

PROPOSED MINUTES
LAKETOWN TOWNSHIP
PLANNING COMMISSION
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

October 2, 2019

ARTICLE I. CALL TO ORDER

Chair Jim Lorence called the Planning Commission meeting to order at 7:00 p.m.

MEMBERS PRESENT: Jim Lorence, Randy Becksvoort, Marcia Perry,
Dick Becker, Jim Johnson
MEMBERS ABSENT: None
STAFF PRESENT: Al Meshkin – Township Manager
Diane Ybarra – Recording Secretary

ARTICLE II. APPROVAL OF MINUTES

The Commission reviewed the minutes of the August 7 and September 9, 2019 meetings. **A motion was made by Becksvoort and seconded by Johnson to approve the minutes. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. DARBY PLANNED UNIT DEVELOPMENT REQUEST

Mr. Dick Darby, owner or agent of property located in Section 35 of Laketown Township, that being tax parcels #0311-035-018-20, #0311-035-018-30, #0311-035-021-00 and #0311-035-029-00, requests approval to develop a commercial planned unit development on these parcels. Meshkin reported that a meeting was held with the Saugatuck Township to discuss utilities. The item remains tabled.

ARTICLE IV. NEW BUSINESS

A. DARBY SPECIAL USE REQUEST

Mr. Dick Darby, owner or agent of property located at the southwest corner of 63rd Street and Blue

Star Highway, that being parcel #0311-035-029-00 requests a special use permit for the temporary storing and sale of sand and topsoil and similar materials on this parcel.

Tim Brink, tenant of the property for the proposed special use request explained that the operation involves the storage and sale of sand and topsoil. This would be a temporary use of the property as he has been seeking to purchase land in the area for his business.

Dick Becker asked if the business is currently underway and asked how long it has been going on. Meshkin and Brink said all of this summer and some of 2018. Johnson asked what the plans are for the future, materials, customers, etc. Brink said it is a temporary depot and he is looking for available property. Screening of the topsoil is done on this location. He is asking for another year to search for available property and no different material or expansion is planned. It is primarily for Brink's customers and minimal retail. There is a plan to put a sign and contact information in the future.

Perry asked who is allowed to ask for the special use, the owner of the property or the individual conducting the business on the site. Is it appropriate for owners of land to conduct business that is not legal? Meshkin said the tenant and the owner are represented this evening. The owner made the application and he wishes to continue to lease the property for the current use and it is the "use" that should be considered. Perry asked what hours have been kept and what are the intended business hours for the future. Brink said 7:00am for loading and latest would be 6:00pm, five days a week and some Saturdays, middle of the day. Perry confirmed there are no plans to expand the current location and Brink said there is no expansion planned.

Lorence said there is a pit where the sand comes from, how often is the sand delivered to the site. Brink said on a busy week it would be 6-8 times per day from the pit. Lorence asked if a front loader is used and Brink said yes. Are there commercial customers? Brink said his primary customer base is current construction company customers. Lorence noted the letters of concern received regarding the dust and sand blowing toward neighboring properties. Brink said it would be primarily dust from the parking lot but he does try to clean the lot. Becker suggested a snow fence or other structure to reduce the dust. Lorence said it might be perceived as undesirable to the neighbors.

Lorence opened for public hearing.

Shirley Visscher of 6283 136th Avenue said she lives within 500 feet of the property. She submitted a letter of concern regarding the dust blowing from the topsoil which leaves a dirty residue everywhere. Visscher asked if the material will be processed. Brink said topsoil screening process is done on site. Visscher asked if this is temporary and if he will indeed be moving in the future. Brink said it is not permanent. Visscher asked if signage will be installed. Brink said he has considered putting up signage but right now the trucks advertise. Visscher said she has no strong objections but too often what happens once you allow a special permit now you will have to deal with other situations on that property, citing the Flying J situation. She is concerned that temporary becomes forever. Why do we need a special permit – leave well enough alone. Visscher noted that Darby is a longtime friend and understands that he has not received a return on his

investment but the neighbors should not have to be affected. She hopes the best for Brink.

Ellen Fitch of 3665 63rd Street, Saugatuck noted this is a quarter mile away. She has watched this for many months and wondered how this can be happening here. There is nowhere in any of the ordinances that this type of use is allowed there. It is not even allowed as a “special use” use. There is equipment sitting outside and large trucks in and out all of the time which is also dangerous. It is just not supposed to be there according to the plan the commission put together. It is time that this is caught up with Mr. Darby. The neighbors don’t like it and want to see that corridor becomes what it was planned to be.

Paul Visscher of 6283 136th Avenue said if the Planning Commission approves the use he believes there should be stipulations on volume of sand and topsoil; scope of the total business identified; length of temporary use; rules and regulations should be documented.

Shirley Visscher asked that her concerns/questions be addressed. If a temporary permit is allowed, how will the final date of operation be enforced? Visscher would like to see definite dates, materials used, signage and how this will be enforced.

Letters of concern were submitted by Shirley Visscher of 6283 136th Avenue, Saugatuck; Ellen Fitch 3665 63rd Street and Kimberly Collins and Dr. Catharine F. Bishop, co-owners of Guardian Brewing Company.

