

Leighton Township Planning Commission Minutes

Date: December 8, 2021, 7:00 PM

Members Present: Stephen Shoemaker, Brad Geers, John Hooker, Harry DeHaan, Ben Potts, Matt VanDuyn, Matt VanderEide.

Members Absent: None

Also Present: Planner Andy Moore from Williams & Works, Jason Derry from PCI, plus 11 members of the public and/or applicants.

1. **Call to Order:** The meeting was called to order by Chairman Harry DeHaan at 7:00 PM
2. **Approval of Minutes from November 10, 2021.** Motion to approve by Hooker, support by VanderEide, and carried 7-0
3. **Public Comments for items not on the agenda:** None
4. **Inquiry of Conflict of Interest:** None
5. **Public Hearing:**
 - a. **Tim Ryan Trucking LLC Special Land Use 0313-265-012-00.** Mike Baker of Nederveld was present. Tim Ryan, on behalf of Tim Ryan Trucking LLC, has applied for site plan and special land use approval for the establishment of a trucking company located at 1129 Morren Court on Lot 12 in the Moline Industrial Park. The applicant is proposing to construct a gravel parking lot with room for approximately 42 trucks and trailers with access from Morren Court. The parcel has an area of approximately 1.95 acres and is within the I-1, Industrial District. The subject property is identified as Lot 12 in the Moline Industrial Park.

The applicant is seeking to install a gravel parking lot for the storage of trucks and trailers that he is not using. 42 spaces are proposed. The north end of the site has an existing detention basin and all work is proposed outside of that. 4 light poles are proposed at the corners of the parking lot. 8' pines are proposed along Morren Court. There is a 120' wide space along the north property line that contains some mature trees. The driveway will be paved per Allegan County Road Commission specs. The site will have a 6' chain link fence for security.

Moore reviewed the application and relayed the comments from the site plan review committee, including the surface (gravel, paving, etc), landscaping. Shoemaker asked

why so much storage is needed and asked about the frequency of use. He was concerned about the potential for dust in the summer. The commission felt that asphalt millings would help the potential for dust quite a bit.

Dehaan opened the public comment. Gord VanLaan noted that he would be concerned about dust and the drains.

Ken Ryskamp - owns part of the business at 1146 Morren Court. He felt that the site should be paved. Other applicants have paved their sites and he noted that the Township has strict standards about building materials, landscaping, etc. so why would we permit a gravel parking lot there? He wants the commission to require the site to be paved. If millings are used, the drain structures would need to be protected with asphalt.

DeHaan closed the public hearing.

VanderEide felt the site should be paved.

Commissioners found with the landscaping to the north and south, noting that 8' tall trees would be required. There was further discussion on if the site should be paved, with the Commission eventually agreeing that it would be best to pave the site.

Motion by Potts approve the site plan with the following conditions:

- 1) No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.**
- 2) Prior to issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.**
- 3) Any stipulations of the Leighton Township Fire Department, Township Engineer, and County Drain Commissioner shall be met.**
- 4) Outdoor lighting shall not exceed 20' in height and shall be directed away from residential areas.**
- 5) The storage area shall be paved with asphalt (no millings).**
- 6) 8' tall trees for landscaping along Morren Court.**
- 7) Only trucks/trailers owned or operated by Tim Ryan Trucking LLC may be stored on the property.**

The motion was supported by VanDuyn and carried 7-0 via roll call vote.

6. New Business:

- a. **A&J Strategies 0313-216-034-00 Site Plan Review.** A&J Strategies ("Midwest Lumber") has applied for a site plan amendment to construct an accessory building on their property located at 1118 Electric Avenue (PPN 13-216-034-00). Dan Lewis of VK Civil presented the application. There are no utilities needed except for electricity. No

exterior lighting, no landscaping changes. There will be some removal and replacement of asphalt to manage stormwater. The building will be 19'8" at its tallest point.

Moore reviewed his staff report noting that it met the requirements of the Zoning Ordinance.

