



**THORNAPPLE TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Monday, January 23, 2023
7:00 P.M.**

1. **Call to Order** (7:00 P.M.)
2. **Approval of agenda:** [*changes/approval*]
3. **Approval of Minutes**
 - a. November 28, 2022
4. **Citizen Comments:** [*matters not on agenda*]
5. **Public Hearings¹:**
 - a. None
6. **New Business:**
 - a. none
7. **Unfinished Business:**
 - a. Special Use #159/Site Plan#119 – Busch Drive Concrete Mineral Extraction
8. **Committee Reports:**
 - a. none
9. **Administrator's Report:**
 - a. Zoning Activity Report
 - b. Code Enforcement Report
10. **Commissioner Comments:**
11. **Adjournment**

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday, November 28, 2022

1. Call to Order:
 - a. The meeting was called to order by Chairperson Tom Kilgore at 7:02 pm at Thornapple Township, located at 200 E. Main St., Middleville, MI 49333.
 - b. Present: Elaine Denton, Bryan Finkbeiner, Linda Gasper, Sandra Rairigh, Craig Wandrie, and Tom Kilgore. Also Present: Todd Boerman, Catherine Getty, Jeff Sluggett, Glorimar Ayala, Chad Rose, Don DeGroot, Jim Dykema, Jake Welch, and the public. Elizabeth Hansson was absent.

2. Approval of Agenda:

MOTION by Rairigh, **SECONDED** by Gasper, to approve the agenda as printed. **MOTION CARRIED** with 6 yes-voice votes.

3. Approval of Minutes:

MOTION by Finkbeiner, **SECONDED** by Gasper, to approve the October 24, 2022, meeting minutes as presented. **MOTION CARRIED** with 6 yes-voice votes.

4. Citizen Comments: None.

5. Public Hearings: None.

6. New Business: None.

7. Unfinished Business:
 - a. Special Use #159/Site Plan #119 – Busch Drive Concrete Mineral Extraction
 - i. Chairperson Kilgore opened a discussion on this matter, asking if anyone wanted to talk about anything that hasn't been addressed to the Planning Commission and has new information regarding this petition.
 - ii. Township residents Danielle Hoskins, Rebecca Hoskins, and Alyssa Tape shared their concerns with this project: property value, safety, traffic, noise, speeding trucks, air quality, health, and snow trail visibility. They asked the Commissioners to deny the applicant's petition.

Commission Questions and Deliberation:

 - a) Chairperson Kilgore asked Jake Welch from the Road Commission to explain how the Commission grants a driveway permit for the gravel mine after a safety study. Jake Welch from the Barry County Road Commission explained ~~based on what~~ how the Commission grants or denies driveway permits. He said that the proposed location for the driveway on Payne Lake Road and Bass Rd, both northbound and southbound, meets the site sight distances.
 - b) Chairperson Kilgore also asked Welch about the concern about the turning ~~radius~~ radius. Welch replied that they compared the width of other gravel roads

- in the area that came to a paved road and determined that it complies. If the applicants create any damages, the Road Commission can go after them legally.
- c) Chairperson Kilgore asked to add to the record a letter from James Dykema regarding some concerns not addressed by the operator.
 - d) Finkbeiner asked questions regarding crushing, restoration of the pit and turning onto Bass Road. Dykema and Don DeGroot answered his questions explaining that this site would be mainly for loader/loading trucks; no crushing would be done. Finkbeiner reiterated with Dykema and DeGroot that the turn would be westbound only. Finkbeiner asked Dykema and DeGroot to explain the restoration of the pit to the audience. DeGroot explained that the property owner was satisfied with the condition of the proposed restoration. There was a discussion about the possibility of farming the property, and he mentioned that nothing in the ordinance prevents the regrading of the site closer to the property line, making the site more manageable for farming if the property owner desires.
 - e) Denton asked about the silica dust. Dykema explained the process of extraction. Denton asked him if the process released the silica dust. He said no.
 - f) Chairperson Kilgore asked if they have contacted the neighboring pit looking for the possibility of having access from this site to the existing pit on Patterson Avenue to keep traffic out of Payne Lake Rd. Dykema answered no. He mentioned that the property owner has a piece of property that fronts a public street. Trying to go in another direction will not make it nonfeasible economically.
 - g) Rairigh asked why and Dykema answered that it was because of the cost. Rairigh asked about the snowmobile trail. Dykema answered that it is 100 feet from the property line and that he hopes that the snowmobilers don't cross it; if they do, they have 100 feet away from the area and a berm will be constructed. Rairigh mentioned to Dykema that the ordinance requires fencing. Danielle Hoskins mentioned that she contacted DNR and the original trail coordinator and mentioned that they would like to monitor this project.
 - h) Chairperson Kilgore asked how much mining they would be doing during the winter months. Dykema answered very little.
 - i) Rairigh asked about school buses.
 - j) Denton asked for the attorney's opinion on the rebuttal points made by the Commissioners.
 - k) Sluggett stated that the Commissioners had a special land use in front of them. He mentioned the sections of the ordinance to consider. According to Michigan Law, there is a recognition that mining and extraction operations can not be put anywhere, only where minerals are found. State Enabling Act establishes that the extraction should be approved if minerals are found on a site and there is a need for them. He cited the standards from the Zoning Enabling Act:
 - i. The relationship of extraction and associated activities with existing land uses.
 - ii. The impact on existing land uses in the vicinity of the property.
 - iii. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - iv. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

