based business meeting criteria set forth below for a minor home based business may receive a home based business permit issued by the Zoning Administrator without holding a public hearing. All other home based businesses shall file for special land use approval as prescribed in this Article.

Permitted home based businesses include, but are not limited to the following:

- (1) Beauty salons and barber shops.
 - (2) Photography studios.
 - (3) Drapery design and fabrication.
 - (4) Furniture upholstery.
 - (5) Computer repair and service.
 - (6) Small engine repair.
 - (7) Cabinet making and carpentry work.
 - (8) Seamstress service.
 - (9) Television and other appliance repair.
 - (10) Organized classes with not more than six students at one time for art or craft instruction.
 - (11) Internet based business.
 - (12) Sign maker.
 - (13) Catering business.
 - (14) Turf services and landscaping enterprises.
 - (15) Other home based businesses complying with the requirements of this Section and which are determined by the Planning Commission to be reasonably similar in character to those listed in this subsection, and which do not have adverse effects on adjacent or nearby lands that are greater or more serious than those resulting from any of the above-listed home based businesses.
- (b) A minor home based business shall conform to the following site, building and operating criteria:
- (1) The use shall be conducted entirely within the dwelling or accessory building.
 - (2) The use shall be operated only by persons residing in the dwelling.
 - (3) The exterior appearance of the dwelling shall not be modified to accommodate the home based business.
 - (4) The home based business shall not occupy more than 30 percent of the floor area of the dwelling, excluding area of the basement as defined in this Ordinance.

(5) There shall be no selling of goods, merchandise, supplies or products, provided that orders made by telephone, internet or at sales events off the premises may be filled on premise so long as customers do not arrive on premise to acquire orders.

(6) Outdoor storage or display is prohibited.

(7) There shall be no regular deliveries from commercial suppliers to the premises.

(8) There shall be no activity on premise resulting in noise, vibration, smoke, dust, odors, heat or glare that creates a nuisance to adjoining properties.

(9) As a result of operating the home based business, there shall occur no more motor vehicle traffic than would be normal for a dwelling.

(10) No combustible, toxic or hazardous substances shall be kept on premise attendant to the home based business.

(11) Each minor home based business is subject to an annual compliance inspection at the discretion of the Zoning Administrator.

(12) The Zoning Administrator shall have discretion to refer any home based business to the Planning Commission for approval.

(c) For all other home based businesses, a special land use permit shall be required as issued by the Planning Commission following public hearing and subject to the following site, building and operating criteria:

(1) The use shall be conducted entirely within the dwelling and/or not more than 1 accessory building.

(2) The use shall be operated by persons residing in the dwelling and not more than one 1 other person.

(3) The exterior appearance of the dwelling and accessory building, if used in connection with the home based business, shall not be modified to accommodate the use.

(4) The home based business shall not occupy more than 49 percent of the total dwelling floor area, excluding the basement as defined in this Ordinance.

(5) The use shall be clearly incidental and secondary to the dwelling.

(6) Outdoor display of goods or merchandise is prohibited.

(7) Equipment used in connection with the home based business shall be parked or stored within a building or within a gated 6 foot high screening fence enclosure.

(8) There shall be adequate off-street parking and maneuvering area.

(9) There may be only incidental and occasional selling of goods, merchandise, supplies or products.

(10) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.

(11) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat, or glare resulting in an adverse effect at or beyond the property line.

(12) As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.

(13) There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.

- (14) Any sign shall be non-illuminated and shall comply with the sign requirements for the zoning district in which the use is located.
- (15) Each home based business is subject to an annual compliance inspection at the discretion of the Zoning Administrator.

TOWNSHIP of THORNAPPLE

200 E. Main St. □ PO Box 459 □ Middleville, Mich. 49333 □ Fax 269-795-8812 □ 269-795-7202
e-mail: cgetty@thornapple-twp.org www.thornapple-twp.org

Catherine Getty, Zoning Administrator

September 15, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator

RE: SU #115 / Site Plan #102
Applicant: Rod Janose & Oetman Excavating
PP# 08-14-034-008-00, 2496 Bender Road

Rod Janose, owner, and Oetman Excavating, operator, are requesting renewal of Special Use #115/SP#102. Mr. Janose and Oetman Excavating received their first Special Use permit in 2012 and began mining sand from this site in 2013. The applicant requests to continue to mine sand shown as areas #3 and #4 as identified on the site plan. Exhibit 1 includes the application materials. This includes the applicant's site plan and aerial Map showing the areas previously mined and those reclaimed to active agriculture uses.

Site Plan Committee members Craig Wandrie and Liz Hansson met with the operator, Dan Rookus, Oetman Excavating, and the owner, Rod Janose, at the site on September 13th to review current site conditions. Also present were Zoning Administrator, Catherine Getty, and Township Engineer, Todd Boerman.

Exhibit 2 includes Todd Boerman's review of the special use and site plan materials.

Site Plan Committee recommends approval of Special Use#115 and Site Plan #102 with the following conditions:

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 #102. The term of this permit shall be September 26, 2022, through September 23, 2024.
2. Reclamation bond set at \$51,000 to remain in full force and effect until all lands mined have been fully reclaimed in accordance with Township ordinances and approved reclamation plan.
3. Ingress and egress must be on Bender Road at the location approved by the Barry County Road Commission. All minerals removed by truck from site shall occur via this route and no other.