Johnson asked if we approve the special use, can a timeframe be put on it. Meshkin said we certainly can dictate the conditions of the special use.

A motion was made by Becksvoort and seconded by Perry to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

Perry said she lives in the area and there is dust and noise, noticeably different than before this business was in place. She had reviewed the plans for the Blue Star Corridor and this does not fit into the plan that was agreed upon. She noted that the addition of Guardian Brewing Company has been a good addition to the corridor. Lorence noted this is not a permanent business. Perry said we do not like it now. Lorence said as it becomes developed there will be trucks involved during the process of the development. Perry asked why we would want to accommodate nuisances for the neighbors. Perry said it does not fit with the master plan in the past or in the future.

Becker said as long as there is a timeframe he does not have a problem. Johnson said in general he is uneasy but is okay if there are tight restrictions on the operation and timeframe. Becksvoort asked if when the highway is done in 2020, will MDOT grind the cement there as was done in the past? Meshkin said it is possible and it is scheduled for 2020 or 2021 and MDOT makes that decision. Lorence said there seems to be more sand than topsoil, is that typical? Brink said that it can vary based on the business demands. Lorence confirmed that the sand is not processed but the topsoil is processed and is that what causes most of the dust. Brink said the parking lot is what

causes most of the dust. Johnson asked if there is water service on the property and Brink said there is a pond but no water service. Lorence asked if there is a way to reduce the black soil dust. Brink said he will do the research to see if there is something that can be done. Becker asked if it can be done when the winds are less than 10 and Brink said it is possible. Perry asked who would enforce that. Lorence referenced the similar issue with Chef Container and noted the restrictions put on that special use.

Becksvoort noted hours of operation; end date; dust control stipulation; signage should be included in the special use permit if it is approved.

Visscher asked if by allowing the permit, are you telling him what he has been doing for the last year is wrong and now by awarding him the permit, you are rewarding him for what he has done. If you do this for this project, what happens with the next request? Is he wrong or is Mr. Darby wrong? Lorence said people start things without permits in error not realizing they need it. Visscher asked if you in good conscience can reward for the misuse of the property.

Becksvoort noted the ordinance allows for a retail nursery which would sell bark and such materials. Is this request similar to that type of operation? Perry noted the special use requests must meet the criteria of the ordinance. Meshkin agrees this use does not fit neatly into the Blue Star Master Plan but it can be interpreted differently. He referenced Item 7 of the ordinance which can be use by right for retail.

Following discussion, **a motion was made by Becksvoort and seconded by Becker to approve the Darby Special Use Request for storage and sale of sand and topsoil with the following conditions: hours of operation are Monday – Saturday, 7:00am – 6:00pm; sand and topsoil only will be materials on the property; dust control will be researched and applied; business shall cease no later than December 31, 2020; consideration of the special use standards in Section 38.91; compliance with the application; compliance with federal, state, county, and Township laws and ordinances; and with the written and verbal representation at this meeting. Lorence called for a vote on the motion. Approved 3 to 2 Perry and Johnson were opposed. MOTION APPROVED**

B. BREUKER REZONING REQUEST

Calvin and Linda Breuker, owners or agents of property located at 144th Avenue and east of 62nd Street request rezoning of said parcels from AG Agriculture District to R-1 Rural Estate District.

Cal Breuker of 4437 62nd Street said he thought he had seven splits on the land but learned that he has to have it rezoned. He has a builder interested in purchasing the property and this is the first step toward selling the parcels.

Becker confirmed there was no correspondence received and he has no questions. Johnson had no questions. Becksvoort asked for clarification of Breuker's residence on the map. Perry asked if the future land use is R-1.5, will this require a future rezoning. Meshkin said the current revision of the Master Plan does allow it for R-1.5 but if going from AG to R-1, it is an intermediate step

to going to R-1.5. Perry asked if any other considerations have been given to saving agricultural land. Meshkin said the ability to control agricultural land is very limited and with the residential growth in the township, Laketown is not an agricultural township. Johnson asked about the water/sewer and Meshkin said it would be well and septic but there is natural gas.

Lorence opened for public hearing.

Bruce Wickmann of 4430 62nd Street spoke in favor of the request. He asked the difference between R-1.5 versus R-1. Meshkin said the general concept it is denser than R-1 but less than R-2 but the rules have not yet been established. Wickmann is in favor of R-1 in this area.

Following discussion, **a motion was made by Becksvort and seconded by Becker to close the public hearing. Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED**

Lorence asked for questions and there were none.

Following discussion, **a motion was made by Becksvort and seconded by Becker for recommendation to forward the request for approval to the Township Board.**

Lorence called for a vote on the motion. UNANIMOUS DECISION – MOTION APPROVED

ARTICLE V. CITIZEN COMMENTS

Greg Rowder of 6146 145th Avenue said he is all for developing but hopes it does not impede on the zoning to make it all subdivisions.

Paul Visscher said he has a problem with a comment that the Darby request was not worthy of an hour discussion. He feels that any issue brought forward for public comment warrants discussion.

ARTICLE VI. ADJOURNMENT

A motion was made by Becksvort and seconded by Johnson to adjourn the meeting at 8:09p.m. Lorence called for a vote on the motion. UANIMOUS DECISION – MOTION APPROVED