- v. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- vi. The overall public interest in the extraction of the specific natural resources on the property.

Commissioners need to consider these factors, along with the sections of the ordinance and the information provided by the public, applicant, and staff to make a decision.

- l) Rairigh asked the applicant if they were willing to look into the possibility of getting an easement on Patterson. Dykema stated that they could look into it.
- m) Finkbeiner suggested an independent third-party traffic study. Rairigh also suggested an environmental impact study.
- n) Todd Boerman asked Commissioners to be more specific on what they are looking for in the traffic study. Welch explained what the traffic study made by the Road Commission includes.
- o) Finkbeiner asked Welch who was responsible for grading. Welch responded that the County is responsible.
- p) Chairperson Kilgore asked for an appraisal to look into the property values issue.
- q) Sluggett recommended Commissioners identify the issues, ask staff to prepare a report on them and bring it back for the Commissioner's consideration –1) snowmobiles and the position of the DNR, 2) appropriate type of traffic study, 3) crushing vs. screening and the impact it might have, 4) Patterson connection and the applicant contacting the adjacent property to see if it's an option, and 5) appraisal on property values.
- r) Discussion between Commissioners on what type of traffic study they would like to see.

MOTION by Gasper, **SECONDED** by Rairigh, to postpone this item to the Planning Commission meeting on January 23, 2023. **MOTION CARRIED** with 6 yes-voice votes.

8. Committee Reports:

- a. Ordinance Committee – Outdoor wood burner – proposed zoning amendment
 - i. Chairperson Kilgore asked Commissioners for questions or comments on the recommendations from the Ordinance Committee regarding the proposed zoning amendments. A letter from the applicant explaining why a zoning variance was denied because the furnace does not meet EPA's standards was distributed along the Commissioners.
 - ii. Denton asked was regarding the EPA certification and how long that has it been. Rairigh and Kilgore answered the question.
 - iii. Chairperson Kilgore and Finkbeiner went over the changes to the ordinance and explained them.

MOTION by Denton, **SECONDED** by Finkbeiner, to set up a public hearing on January 23, 2023. **MOTION CARRIED** with 6 yes-voice votes.

9. Administrator's Report:

- a. Zoning Audit – No report. Getty submitted an audit performed by Nathan Mehmed from Williams & Works regarding Zoning Ordinances updates. Ordinance Committee will set up a meeting date to go over the audit.
- b. Code Enforcement Report – Rairigh inquired about some complaints/violations on the report dated 2021. Getty provided an update on them.

10. Commissioner Comments: None.

MOTION by Gasper, **SECONDED** by Rairigh, to cancel the Planning Commission meeting on December 19, 2022, due to the holidays. **MOTION CARRIED** with 6 yes-voice votes.

11. Adjournment:

MOTION by Gasper, **SUPPORT** by Rairigh, to adjourn at 8:25 pm. **MOTION CARRIED** with 6 yes-voice votes.

Sandra Rairigh, Secretary

Glorimar Ayala, Recording Secretary
Approved _____

DRAFT

Planning Commission Members
Thornapple Township
200 East Main Street
Middleville, MI 49333

Re: Special Use Permit #159 Application at 2185 Payne Lk Rd.

Dear Commissioners,

I have been able to review the audio of the November 28, 2022 Planning Commission meeting. At said meeting, it appears there were five (5) remaining action items before you were comfortable making a decision.