4. Dust control must be maintained with the application of water to the internal drives, the driveway, and brine to Bender Road north to Adams Road as necessary.
5. The bottom elevation for mining shall be at the elevation determined as of October 2020 by Township engineer.
6. Soil erosion and sedimentation control measures must be taken to prevent the material from entering water bodies, streams, or adjacent properties.
7. The applicant shall provide a minimum escrow of \$2,000 for the purpose of paying for once annual inspections of the site assuring protection of adjacent undisturbed area, ground water quality, erosion control and progressive reclamation of the site. The Township may hire an outside-qualified consultant for this purpose, using escrow funds placed on deposit with the Township Treasurer by the applicant.
8. The mining permit grants the applicant authority to mine and remove sand mineral. Crushing of stone or other processes on premises is prohibited.
9. 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 the site.
10. A vertical berm with a minimum five (5) height shall be maintained along the northern and eastern borders of the active mining area as shown on the site plan. ~~The fence shall be maintained at all times while this permit is in effect. The fence may be constructed of orange plastic snow fence supported by metal posts.~~
11. A sign must be maintained at all times at the exit of the mining driveway stating the following:
 - a. Hours of operation. M-F 7am-6pm, Saturday 7am-noon
 - b. Speed limit of 25MPH on Bender Road between the Janose Farm and Adams Road
 - c. No Jake Braking on Bender Road or Adams Road
 - d. Any violations to the stated conditions above will result in the permit being revoked until the special use is found to be in full compliance. The sign must be approved by the Zoning Administrator prior to mining activity commencing under the terms of this permit.
12. 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 Township Zoning regulations then in effect.
13. The north face of the mine operation should be restored to a useable slope (not steeper than 1:4 per Zoning Ordinance requirements. The slope grade will be determined by the landowner to best compliment the agricultural use.
14. The following documents must be filed with Thornapple Township prior to issuing the permit:
 1. Reclamation bond in the amount of no less than \$51,000 in favor of Thornapple Township, and
 2. Insurance certificate in the amount of \$1,000,000 in property damage and \$1,000,000 in personal injury coverage with Thornapple Township as co-named insured (required by Section 19.53(s)(2).

EXHIBIT 1
Application Materials



APPLICATION FOR APPROVAL OF SPECIAL USE

Thornapple Township, 200 E. Main St., Middleville, MI 49333

Phone: 269-795-7202 Fax: 269-795-8812

Email: zoning-administrator@thornapple-twp.org

Case # SU- 115

Hearing Date / /

PROPERTY INFORMATION

Property Address: 2496 Bender Rd Middleville MI 49333

Parcel ID Number: 14-034-008-00 Zoning District 34 Wetlands Present? Y or ☒ N

Parcel Size Frontage: 398 feet Depth: 2641 feet Area: 58.16 [Acres or square feet]

Master Plan Future Land Use Map Designation for Parcel: 'AA'

Current Use of Property [Describe] Residence / FARM / Sand Pit

Describe Proposed Special Land Use: - Excavate / Export Sand for the purpose of leveling the land to construct barns

Section of Zoning Ordinance Allowing Special Land Use: 19.53 - Mineral Extraction / processing

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Rodney Janose Cell Phone 1.406.210.1574

Mailing Address: 2496 Bender Rd Telephone 1.269.795-2167

City Middleville State MI Zip 49333 FAX

E-Mail

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

☒ Property Owner ☐ Purchase by Land Contract ☐ Option to Purchase ☐ Purchase Agreement ☐ Lessee over 1 year

3. Property Owner

☒ Check here if applicant is also property owner

Identify person or entity that owns the subject property:

Name: Rodney Janose Cell Phone 406.210.1574

Mailing Address: 2496 Bender Rd Telephone 269.795-2167

City Middleville State MI Zip 49333 Fax

E-Mail

Application of Special Use – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition (5)-616.291.4624

Name: Detman Excavating - Dan Root

Cell Phone (1)-616.893.4211

Mailing Address: 4122 Division

Telephone 616.877.4097

City Wayland State MA Zip 01984

Fax 616.877.0210

E-Mail Dan@Detmanexcavating.com

REQUIRED PETITION – WRITTEN ATTACHMENTS

- ✓ Provide narrative to explain need for the proposed Special Land Use
- ✓ Provide narrative addressing Section 19.3(1)-(10) criteria.
- ✓ Site Plan, if required

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- ✓ That the petitioner has a legal interest in the property described in this petition, and
- ✓ The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and
- ✓ The petitioner offers the conditions set forth herein on its own volition and completely voluntary.
- ✓ The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and
- ✓ The undersigned hereby grants Thornapple Township staff and Planning Commission member the right to access the subject property for the sole purpose of evaluating this petition.

Applicant Signature

Date

Applicant Signature

Date

If the petitioner is not the property owner, the property owner must sign below:

Property Owner Signature

Date 9-8-2022

OFFICE USE ONLY:

Fee \$ 250.00 Fee Paid by Cash ☒ Check Receipt # 23209 Received by: _____

[] Approved, [] Approved w/conditions, [] Denied: by the Planning Commission on _____

Planning Commission Secretary

Thornapple Township Special Use Native

In order to continue and stay competitive in our agricultural business, we need to construct additional agricultural buildings. To best accommodate our needs it will be necessary to remove the hill of sand that is substantially higher than the rest of the buildings. It is in my interest to allow a site contractor to utilize this material as he sees fit. I would like to operate a temporary sand pit as allowed for under section 19.53 of the Thornapple Zoning Ordinance. I would also ask for a variance to the section 19.53 (H) as it relates to an asphalt approach. The road will be dust controlled as needed to maintain clear visibility.