Motion by VanderEide to approve the site plan with the following conditions:

- 1) No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.**
- 2) Prior to the issuance of any permits, the applicant shall have paid all application, permit, and other fees related to this request.**
- 3) Any stipulations of the Leighton Township Fire Department and Township Engineer shall be met.**
- 4) Architectural building elevations shall be submitted for review and approval by the Zoning Administrator.**
- 5) Building materials shall be compatible with the existing building and meet the building material standards of Section 11.08.**
- 6) Any outdoor light fixtures shall be full cut-off features and comply with Section 18.05 of the Zoning Ordinance.**

The motion was supported by Potts and carried 7-0 via roll call vote.

7. Unfinished Business:

- a. **GVL Excavating/VRSL Holdings LLC Mining Application.** Todd Stuve from Exxel Engineering provided an overview of the application. GVL Excavating has applied for site plan and special land use review for a sand and gravel extraction operation located at 329 144th Avenue. The subject property has a total area of approximately 35.3 acres and is located within the R1 Agricultural and Rural Estate zoning district. The property is vacant. The applicant is proposing a three-phase mining operation on the property over the course of five years. Based on the proposed grading plan, the site plan states that 450,000 cubic yards of material would be removed from the site. The site plan also states that material removed includes sand. The proposed end use of the property is a Planned Development (PD) which allows for smaller lot sizes and preserves open space on the property.

This application was originally submitted in June 2021. Mining operations are subject to both the Leighton Township Zoning Ordinance as a Class III special land use and Ordinance 1-92, which is a licensing ordinance related to mining operations. It was noted at that that the operation could not proceed because Ordinance 1-92 prohibits mining operations unless they are located on a County Primary Road. While 144th

Avenue is paved, it is not a County Primary Road, so a decision was not made until this was addressed.

In November 2021, the Township Board adopted an amendment to Ordinance 1-92 that allowed for the Township to approve mining operations not located on County primary roads, subject to several conditions. Thus, the application may now proceed.

Stuive noted that there is a wetland area along 144th that will be left alone. He presented the end use plan that shows the residential development. The mining is being done to make the site buildable for homes. 450,000 cubic yards of material are proposed to be removed. The site would be mined in three phases. He reviewed the soil borings noting that they were taken in late spring when the water table was at a relatively seasonally high level. There is an existing fence along the western property line, and no other fencing is existing or proposed. Stuive acknowledged that there will need to be an agreement for the road and need to determine the bond amount for site reclamation. Stuive estimates that 15-20 trucks per day from the site. He also noted that the County assumes a percentage of commercial traffic when designing the road and Stuive is confident that the road will be able to handle the traffic.

Moore reviewed his staff report, discussing the application relative to the site plan standards, special land use standards, ordinance 1-92 standards, and considerations outlined by the MZEA.

Shoemaker asked if there is enough room between the surface of the land and the top of the water table. Stuive walked through the water depth, and how that might impact home construction, well depth, and the placement of septic systems. Stuive estimates that the basements of the homes would be 8-10 feet above the water table.

VanderEide asked how they will keep track of the volume removed? VanderEide also suggested observation wells to make sure they are staying above the water table. He had some concerns about "what if" scenarios and potential adverse impacts.

VanderEide would like to see an explanation of how they will monitor the volume and strongly suggested monitoring wells.

Geers asked if any residential development was anticipated while mining is going on? VanLaan stated that was not the case, that would all take place when the excavation was complete.

Commissioners felt comfortable with construction fencing around each phase of the development.

The consensus among the Planning Commission was that they were comfortable with the application and asked staff to draft a formal resolution with conditions of approval for the Planning Commission's consideration. Moore will work on this with the Township Attorney, Engineer, and PCI.

8. Old Business. No updates

9. Public Comments: None

10. Correspondence: None

11. Commissioner Comments: Potts asked about a potentially unapproved development at the northeast corner of Division and 146th. Supervisor Steve Wolbrink is aware of it, and Derry will check on this.

12. Adjournment. Motion by Potts to adjourn. The motion was supported by Hooker and carried via a voice vote with all members voting yes.

The meeting was adjourned at 8:58 PM.

Respectfully submitted,

Andy Moore, AICP

Leighton Township Planner

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