1. Feasibility and opportunity for an easement to go through the private property to get directly to Patterson Avenue.
2. Safety of Payne Lake Road and the intersection of Payne Lake Road and Bass Road.
3. The environmental concerns of neighbors (i.e. crushing vs screening).
4. Property Value concerns.
5. Snow mobile pathway.

I would like to address these concerns one-by-one below:

1. Potential Easement through private property owned by others

At the request of the Planning Commission. I have had multiple conversations with both property owners that would require an easement to get directly from this parcel to Patterson Road. Unfortunately, one of the property owners has been unwilling to agree to an easement through his property. I acknowledge that he has not refused the possibility of an easement, but we cannot be held hostage to wait for an answer from an individual that we do not control.

As much as we agree that this scenario would alleviate other concerns, we do not own the property and cannot force any other land owner to grant an easement.

2. Safety of Payne Lake Road

There was much discussion of the safety of Payne Lake Road and the intersection with Bass Road. The Planning Commission asked for a safety / traffic study for this area, however it remained unclear on what this study would actually study and what it would accomplish.

Multiple residents expressed their fear of the cars coming East on Bass Lake Road going excess of 55 to 60 miles per hour. It is my belief that our application should not be negatively affected due to illegal driving by others.

The Barry County Road Commission sent a representative that spoke to their lack of concerns regarding this intersection and road. BCRC did not have an issue with this route, nor do they have a safety concern. They said they would work directly with the applicant to keep Payne Lake in good working condition, and the operator agrees that we need Payne Lake to not be damaged.

CDL truck drivers are held to a much higher driving standard than a regular driver. They are drug tested randomly and their licenses are reviewed annually. They are safe and legal drivers and to insinuate they will cause accidents is unfair at best. These trucks drive next to and near school buses in other jurisdictions on a daily basis and this is an unreasonable fear or expectation that it would cause a dangerous situation to the neighbors.

Furthermore, at the suggestion of a resident, we did bring a gravel train to this intersection and made the turn from Payne Lake Rd to Bass Road. We were able to do this legally and did not cross a double-yellow line. There also are not the sight-line issues discussed by residents from the seat in a gravel train. Todd Boerman has received a video of the traffic maneuver and can speak to it as well as the sight-lines.

With this being said, an further safety study of the intersection after we have provided video proof and a blessing from the BCRC is unnecessary and an abuse of our escrow monies.

3. Environmental Concerns of crushing.

The major concern within the meeting was that of silica dust. By the community member's own admission of the article she was citing, silica dust is a product of crushing aggregate.

Nowhere in our application are we applying for crushing and this will not be taking place at this location.

There are multiple other gravel pits in the area that are larger operations that do not create environmental concerns. This project is much smaller and only consists of soil removal and some screening. There is no additional reason to hold this project from approval for a further study.

4. Property Value Concerns

There are at least three (3) other gravel pits within a square mile of this property that are already in place. There is no reasonable data that could say that this short term project would decrease any property value with being in the direct area of other neighboring gravel pits.

5. Snowmobile / DNR Path

The DNR gets permission from the property owners in order to offer this trail. It is not a guarantee each year and the home owner could refuse to allow the trail to access their property (like many others have). The land owners have done this good deal for the community and DNR for many years, and I cannot understand why this would then be held against them for this application. I am in no way speaking for the land owner saying a quid pro quo situation is here, but this should not be a deciding factor of the Planning Commission. Furthermore, the vast majority of snowmobiling does not take place during normal business hours and should not create any issue.

We have done our job in order to provide you with a number of informational data points for you to make a decision. As Mr. Jeff Slugget has mentioned to you prior, we are after a natural resource that is valuable. With the number of other gravel pits in the area that have been approved by this board, there is no question this is a valuable resource that is protected under Michigan Statue. We have provided data that refutes there being any serious consequence to the community from our operation.

We are now requesting the Planning Commission will approve our application.

Thank you,


James Dykema

Planning Commission Members
Thornapple Township
200 East Main Street
Middleville, MI 49333

Re: Special Use Permit #159 Application at 2185 Payne Lk Rd.

Dear Commissioners,

I understand that you may allow for public comments during this meeting regarding this application. If so, I am asking you to consider this letter, as I am not able to be present due to the birth of my child (unfortunately, I did not get any say in the timing!).

As you know from the meeting on 10/24/2022, we are requesting to remove gravel from 2185 Payne Lk Rd. We have submitted plans that attempt to minimize the nuisance to neighbors, and yes, I do understand their concerns. However, our request is that you as Commissioners look at the overall picture and grant our special use permit. There is an absolute need for gravel, and we can only find it where the glaciers left it, which is one of the reasons the Michigan Legislature passed the Michigan Zoning Enabling Act of 2006.