Narrative addressing section 19.3(1)-(10)

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property. — The operation is to remove a hill which is currently party of a crop field. The area around the hill is and will continue to be farm land. Once the hill is removed, barns will be constructed, which will match the current use of the property.**
- (2) The special land use shall not impair the essential character of the surrounding area. — The current use of the property is agricultural. Barren ground and equipment is what is currently observed at the property. With the special use permit, the same will be present; Equipment and sand.**
- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare. — There will not be the need for any materials entering the site. As far as equipment, general construction equipment will be utilized to extract the material to be removed from the site. There will not be any Nuisance, or hazards to adjacent property.**
- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects. — In regards to storm water, this will be an improvement to the storm water runoff. The current hill increases the storm water's velocity causing rilling and other erosion concerns. While the mining operation is taking place, the hill be removed thus keeping the velocity of the storm water runoff controllable. Traffic impact will be minimal. Due the fact the roads are rural the general public will not experience any delays as each truck will have an approximately 10 min delay between the following truck. In regards to safety, the road will be dust controlled as needed in order for clear visibility.**
- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services. - The extraction operation will take place off the road behind our current facilities. Law enforcement and public safety services will not be impacted.**

(6) The special land use shall not have a substantial negative impact on the natural resources and natural features. - Due to the storm water runoff improvements, the impact on the adjacent areas and natural resources will be improved as the storm water runoff will be minimized more than its current state

(7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street. - The area of the proposed extraction as well as the travel routes to main thoroughfares experience minimal pedestrian traffic and is not anticipated being an issue. All truck traffic will utilize local trucking routs where applicable.

(8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed. - Time of operation will be Monday through Friday from 7:00 AM to 6:00 PM and 7:00 AM to 12:00 PM on Saturday. Operations will not occur on Sundays and major holidays.

(9) The special land use shall not place demands on public services and facilities in excess of current capacities. - Public services to not exist to the property requesting the Special use Permit, therefore there will not be additional demands of public services.

(10) The special land use is in general agreement with the Township's Master Plan. - The master plan calls for this parcel to land to be designated as "AR". This extraction operation is to make feasible the expansion of a current agricultural facility. The end result will continue to be agricultural.

Section 19.53 Mineral Extraction and Processing

Each mineral extraction and/or processing facility shall conform to the following standards:

- (a) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, "permit holder").

The permit will be issued with Mr. Rod Janose (owner) and Oetman Excavating (operator)

- (b) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation.

Oetman Excavating follows state and local SESC requirements

- (c) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District.

The only buildings being placed are agricultural buildings

- (d) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.

This is an active farming operation, Fencing/gating the drive will not be feasible.

We can however place the fence at the top of the excavation face exceeding 1:3

- (e) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing.

This mining area is 600' off the road, and over 1500' from the nearest home.

- (f) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the set back requirements if, due to environmental or topographical features, such location will create less adverse impact than strict compliance with the set back requirements.

This Mining area is over 1500' from the nearest home and beyond the 300' setback requirement

- (g) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as

practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

Our berms and equipment have been adequate in the past and believe they will continue to work as requested.

- (h) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners.

Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line.

We have used either a calcium chloride brine, or water to achieve this in the past, and will continue to do so. The asphalt requirement should not apply, as this is on a gravel road.

- (i) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads.

There is a sign at the entrance of the pit dictating hours and speed limits which match the above requirement

- (j) All truck operations shall be directed away from residential streets, whenever practical.

We travel the shortest distance possible

- (k) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties.

Berms are already in place and have been effective thus far

- (l) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area.

We will restore to farm fields or drives as the mining in each area is complete.

- (m) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a final slope which shall not be steeper than one foot vertical to four feet horizontal.

The area being restored will be agricultural and will be tilled ground which less than 1:4 slope

- (n) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a 1-year period. Where used,

top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.

Topsoil will be needed for the future crops

- (o) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

The vegetation will be whatever crop is planted that year

- (p) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

The items above are not being utilized at this location. The berms will be removed as this will be an agricultural field.

- (q) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period.

This request is based upon previous renewals, and any violations that existed were taken care of immediately

- (r) Inspection fees:

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall, upon approval of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account, and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis, and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be

credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days.

OK

(s) Performance Bond: Insurance

(1) Bond

The mining operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have a right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner.

The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, *inspected* and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Planning Commission, in considering any application to renew the special use permit,

may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder.

The Township already has a copy our bond

(2) Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that, coverage to be the same as dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner.
(Sect. 19.53 effective June 1, 2013)

The Township already has a copy of our Insurance



- #1 - COMPLETED EXTRACTION - RESTORED WITH LOOSE TILLINGS, 2.0 DRIVES, 3.0 CROPS - 3.7 ACRES
- #2 - COMPLETED EXTRACTION - RESTORED AS TRAILER STORAGE LOT - 1.1 ACRES
- #3 - CURRENT WORKING FACE/EXTRACTION AREA - 3.28 ACRES
- #4 - FUTURE EXTRACTION AREA THIS PERMIT - 4.45 ACRES
- FENCE WILL BE RELOCATED AWAY FROM THE WORKING FACE AS NEEDED TO BE IN PLACE AT ALL TIMES

PROJECT NO. NONE	DATE 9/6/12	REVISIONS	DATE
DRAWN BY OUR	DATE 9/6/12	BY	
CHECKED BY			
SHEET NO. 1		REVISED	

JANOSE EXTRACTION

2400 BENDER RD - SEATTLEVILLE, WA

SHEET PLAN



EXHIBIT 2

Vriesman and Koorhorn Review of Special Use



Vriesman
& Korhorn

September 15, 2022
132

Catherine Getty
Thornapple Township
200 E Main St
Middleville, MI 49333

**RE: Special Land Use #116 for Mineral Extraction from Parcel # 14-034-008-00 owned by
Rodney Janose
Section 34, Thornapple Township**

Dear Catherine,

We have reviewed the materials submitted for the mining special land use renewal for the subject property. We also met with the Site Plan Committee and operator on September 13, 2022 to evaluate the site.

Oetman Excavating has been mining on the property since 2012, starting in the vicinity of a new barn housing pigs. Mining then migrated north and east of the barn and now future mining will proceed only to the north.

