

Leighton Township Planning Commission Minutes

Date: September 8, 2021, 7:00 PM

Members Present: Stephen Shoemaker, Harry DeHaan, Ben Potts, Matt VanderEide

Members Absent: Hooker (with notice) *(Note: Commissioner Tom Smith passed away a few weeks prior to the meeting)*

Also Present: Planner Andy Moore from Williams & Works, Zoning Administrator Lori Castello from PCI, plus six 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 July 14, 2021.** Minutes were accepted as presented.
3. **Public Comments for items not on the agenda:** None
4. **Inquiry of Conflict of Interest:** None
5. **Public Hearing:**
 - a. **Mark Roodvoets Accessory Building Special Land Use.** Mark Roodvoets was present. He has submitted an application for special land use review to construct an accessory building on his property located at 547 145th Avenue. The subject property is approximately 0.62 acres, which is split between two parcels in the LR Lake Residential zoning district. Approximately 0.29 acres is proposed to contain the accessory building on the southwest side of 145th Avenue, while the remaining property is across the street containing a home on Green Lake. The building site is currently vacant and the applicant is proposing to construct an accessory building on the site. The applicant intends to store personal items, including a motorhome, pontoon, and ski boats with trailers, a truck, and three cars in the building.

The applicant stated that well, sewer, and gas are available on the site and those would be connected. The upstairs could have a craft room upstairs. Dimensions would be 70x45. There would be no plumbing upstairs, no kitchen either. Moore reviewed his staff report, indicating that it could be approved subject to condition. Moore noted that the images provided look like a residence. Roodvoets said that there would be no kitchen and no residence in the building.

Dehaan opened the public hearing.

Richard Post 575 145th Avenue. He thinks it is compatible with the neighborhood and has no issues with the request. Also doesn't think there should any restriction on residential use of the building since a home used to be on the property anyway.

Public hearing closed at 7:14.

Shoemaker inquired about the rear yard setback, which Moore and Castello clarified. Moor suggested a condition to ensure that it could not be used for residential purposes.

Motion by Potts to approve the request, subject to 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. The proposed accessory building shall not exceed 35 feet in height, as required in Section 7B.04 of the Zoning Ordinance.**
- 5. Building materials shall be compatible with the principal dwelling and surrounding character of the area, and submitted for approval by the Zoning Administrator.**
- 6. Any outdoor light fixtures shall be full cut-off features and comply with Section 18.05 of the Zoning Ordinance.**
- 7. The applicant shall receive a driveway permit from the Allegan County Road Commission for a new driveway on the site and submit a copy of the permit to the Township.**
- 8. The building shall be access by concrete or asphalt pavement, or an alternate surface approved by the Planning Commission, in accordance with Section 17.08 (b) of the Zoning Ordinance.**
- 9. Only personal items shall be stored in the building, no commercial activities or storage of commercial items shall be permitted.**
- 10. No residential uses shall be permitted in the accessory building.**

The motion was approved by VanderEide and carried 4-0 with all members voting yes.

6. Unfinished Business:

- a. VRSL Holdings/GVL Excavating Special Land Use.** GVL Excavating, represented by Chris Vanryn of VRSL Holdings LLC, has submitted an application for site plan and special land use review for a sand and gravel extraction operation located at 329 144th Avenue.

Ordinance 1-92 requires that new mining operations be located on an “improved county primary road,” and this site does not comply with this standard. Further, it will not be able to comply with this standard in the future either, unless 144th becomes a primary road, which is unlikely.

Moore outlined two ways that the applicant can seek relief: within the existing framework of Ordinance 1-92, or through amendment to it, which would have to be approved by the Township Board. Moore felt that the existing framework of Ordinance 1-92 did not provide a particularly good justification for making an exception, and that an amendment may be more appropriate. He provided a memorandum that included proposed language that would enable the township to permit smaller operations on non-primary county roads.

Motion by Potts to recommend that the Township Board amend section 08.05.00 of Ordinance 1-92 to include the following language:

Further, the Township Board, upon recommendation from the Planning Commission, may waive the requirement for a parcel being mined under the provisions of this Ordinance to have direct access to an improved county primary road if all of the following conditions exist:

- a) **The proposed mining operation has an expected duration of fewer than five years (excluding restoration activities).**
- b) **Not more than 500,000 cubic yards of material would be removed from the site.**
- c) **Washing, crushing, screening, and similar processing activities shall not occur on the site.**
- d) **The proposed access location and haul route are approved by the Allegan County Road Commission and an appropriate financial guarantee, determined by the County, has been provided.**
- e) **The parcel being mined shall have direct access to a paved County road.**

The motion was supported by Shoemaker and carried 4-0 with all members voting yes.

