

Leighton Township Planning Commission Minutes

Date: July 14, 2021, 7:00 PM

Members Present: Tom Smith, Stephen Shoemaker, John Hooker, Harry DeHaan, Ben Potts

Members Absent: Matt VanderEide

Also Present: Planner Andy Moore from Williams & Works, Zoning Administrator Eric Thompson from PCI, plus 14 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 June 9, 2021.** Motion by Hooker, supported by Potts to approve Minutes as presented. Motion carried with all members voting yes.
3. **Public Comments for items not on the agenda:** None
4. **Inquiry of Conflict of Interest:** None
5. **Motion to move Classic Transportation site plan review up to item 6 by Hooker, supported by Smith and carried via roll call vote with all members voting yes.**
6. **New Business:**
 - a. **Site Plan Review – Classic Transportation.** The property is comprised of two parcels, totaling approximately 9.6 acres within the I-1 Industrial District. The applicant is proposing an expansion of an existing Classic Transportation business, which is located on property adjacent to the northern lot lines of both parcels. Currently, the subject property is vacant. A new 172,000 square foot building is proposed, which would primarily function as a warehouse along with accessory uses.

The site plan review committee recommended approval of the site plan, subject to planning commission input relative to landscaping and building materials on the south elevation. Moore reviewed the recommendation of the site plan review committee, noting that it recommended approval subject to findings by the planning commission with respect to landscaping and the building materials.

Moore reviewed his staff report, noting that it met the standards of section 15.06. Justin Longstreth of Moore and Bruggink and Brock Mellema of FCC Construction provided additional comments with respect to fire access and the landscaping plan.

Shoemaker was indicated that he would be more open to having sheet metal paneling on the building if it were more thoroughly landscaped. A discussion ensued whether the Planning Commission should require a contrasting color or not. Hooker noted that this is intended to be similar to the existing building. Ultimately, the Commission accepted the plan as-is so it matches the existing building to the west.

Motion by Shoemaker to approve as presented 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, Township Engineer, Allegan County Drain Commissioner, Allegan County Road Commission, or other approving agency shall be met.**
- 4) The applicant shall receive and submit copies to the Township of all necessary permits and approvals from local, state, and federal agencies.**
- 5) The applicant shall submit any missing site plan items required in Section 15.04 and identified above under Completeness of submittal, unless specifically waived by the Planning Commission.**
- 6) The applicant shall meet all landscape standards of Section 18.04 of the Zoning Ordinance, unless specifically modified by the Planning Commission.**
- 7) For any new signage, the applicant shall receive a sign permit and comply with Chapter 21 of the Zoning Ordinance.**
- 8) The applicant shall comply with the building material standards of Section 11.08 of the Zoning Ordinance.**
- 9) The applicant shall submit a copy of the easement agreement to allow an off-site stormwater management basin.**
- 10) All loading and unloading areas, and/or outdoor dumpster, which are visible from residential districts or public thoroughfares shall be screened by a vertical screen consisting of structural or plant materials.**
- 11) Outdoor lighting shall not exceed 0.5 foot candles at property boundaries, in accordance with Section 18.05 (b)(2) of the Zoning Ordinance.**

The motion was supported by Potts and carried 5-0 via roll call vote.

7. Public Hearings:

- a. Richard Post Accessory Building.** Moore read the public hearing notice. Richard Post was present and made a presentation describing the request. The applicant is proposing to build a 3,520 (40 ft x 88 ft) square-foot accessory building. The site currently contains a garage, which would be removed. The applicant intends to store personal trailers and vehicles in the building to keep them out of the weather and to keep the site looking clean. The pole barn would be set back to line up with adjacent property.

Moore reviewed his staff report, noting the site plan review standards of section 15.06 appear to be met. Only electric and gas service would be provided, no bathrooms are proposed.

DeHaan opened the public hearing at 743.

- 1) Frank Werner 567 146th Avenue. He wants to do something similar and support Mr. Posts application
- 2) Mark Roodvoets 571 145th Ave. Dick's neighbor. No objections to it. He wants to do the same thing nearby and supports the request.
- 3) Ken Visser 489 S Shore Drive. Also sits on the board of review. He supports the application.
- 4) Gordon VanLaan 383 145th Ave. He supports the request. Wants people to get their stuff inside.

DeHaan closed the public hearing. Commissioners discussed the need for a deed restriction so the accessory property can't be sold separately. Post indicated he had no intention of doing that and thought that was already in place. Commissioners also discussed whether there should be a condition requiring the old building be demolished before the new one is built. After some discussion, it was agreed that the old building must be removed 30 days after occupancy for the new building so the applicant can move his materials from the old building into the new one.

Motion by Potts, supported by Hooker motion to approve with the conditions noted below.