There have been no complaints from neighbors during the past 6 years. Previous complaints about dust and noise were associated with the truck route on Bender Road. A sign posted onsite alerting drivers to slow down and indicating site hours is required as a condition and was in place during our visit.

The mining area south of the new barn has been reclaimed to grow crops. Much of the area east of the new barn is also reclaimed, with some topsoil piles, and refuse remaining in that area. The landowner intends to scrap the metal and landfill the rest of the refuse from farm operations. The area between the mining area and new barn is being reclaimed for growing alfalfa and is no longer used for storing trailers. There is also a hole that has been dug for a future animal waste storage containment north of the barn.

The exhibit provided by the applicant does not include sufficient detail to verify that mining is contained within the specified boundary. However, the mining is being performed over 1000 feet from neighboring properties. More detailed plans have previously been deemed unnecessary by the site plan committees.

The base elevation was observed to be consistent with past guidance, which is to maintain a relatively flat shelf suitable for farming. Stormwater from the farm is directed northward toward the mining operation with a gentle slope away from surface waters.

The landowner and operator have had difficulty maintaining snow fence along the top of their bank. Remnants of the fence remain in place, but they also have a 5 to 6 foot berm that appears effective in "guarding" the top of the bank. The operator and landowner requested at the site plan committee meeting that the berm be deemed satisfactory by the Planning Commission.

A new driveway is being established through the mine north of the farm connecting to Bender. The intent of the driveway is to keep dust away from the barns where clean air circulation is key. The new driveway approach to Bender has been reviewed and approved by Barry County Road Commission. The driveway remains far away from neighboring properties and should not create a nuisance. The new location also provides better sight distance for truck drivers turning onto Bender Road. Farm and sand mine traffic will use this new driveway.

It was apparent at the Site Plan Committee meeting that the sand mining continues to be a beneficial part of the surrounding farm operation. We find that the operation is in compliance with the Zoning Ordinance with the potential exception of fencing along the top bank of the mine.

Please feel free to call if you have any questions or concerns.

Vriesman & Korhorn



Todd Boerman, PE

TMB/nmv



TOWNSHIP of THORNAPPLE

200 E. Main St. ♦ PO Box 459 ♦ Middleville, Mich. 49333 ♦ Fax 269-795-8812 ♦ 269-795-7202
e-mail: cgetty@thornapple-twp.org

www.thornapple-twp.org

Catherine Getty, Zoning Administrator

September 15, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator & Site Plan Committee

RE: Special Use # 157/ Site Plan 117
Self-Storage Facility
Parcel 08-14-027-002-90/ M37 Hwy

BACKGROUND:

Applicant, Nick Suwyn, representing "3497 North M37 LLC", is requesting special use approval to construct and operate a Self Storage Facility on parcel 08-14-027-002-90. The parcel is 6.08 acres and was recently rezoned to General Commercial "C" Zoning District. The General Commercial Zoning District requires special use approval for self-storage facilities per Special Use standards 19.72. The project location is attached as Exhibit 1 and application is attached as Exhibit 2.

SITE PLAN COMMITTEE REPORT & RECOMMENDATION:

The Site Plan Committee (Wandrie & Hansson) met with the applicant and his engineer, Matt Cole, on site on September 13, 2022. Also present were Todd Boerman, Vriesman and Korhorn, and Catherine Getty.

Todd Boerman's report is attached as Exhibit 3. The committee reviewed Article XXV, Landscaping Standards, for vegetative buffer requirements. The Site Plan Committee recommends waiving the landscape buffer zone B requirements due to the extent of the natural wetland and vegetation buffer that surrounds the facility. The committee further recognizes that berms and additional plantings could inhibit the safety of customers visiting their storage units.

The Committee finds that the Special Use request meets the general standards for special use approval in Section 19.3 Basis for Decision (1)-(10) as well as the special use standards for a Self-Storage Facility 19.72(A-M) with the following conditions.

COMMITTEE RECOMMENDATION:

- The Site Plan Committee recommends approval of Special Use #157 and Site Plan #117 to construct and operate a self-storage facility as it meets standards for special use approval in Section 19.3 (1)-(10) and Section 19.72 Self-Storage Facility A-M with the following conditions
 - Engineer approval of the final site plan including grading details for 10-wide easement for a pedestrian pathway.
 - Approval of the driveway design from the M37 Corridor Committee (Meeting scheduled for October 20, 2022 at 10am) per the Township's Access Management Overlay Zoning District Requirements.
 - Approval of the final site plan by the Thornapple Township Emergency Services Fire Chief.
 - Applicant must obtain all necessary permits from the Barry Eaton District Health Department and Professional Code Inspections (PCI) for re-purposing or abandoning the existing well on the property.

