

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION
FOR THE REGULAR MEETING HELD ON
June 27, 2019
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 p.m. by Chair Giarmo. A quorum was present.

MEMBERS PRESENT: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

MEMBERS ABSENT: Burns with notice.

OTHERS PRESENT: Matt McKernan, Assistant Planner
Cliff Bloom, Township Attorney
Jeff Gritter, Township Engineer
Robin Haaksma, Recording Secretary

II. CONSIDERATION OF MEETING AGENDA

No Changes

III. CONSIDERATION OF MEETING MINUTES

May 23, 2019 Regular Meeting Minutes
June 19, 2019 Special Meeting Minutes

Motion: By Member Waayenberg, supported by Member Thomas to approve the minutes for the June 23, 2019 Planning Commission Regular Meeting and the June 19, 2019 Special Meeting Minutes (Stoneco Site Visit).

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

VI. NEW BUSINESS

1. Advertised Public Hearings

a. 7111 Crystal View – Special Use Permit for a Group Child Day Care Home (PUD)

Special Use Permit Request to allow a single-family residence to be used as a Group Child Day Care Home (7-12 children).

Josie Grice, 7111 Crystal View

Grice currently provides care for children in her home and would like the flexibility to increase the number of children to 7-12. The children would only be outdoors during certain times of the day and contained to her deck. She would also obtain permission to use the nearby playground before taking the daycare children there.

Assistant Planner McKernan stated all home owners within the township are allowed to watch one to six children by right. To increase the number of children to 7-12 a special use permit is required. Mrs. Grice's driveway and 3 stall garage provide adequate parking for an additional caregiver and some of the parents during drop off/pick up. Due to HOA regulations and the home bordering the golf course Mrs. Grice is not able to fence in her backyard.

Chair Giarmo opened the public hearing at 7:10 pm.

Al Dieterman, 7092 Crystal View Dr.

Dieterman is opposed to the group child day care. He is concerned about noise, extra traffic, an unfenced yard, and additional cars parked on the street.

Darlene Ritsema, 7082 Crystal View Dr.

Ritsema is concerned about extra traffic and on street parking reducing visibility. She also does not want a precedent set that would allow more in-home businesses to be operated from her neighborhood.

Chair Giarmo stated that staff received five letters in opposition of the group child day care.

Chair Giarmo closed the public hearing at 7:20 pm.

The Planning Commission discussed the safety of the children being in close proximity to the golf course; what impact additional on street parking could have; and verified the 2nd care provider would be Grice's daughter who lives at the same address.

Motion: By Member Rober, supported by Member Thomas to deny the special use permit allowing the Group Child Day Care Home, due to the location on the golf course.

Discussion: None

Ayes: Giarmo, Rober, Thomas, Waayenberg

Nays: Billips, Haagsma

Abstain: None

Decision: Passed

b. Stoneco, 1856 100th Street (A-B)

Continued public hearing for a request to rezone 43 acres at the southeast corner of Kalamazoo Avenue and 100th Street from A-B to PUD-MR for the purpose of expanding Stoneco's mineral removal operation.

Motion: By member Rober, supported by member Haagsma to reopen the public hearing.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

Assistant Planner McKernan summarized past Planning Commission activity relating to this request. The public hearing for May was postponed to allow neighbors additional time to study the proposal and application of Stoneco. The Township Board and Planning commission went on a site visit to see Stoneco operations and the Anema farm on June 19, 2019. Assistant Planner McKernan recommended that given the voluminous amount of information that has been presented over the last few meetings, the Planning Commission should postpone a decision on this request. McKernan recommended that the Planning Commission call a special meeting for July 11 to make a tentative decision on the request.

Genie Eardley of Eardley Law spoke on behalf of the Anema Farm. Mrs. Eardley explained it has been difficult for her client, Ms. Anema, to show proof of detriment to her animals or farm activities because it is difficult to predict to prove something that has not happened yet. It is a unique statute in that it requires those in opposition to mining operations to prove very serious consequences will arise; as opposed to having the burden of proof being on the mining business to show they will not cause very serious consequences for neighboring properties.