- 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) **The proposed accessory building shall comply with all setback requirements of Section 7B.05 of the Zoning Ordinance.**
- 5) **The proposed accessory building shall not exceed 35 feet in height, as required in Section 7B.04 of the Zoning Ordinance.**
- 6) **Building materials shall be compatible with the principal dwelling and surrounding character of the area, and submitted for approval by the Zoning Administrator.**
- 7) **Any outdoor light fixtures shall be full cut-off features and comply with Section 18.05 of the Zoning Ordinance.**
- 8) **Only personal items shall be stored in the building, no commercial activities or storage of commercial items shall be permitted.**
- 9) **The property shall be deed-restricted so that one lot can't be sold without the other, or confirm that this is already recorded.**
- 10) **The existing accessory building shall be removed within 30 days of the issuance of the certificate of occupancy by the building official.**

The Motion was supported by Hooker and carried 5-0 via roll call vote.

b. VRSL Holdings Special Land Use (Mining). VRSL Holdings Preliminary Site Plan Review

Moore read the public hearing notice. Todd Stuve of Exxel Engineering provided a review of the PUD plan and site plan for the sand mine. Stuve presented a parallel plan and a conservation cluster plan that shows 50% of the land in open space. The clustered plan shows a road extending to the north to connect to additional property (which is not included in the 50% open space requirement). Stuve also reviewed the mining plan, including the operational plan, haul route, grading plan, phasing plan, and other aspects of the development. The site would be excavated in phases and restored in phases as they are worked out.

Shoemaker asked about the location of the open space, plans for future development, and what may occur on future properties to the north.

DeHaan opened the public hearing at 8:08

Brian Shafer 355 144th. He is new to the area and lives directly to the west of the property. He is concerned about the wetland and the topography. He wants the mature trees located on his property would be protected.

Brad Scutter 3212 Cardinal Point. He supports the project and is happy to see where the proposed open space is located.

Gloria Truax. Former owner of the property. She offered the neighbors the first right of refusal and is happy to see that the site plan respects the neighboring properties. She thinks it will be a benefit to the community.

Moore reviewed his staff report, noting that it appeared several items required by ordinance 1-92 were not submitted, but also noted that he received a bunch of additional information late that he had not had an opportunity to review yet. Moore felt that it was premature for the Commission to review or approve the residential development since it wouldn't be constructed for several more years, and any approval would expire while the site was being mined.

With respect to the sand removal operation, Moore noted that the biggest issue was that the mining ordinance (Ordinance 1-92) required that the operation be located on an improved County Primary Road, and 144th Avenue is not a primary road. HE doesn't see how the application can move forward unless this is addressed somehow.

Applicant Chris VanRyn noted that it appeared that several sand mines that have been approved since 1992 that are not on county primary roads, including several on 2nd Street, which is a dirt road. He really wants to develop the property and felt that it's not supposed to be a commercial mining and processing operation, it's prepping the site for development, which requires a lot of material to be removed. Stuve felt that they were applying for a special land use permit, not a commercial mining permit, and felt that Ordinance 1-92 was for large commercial operations.

Moore disagreed with that and stated that they would need both a license pursuant to Ordinance 1-92 and a special land use permit issued by the Township Board. A lengthy discussion ensued regarding the mining ordinance with respect to the language that prohibits any mining operation on a County Primary Road. Moore didn't see any way to modify or vary the standards without the Board amending the Ordinance. Several Commissioners were hesitant to suggest a change to the board for one operation and were concerned about the long-term consequences of doing that. However, they asked that Moore research options for discussion at the next meeting.

Motion by Hooker to table and have Moore and Thompson to review (1) previous applications for mining operations that were ostensibly approved on unimproved roads after 1-92 was in effect, and (2) ask Moore to look into potential amendments

to Ordinance 1-92 that might allow this project to be considered. The motion was supported by Shoemaker and carried 5-0 via roll call vote.

8. Unfinished Business:

- a. **Accessory Building Discussion.** Motion by Hooker, supported Potts to table this until next month. Motion carried 5-0 via roll call vote.

9. Old Business:

- a. All permits have not been received so this approval of this project will remain postponed for the time being, though an EGLE permit was recently received. Once those permits have been received and reviewed this will be placed on the agenda for recommendation to the Township Board. Some information was received recently so this may be on the August agenda. Moore will follow up.

10. Public Comments: Scott and Tammy Whitsell of 4268 Springwell Court asked when they would know the status of Harvest Meadows 2. Scott said that the recent rains have resulted in a lot of water running from Harvest Meadows onto the property after the heavy rain and Bitely isn't doing anything about it. Thompson will check on this.

11. Correspondence:

12. Commissioner Comments:

13. 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 9:01 PM.

Respectfully submitted,

Andy Moore, AICP

Leighton Township Planner