Exhibit 1 - Site location

Exhibit 2 - Special Use Application & Site Plans

Exhibit 3 – Vriesman & Korhorn review

Exhibit 4 - Applicable Zoning Ordinances

EXHIBIT 1
SITE LOCATION

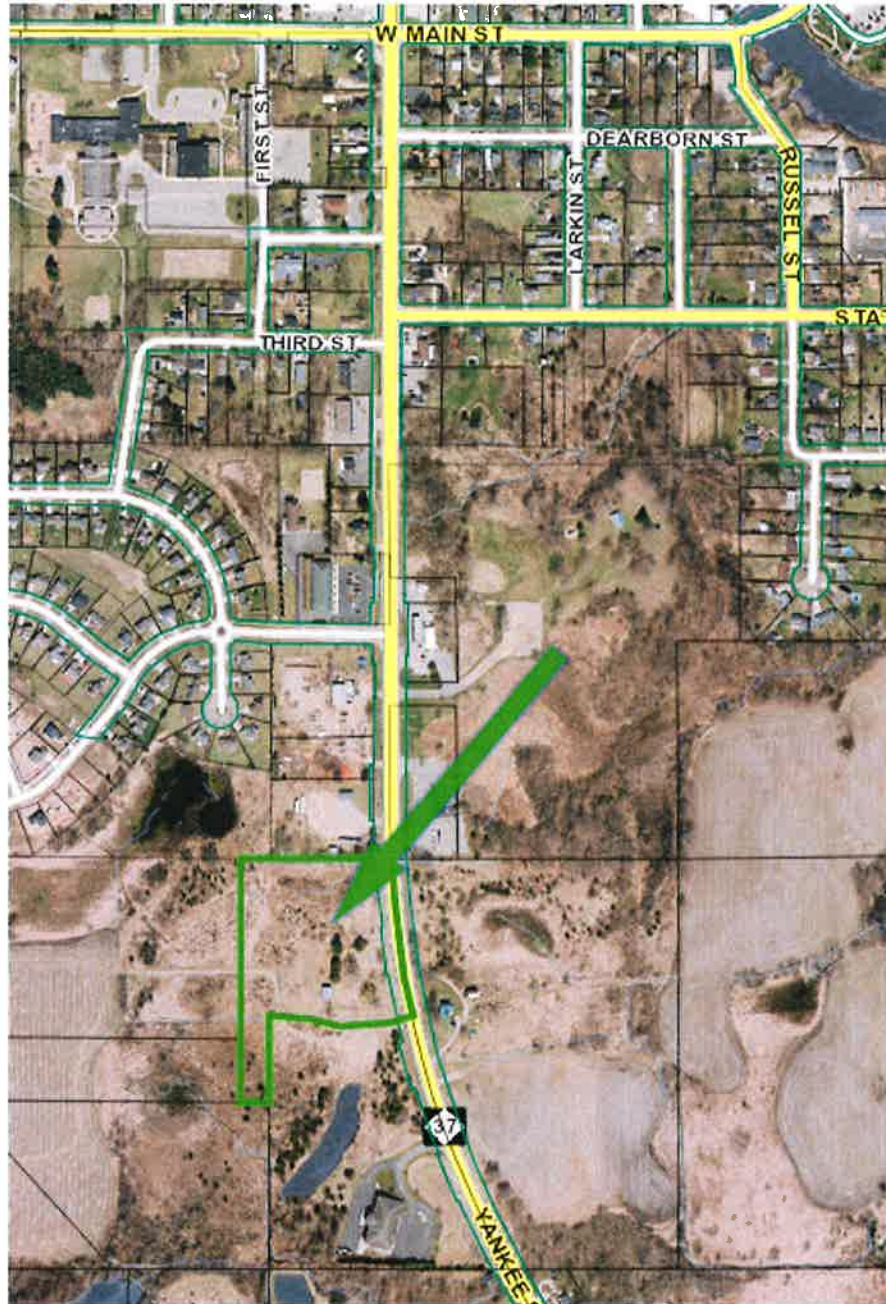


EXHIBIT 2
SPECIAL USE #157 & SITE PLAN #117
APPLICATION & SITE PLAN MATERIALS



APPLICATION FOR APPROVAL OF SPECIAL USE

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

Case # SU- 157
Hearing Date 9/12/12
FEE - \$250

SP117

PROPERTY INFORMATION

Property Address: Just South of 3497 North M37 Hwy, Middleville MI 49333
Parcel ID Number: 08-14-027-002-09 Zoning District "AR" Wetlands Present? ☒ Y or N
Parcel Size Frontage: 511 feet Depth: 482 feet Area: 6.08 (Acres or square feet)
Master Plan Future Land Use Map Designation for Parcel: Highway Commercial
Current Use of Property [Describe] Property has 1 Barn on it that has been rented out for storage for 10+ years
Describe Proposed Special Land Use: Self Storage

Section of Zoning Ordinance Allowing Special Land Use: _____

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Nick Suwyn Cell Phone 616-292-1366
Mailing Address: 187 141st Ave Telephone _____
City Wayland State MI Zip 49348 FAX _____
E-Mail NSuwyn@hotmail.com

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

☐ Property Owner ☐ Purchase by Land Contract ☒ Option to Purchase ☐ Purchase Agreement ☐ Lessee over 1 year

3. Property Owner

☐ Check here if applicant is also property owner

Identify person or entity that owns the subject property:

Name: 3497 North M37 LLC Cell Phone _____
Mailing Address: PO Box 155 Telephone _____
City Caledonia State MI Zip 49316 Fax _____
E-Mail _____

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: Nick Swyna Cell Phone 616-292-1366
Mailing Address: 187 1st Ave Telephone _____
City Wayland State MI Zip 49348 Fax _____
E-Mail Nswyna@hotmail.com

REQUIRED PETITION – WRITTEN ATTACHMENTS

- ✓ Provide narrative to explain need for the proposed Special Land Use
- ✓ Provide narrative addressing Section 19.3(1)-(10) criteria.
- ✓ Site Plan, if required

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- ✓ That the petitioner has a legal interest in the property described in this petition, and
- ✓ The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and
- ✓ The petitioner offers the conditions set forth herein on its own volition and completely voluntary.
- ✓ The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and
- ✓ The undersigned hereby grants Thornapple Township staff and Planning Commission member the right to access the subject property for the sole purpose of evaluating this petition.