7. New Business:

- a) Site Plan Review – Neal Kelly/North Cove Builders. The applicant was not present. The Commission agreed to postpone the application until the next meeting. Moore relayed to the Commission comments from the site plan review committee, which recommended that the Commission postpone the application due to some outstanding issues, particularly the lack of a landscape plan and building elevations.

Motion by VanderEide to postpone a decision on the site plan so the applicant can provide additional information and attend the meeting. The motion was supported by Potts and carried 4-0 with all members voting yes.

8. Public Hearing

- a. **Levi Dutcher Home Occupation Special Land Use.** Mr. Levi Dutcher has applied for special land use review to teach CPL/ safety classes in an accessory building located on his property at 680 144th Avenue. The subject property is approximately 10.5 acres in area and is located in the R-1 Rural Estate zoning district. The applicant is proposing to teach CPL (Concealed Pistol License) classes in an existing 1,440 square-foot (30' x 48') accessory building on the property. The property currently contains one single-family residence and one accessory building. The applicant has indicated that the classes would not exceed three per month, and would not have more than 24 students at a time. Classes would be eight hours in duration, with five hours spent on classroom instruction inside the accessory building and three hours of outside instruction.

The applicant has also indicated that most classes would occur on Saturdays due to the availability of students, although some weekday classes are also possible. A parking area is proposed on the west side of the property, between the house and the accessory building, about 75 feet from the west property line.

Moore reviewed his staff report, noting that the applicant's site plan needed more detail in terms of setbacks, shooting ranges, berms, restrooms, etc. He did not recommend approval until a more complete site plan was received.

VanderEide asked about how long the shooting lasts. The applicant indicated that shooting is for about one minute, and there is further instruction. Then additional shooting, etc.

DeHaan opened the public hearing.

Shirley Ritsema 666 144th. They are immediately adjacent to the Dutchers. They like them but the CPL classes are a concern for them. Noise is a concern. 50 rounds per person with 24 people is 1,200 rounds in 30 minutes. She said it is really loud.

She is also concerned about the live rounds and wondered if that should be considered a hazardous material as stated in the zoning ordinance.

She also said that this is the third time that the Dutchers have been using the accessory building for some illegal purpose. They have rented it out for living and also used it as an event venue, both of which are not permitted. This operation would be the third thing that seems to be in violation of the zoning ordinance.

Lauren Weideman 4411 Summit Pointe Court. She supports people being safe with guns but agrees that it can be loud when there is shooting.

Dehaan closed the public hearing at 809 pm.

Dehaan mentioned that they denied a special land use permit about 6-8 years ago that was too close to neighbors. Shoemaker had several questions with respect to noise, number of students, frequency of events, and the special land use standards. The applicant also indicated that he was contemplating erecting some kind of structure and

was willing to take additional measures to mitigate the noise concerns that were brought up. VanderEide also asked about lead, and what measures were being taken to prevent it from leaching to the ground. The applicant indicated that the rounds are fired into wood, so lead was not going in the ground. The brass casings were also being cleaned up regularly.

Moore mentioned several items that should be included on a site plan, such as parcel lines, an aerial photo, distances to property lines, adjacent residences, and measures to mitigate noise such as berms or landscaping.

Motion by VanderEide to postpone a decision on the application until next month so the applicant can submit additional information. The motion was supported by Potts and carried 4-0 with all members voting yes.

9. Old Business:

- a. Harvest Meadows Phase II. All permits have not been received so this approval of this project will remain postponed for the time being. Once those permits have been received and reviewed this will be placed on the agenda for recommendation to the Township Board.

10. Public Comments: None

11. Correspondence: None

12. Commissioner Comments: Potts asked about the status of getting new planning commission members as they have not had seven members for quite a while and he was concerned about not having a quorum. The Commission agreed that the Township Board should expedite the appointment of additional planning commissioners as soon as possible.

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

The meeting was adjourned at 8:41 PM.

Respectfully submitted,

Andy Moore, AICP

Leighton Township Planner