There were some concerns from Commissioners and neighbors at the October 24th meeting and I'd like to try and address them:

- Gravel pits decrease home values by 25-30%.
 - Unfortunately, this is just not credible information in regards to this pit. This small-scale mineral extraction project will not have a negative impact on home values. Furthermore, there are a number of larger gravel pits in the area and those have been permitted through this process.
- Payne Lake Road will be hurt by the operation.
 - We have spoken with BCRC and have an understanding that we will help maintain the road. A road with potholes is detrimental and expensive to our trucks, therefore, it is in our best interest to have a good clean road.
- Site-lines
 - I will leave this to Jake from the BCRC. He is the expert on this and we should take their considerations.
- Can we move the driveway to the Davis Road?
 - This would mean more time on-site and on the public roads. This seems counterintuitive to other requests to minimize noise / dust / etc. We want to be as efficient as possible which is why we want to keep the entrance/exit to the closest spot to our traffic plan.
 - I would like to mention that after seeing Todd's recent suggestion, we are happy to move the entrance to the South if it is the desire of the Commissioners.

Furthermore, I hope you and Attorney Slugget will agree that this pit would not result in very serious consequences. There are numerous other pits in the direct vicinity of this location and have not caused major issues to the surrounding properties. These operations have been much larger in scale and should alleviate any concerns you may have about our smaller operation.

Thank you for your time and consideration,

James Dykema

williams&works

engineers | surveyors | planners

MEMORANDUM

To: Thornapple Township Planning Commission
Date: January 19, 2023
From: Tricia Anderson, AICP
RE: **Zoning Administrator Report**

This report serves as an account of zoning activity in the Township throughout the month of December. As you likely know, we have been selected by the Township to serve as the interim Zoning Administrator. Over the last month, we have been working to catch up on any pending zoning compliance permits and process incoming zoning compliance permits. The table below contains an update of zoning compliance permits that we have issued or are in the process of reviewing.

PERMIT NO.	Address	Parcel Number	Type of Installation	APPROVED / DENIED
				DATE
2022-58	11998 Green Lake Rd	08-14-020-008-40	Shed	12-20-22
2022-62	12919 Finkbeiner Rd.	08-14-019-002-32	Acc. Bldg.	Pending
2022-63	5030 Squire Lane	08-14-015-016-80	Acc. Bldg./SU#158	11-9-22
2022-64	2950 Heller Rd.	08-14-032-040-00	New Home	Pending
2022-65	4642 Patterson Rd.	08-14-019-002-70	Rebuild Home	Pending
2022-66	111830 Jackson Rd.	08-14-029-011-10	Pool Deck	Pending

We have also worked on the following:

- Assisted the Township Clerk and Treasurer in deciphering escrow accounts that must be billed.
- Processed land division at 11396 Ridge Point Drive
- Responded inquiries related to land divisions and lot consolidations
- Responded to zoning inquiry related to construction in the floodplain
- Conducted a site visit to inspect a zoning violation with an accessory building located on the common element of a condominium development
- Corresponded with the Township Attorney regarding the use of a home as an accessory structure
- Review of private road standards in preparation for incoming private road application (off Robertson Road)
- Assisted resident with draft wood boiler ordinance language

Please feel free to reach out with any questions!

Thornapple Township

2022

Summary of Code Enforcement Activity:

Total new Complaints Opened in 2022:	25	2021	37
Total 'Overall' Complaints 2022:	32	2021	40
Complaints Closed with Compliance	24	2021	33
Citations written (Civil Bureau)	0		
District Court/Court Cases (Enforcement)	0		
Inspections of Zoning Compliance Permit sites	64	2021	56

Complaints/Enforcement Categories (General) :

Vehicles	6
No Permit	13
Trash/Junk	4
Fences	6
Safety/Hazard	1
Noise	1
Signs	0
Campers/Boats	2
Other	7
**Open complaints carried over into 2023 ~2022	4

Annual Compliance Inspection(s) for SU's:

Thornapple Township Special Use/Site Plan Approvals

26

2021 29

Noteworthy accomplishments for 2022:

All 'Enforcement Complaints' were handled/managed, 'AGAIN', with.

Zero Court involvement, Zero Court action for the year. (**Boo-Yah**).

Brad Williams

Thornapple Township

Code Enforcement Officer