Applicant Signature

Date

Applicant Signature

Date

If the petitioner is not the property owner, the property owner must sign below:

Property Owner Signature

Date

OFFICE USE ONLY:

Fee \$ 250 Fee Paid by Cash ☒ Check Receipt # 23188 Received by: CG
[] Approved, [] Approved w/conditions, [] Denied: by the Planning Commission on _____, _____

Planning Commission Secretary

Special Use #157 Narrative -

a. This is a self-storage project. Residents, local property owners, contractors and others will be able to rent a self-service storage unit as needed. These buildings will store a wide variety of personal or inventory items such as: Cars, UTV's, snow mobiles, trailers, household items, tools, supplies, seasonal furniture, and equipment. This project will help owners store their personal property without over building their personal real estate and reduce outdoor storage in our community by providing an indoor alternative.

b. Questions 1-10

We will plan and use a design that is operated, constructed, and maintained keeping in mind the character of the surrounding businesses and homes.

We will not impair the essential character of the area.

We will not create or cause any nuisance or hazardous to any of the surrounding properties or affect the general welfare of the neighborhood.

There is a storm water plan that will contain the water and not cause an issue for the surrounding properties

The project will not have substantial adverse effect on the public safety. (Police, Fire Protection, or other emergency services)

There will be no substantial negative impacts on the natural resources or natural features.

Traffic circulation will have a minimal impact on the neighborhood.

There are really no special land uses we plan here other than regular business. Storage really doesn't have busy days. Minimal traffic daily.

No extra demands on the public services and facilities over and above current levels.

We believe this special land use is within the general agreement with the township's Master plan.

2-027-023-00
 3497 NORTH H-37 1-2
 3497 N. H-37 HWY
 2020: GENERAL COMMERCIAL



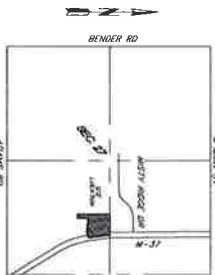
其時，國人皆曰：「此其所以為國也。」

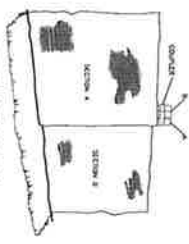
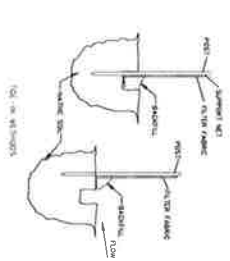
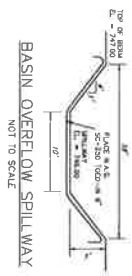
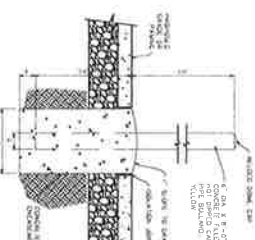
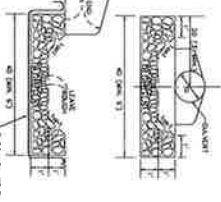
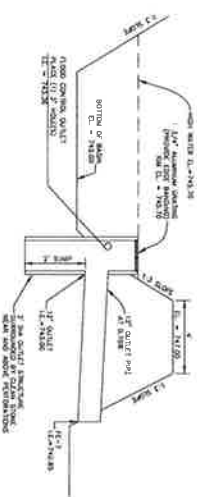
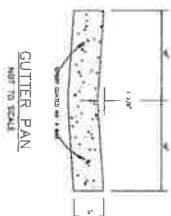
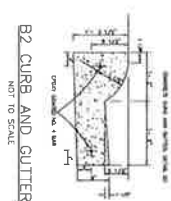
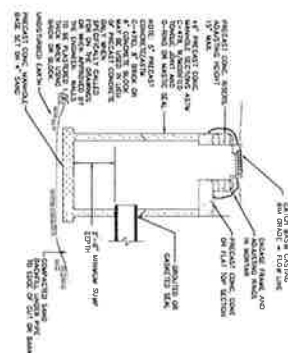
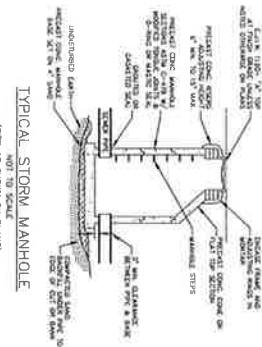


PLANS OF ACCESS

SECTION CORRELATION

SHEET 25 OF 48





BIT PAVEMENT-SECTION

NOT TO SCALE

SLOPE AT EDGE OF PAVEMENT
NOT TO SCALE

BIT, VALLEY GUTTER

PROJECT NOTES AND SPECIFICATIONS

[illegible][illegible]

STIFF CONCRETE LAMINAE. STIFFNESS, STRENGTH, AND FAILURE CHARACTERISTICS OF STIFF CONCRETE LAMINAE UNDER UNIFORM AND POINT LOADS. BY J. K. KIM AND S. K. KIM. *Journal of Bridge Engineering*, Vol. 1, No. 1, 1996, 1-10, 12 refs. The authors have conducted a series of experiments on stiff concrete laminates under uniform and point loads. The laminates were made of concrete and steel reinforcement. The results of the experiments show that the laminates have a high stiffness and strength compared to ordinary concrete. The failure mode of the laminates was found to be different from that of ordinary concrete. The authors conclude that stiff concrete laminates are a promising material for bridge deck construction.

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EXHIBIT 3
VRIESMAN & KORHORN ENGINEER REPORT 9-15-2022



Vriesman
& Korhorn

September 15, 2022
1092

Via Email: cgetty@thornapple-twp.org

Catherine Getty, Zoning Administrator
Thornapple Township
200 E Main St
Middleville, MI 49333

**RE: Thornapple Self Storage Site Plan Review
Section 27, Thornapple Township**

Dear Catherine,

We have reviewed the site plan for Thornapple Self Storage prepared by Roosien and Associates with a revision date of September 14, 2022. The Site Plan Committee met on September 13, 2022 onsite to review the site plan. We have the following comments:

1. The site plan indicates a 10-foot wide easement for pathway along the property's M37 frontage. Grading for a future pathway will also be completed within the easement except in areas of wetland impact. The Site Plan Committee determined that this would be a reasonable alternative to the pathway or sidewalk required in Section 16.7 of the Zoning Ordinance. The facility will not generate pedestrian traffic as a destination and has no connection points in the vicinity. If a regional trail is constructed in the future, the easements and grading will help facilitate construction.
2. The proposed driveway location is approximately 350 feet south of the driveway to the north. The required minimum spacing listed in Section 16.6(M) of the Zoning Ordinance is 455 feet for a roadway posted over 45 miles per hour. The proposed driveway location will also be reviewed by MDOT and the M37 Corridor Committee.
3. Shared use of the driveway with adjacent properties is not feasible due to wetland and topography.
4. At the request of the Thornapple Fire Chief, a fire truck template was applied to the site based upon the dimensions of the Caledonia Township water tender, which would respond to an emergency in this area. It appears that the facility has adequate space to accommodate the turns, but this should be reviewed by the fire chief. The nearest fire hydrant is approximately 500 feet north of the property.
5. Stormwater calculations have been submitted meeting the requirements of the Barry County Drain Commissioner as required by the Zoning Ordinance. Storage of the 100-year storm volume is required, with additional measures to benefit stormwater quality. The facility outlets to a large wetland on the property that remains protected, so stormwater quality leaving the property will receive natural treatment as well.

6. The position of the north building between the drive aisle and the detention basin will make maintenance of the basin and outlets difficult. We recommend that access be improved.
7. There is a private residential well on the south side of the property that must be abandoned or used for irrigation purposes. If the well will be abandoned, it must be done under the supervision of the Health Department and a report provided to Thornapple Township.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Vriesman & Korhorn



Todd Boerman, PE

TMB/nmv

EXHIBIT 4

APPLICABLE ZONING ORDINANCES

Section 19.3 Basis of Decision

The decision of the Planning Commission on a special land use shall be incorporated in a statement which sets forth the findings, determinations, and conclusion relative to the special land use application being considered. The statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Article, shall be satisfied by the special land use application being considered.

The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Article:

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
- (2) The special land use shall not impair the essential character of the surrounding area.
- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare.
- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- (6) The special land use shall not have a substantial negative impact on the natural resources and natural features.
- (7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
- (8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (9) The special land use shall not place demands on public services and facilities in excess of current capacities.
- (10) The special land use is in general agreement with the Township's Master Plan.

The Planning Commission may impose conditions with the approval of a special land use which are necessary to protect the public health, safety and general welfare and to ensure compliance with the standards for approval stated in this Section or any other applicable standards contained in this Article. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

Sections 19.72 Self Storage Facility (self-storage warehouse, self-storage facility, mini storage) [effective 7-23-2022]

- A.** Minimum lot size is 4 acres. – Site is 6.08 acres
- B.** No building shall exceed a height of 24 feet. – 1 story buildings
- C.** The entire public road frontage, exclusive of access drives, shall be enclosed with a six (6) foot high decorative metal fence. Fencing not facing the public road may be enclosed with a six (6) high vinyl coated chain-link fence. Fencing plan subject to Planning Commission approval. – Plan includes fencing meeting ordinance requirements.
- D.** Exterior appearance: Buildings shall be attractive and surfaced with high quality materials as approved on the site plan. Site plan shall include architectural renderings or shop drawings indicating material types, surface textures, and colors.
 - a. Storage units shall have pitched roofs with gables.- yes
 - b. Building exterior shall be faced with metal, brick or stone unless otherwise approved by the Planning Commission. – Steel roof and siding is proposed for all buildings
 - c. Buildings shall have neutral colors. yes
 - d. Buildings shall be oriented so that the doors to storage units do not face toward the road unless such doors will be completely screened from view from the road. Planning Commission may consider allowing gable ends with doors to face the roadway. – Applicant proposes doors on gable ends facing the roadway.
- E.** Driving areas in and around buildings shall have a solid surface (cement or asphalt) as specifically shown and labeled on site plan. – Driving areas are shown as paved bituminous.
- F.** On-site circulation
 - a. All one-way driveways shall be designed with at least two lanes. One ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane, for a total pavement width of at least twenty-five (25) feet. Applicant proposes to have 25' between buildings.
 - b. All two-way driveways shall be designed with at least three lanes. One ten (10) foot wide loading/unloading lane and two twelve (12) foot travel lanes, for a total pavement width of at least thirty-four (34) feet.
 - c. The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate

parking and traffic direction throughout the site. **Site plan does not indicate painted lines or signage to indicate one way driveways.**

- G. All site plans require approval from Thornapple Township Emergency Services.
- H. All storage shall be enclosed within a building; provided, however, that up to 25% of the gross fenced area may be used for the outdoor storage of licensed trailers, recreational vehicles, and similar items. The outdoor storage area shall be specifically identified on the site plan and screened from the view of adjacent properties by walls, fencing or landscaping. **Applicant is not proposing outdoor storage.**
- I. No sales, service or repair activities or anything other than storage (and the rental, maintenance, and supervision of storage units) shall be conducted on the premises. Auctions may be allowed from time to time in the event of an eviction or failure to claim belongings.
- J. There shall be no storage of hazardous or dangerous materials on the premises.
- K. Buffer zones as required in Article XXV. – **Wetlands to act as natural buffer to adjacent properties.**
- L. Use of semi-trailers for storage is prohibited.
- M. Electrical service, except for lighting, is prohibited within storage units. – **none is proposed.**

TOWNSHIP *of* THORNAPPLE

200 E. Main St. ♦ PO Box 459 ♦ Middleville, Mich. 49333 ♦ Fax 269-795-8812 ♦ 269-795-7202
e-mail: cgetty@thornapple-twp.org www.thornapple-twp.org

Catherine Getty, Zoning Administrator

September 15, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator

RE: Termination of Special Use #110
Household and Recreational Storage
12007 Green Lake Road, Middleville
08-14-030-011-20

The Township received a request from the property owner, Neva Kenyon, to terminate Special Use Permit #110 for the Household and Recreation Storage. The Special Use is located at 12007 Green Lake Road, Middleville, MI. Parcel # 08-14-030-011-20.

TOWNSHIP of THORNAPPLE

Eric Schaefer, *Supervisor* / Cindy Willshire, *Clerk* / Debra K. Buckowing, *Treasurer*
Ross DeMaagd, *Trustee* / Kim Selleck, *Trustee* / Curt Campbell, *Trustee* / Sandy Rairigh, *Trustee*



Phone 269-795-7202 * Fax 269-795-8812 * 200 E Main St., PO Box 459, Middleville MI 49333 * www.thornapple-twp.org

September 15, 2022

MEMORANDUM

To: Planning Commission
From: Catherine Getty
RE: Zoning Administrator Report

PERMIT NO.	Address	Parcel Number	Type of Installation	APPROVED / DENIED
				DATE
2022-49	2575 Old Dutch Lane	08-14-032-029-11	Residential Addition	8-30-2022
2022-50	2725 Harwood Lk. Rd.	08-14-032-038-00	Shed	8-22-2022
2022-51	3254 Loop Rd.	08-14-025-009-22	New Dwelling #6	8-30-2022
2022-52	6795 Noffke Dr.	08-14-070-013-10	Shed	8-31-2022
2022-53	10317 Mulberry Dr.	08-14-150-036-00	Shed	9-1-2022
2022-54	7100 Moe Rd.	08-14-001-013-20	Attached garage	9-12-22
2022-55	5875 Stimson Rd.	08-14-090-005-00	Fence and Carport	9-8-2022



CODE ENFORCEMENT

THORNAPPLE TOWNSHIP

Code Enforcement Activity

August 2022

Comp #	Date	Address	Complaint/Violation	Picture	Status
21-0009	03/05/2021	4714 N. Redbud Ct.	Shed/No Permit	Yes	Active
21-0027	07/13/2021	7724 Moe Rd.	Cell Tower/No Permit	Yes	Active
21-0028	07/13/2021	7220 Robertson Rd.	Cell Tower/No Permit	Yes	Active
21-0030	07/15/2021	11998 Green Lake Rd.	Contractor Yard/No Permit	Yes	Active
21-0031	07/15/2021	7603 Loop Rd.	Accumulation of Trash/Junk	Yes	Re-opened
21-0039	12/22/2021	11640 Davis Rd.	Land Alteration/Excavation	Yes	Closed
21-0040	12/22/2021	11433 Ridge Point Dr.	Structure Addition to Existing Acc. Bldg.	Yes	Closed
22-0001	01/11/2022	11028 Prairie Ridge Dr.	Parking Complaint	No	Closed
22-0002	03/07/2022	6754 Stimson Rd.	Demolition/New Construction. No Permit	Yes	Closed
22-0003	03/08/2022	7065 Oak Creek Dr.	Outdoor Furnace/ No Permit	Yes	Re-Opened
22-0004	03/15/2022	7545 Whitneyville Rd.	Junk Cars/Automotive Parts	Yes	Closed
22-0005	03/15/2022	7101 Loop Rd.	Accumulation of Trash	Yes	Closed
22-0006	03/17/2022	12300 Blk. of Gackler Rd.	Report of Dumping Trash	No	Unfounded
22-0007	03/19-2022	8855 Parmalee Rd.	Construction/No Permit	No	Closed
22-0008	04/03/2022	11900 Garbow Rd.	Construction/No Permit	No	Unfounded
22-0009	04/21/2022	5106 Harvest Dr.	Construction/No Permit (Pole barn Placement)	Yes	Closed



CODE ENFORCEMENT

THORNAPPLE TOWNSHIP

Activity Report Cont.

Comp #	Date	Address	Complaint/Violation	Picture	Status
22-0010	04/21/2022	11450 Finkbeiner Rd.	Inoperable Vehicles/Junk/Trash	Yes	Active
22-0011	05/12/2022	2121 Cherry Valley Rd.	Addition to Residence/No Permit	No	Closed
22-0012	05/24/2022	7420 Noffke Dr.	Campers in Yards/Driveways	Yes	Closed
22-0013	05/24/2022	12184 Creek View Dr.	Filling in Roadside Ditch	Yes	Unfounded
22-0014	05/31/2022	8540 W. Crane Rd.	Greenhouse, Retail Store/No Permit	No	Closed
22-0015	06/21/2022	9838 Flat Rock Ct.	Excessive Noise, Barking Dogs, Minibikes, ETC.	No	Closed
22-0016	06/23/2022	2111 Cherry Valley Rd.	Inoperable Vehicles	Yes	Closed
22-0017	07/19/2022	11080 Hiaca Dr.	Inoperable Vehicle/Snow Mobiles/Etc.	No	Closed
22-0018	07/26/2022	5716 Duncan Lk. Rd.	Excavation/No Silt Fence (Forward Barry County)	No	Closed
22-0019	07/26/2022	2092 Fawn Ave.	Fence (Safety Issue)	No	Active
22-0020	07/26/2022	2126 N. M-37 HWY	Camper Trailer/Parked in Set Back (Residing In)	No	Active
22-0021	08/23/2022	10451 Garbow Rd.	Setback Rule Inspection/Changed to Code	Yes	Closed
22-0022	08/23/2022	5838 Hill Top Dr.	Inoperable/Unregistered Vehicles	Yes	Active
22-0023	08/23/2022	5875 Stimpson Rd.	Inoperable/Unregistered Vehicles	No	Active

[illegible]