Ken Vermeulen, Attorney for Stoneco. Vermeulen believes historic data shows that very serious consequences will not happen. Stoneco has been mining in this area for decades. The mining operation will not generate significant additional traffic to the area. Noise and dust will be similar to current mining operation across Kalamazoo Avenue. Property values have not been declining in this area due to mining.

Township Attorney Cliff Bloom asked Assistant Planner McKernan to explain what types of documents were submitted by Stoneco for this meeting. McKernan explained that Stoneco submitted five documents for the meeting. The first document was a market study from MDOT proving the need for gravel in the state. The second document is a letter from Paula Hitzler, a horse expert from Michigan State. The letter states that noise and dust concerns are legitimate but also very manageable. There were market studies submitted on the relationship between gravel pits and nearby property values. The final document was from Stoneco's attorney, outlining their case that the proposed mining operation will not cause very serious consequences.

William C. Brewer, an engineer from South Carolina called in to the meeting on behalf of Doretta Anema to explain the difficulties associated with evaluating mining operations. Brewer explained reiterated Ms. Eardley's contention that it is difficult to prove something will be negative ahead of the fact. Brewer explained that dust and noise can be concerns for mining operations but there are also steps that can be taken to remediate those effects. Brewer explained that well designed buffers and effective operational controls are crucial to protect neighbors from the nuisances that can occasionally be created by mining operations.

Chair Giarmo opened the public hearing at 7:55 pm.

Jamie Dunbar, a friend of Anema Farm, spoke on their behalf. She asked the planning Commission if the Township had any recourse if Stoneco created nuisances after approval. Township Attorney Cliff Bloom responded that Stoneco is required to follow the site plan, zoning ordinances and various state & federal laws. The Township has the ability to write citations and ultimately shut Stoneco down if these rules are not followed. Stoneco is also required to have an annual meeting to address any issues. Assistant Planner McKernan added that they have only had one complaint since the current mining operation went into effect in 2016 and Stoneco immediately addressed it.

Doretta Anema, 10388 Kalmazoo Avenue showed the planning commission a photo of her daughter riding one of their horses on the farm. She wanted them to see how large the animals are and that serious injury including death could occur if a rider is thrown. Anema explained that she had read the materials submitted by Stoneco and disagreed with their findings. Anema felt that the Township should be working on behalf of residents and not for companies who have no permanent ties to the area.

Chair Giarmo closed the public hearing at 8:06 pm.

Ken Vermeulen responded to public hearing comments. Stoneco strives to be a good neighbor, and has a great track record in the area. Multiple decibel meters were used to measure the mining noise during visits to the site with Township staff. The biggest spikes in decibels occurred from street traffic and lawnmowers. The mining is a constant low hum that measures lower than normal human conversation decibels. Stoneco is required to continually address dust for employee health and neighbors. Stoneco uses water trucks to knock down excessive dust. Stoneco is subject to multiple random inspections by various state agencies. Doretta Anema interjected to claim that the MDEQ has not inspected any Stoneco locations since 2013. Vermeulen responded that Stoneco would be happy to provide verification of agency visits to the property during the past several years.

Genie Eardley also responded to the public hearing comments. Eardley explained that Ms. Anema has a large burden to prove Stoneco's operations will affect her farm. Once a large company gets approval it is harder to stop operations. Ms. Anema is a horse breeder and has very young horses on her farm that are more prone to being spooked by noises. Stoneco having a positive record in the Township doesn't mean that this particular site is suited for a mining operation.

Township Attorney Cliff Bloom invited members of the audience to stop by the Township office and review the case files for this request. Bloom explained that the Township has

several means for bringing Stoneco into compliance should issues arise in the future. There are provisions in the resolution of approval and the zoning ordinance that can be enforced by citation and litigation.

Motion: By Member Rober, supported by Member Waayenberg to postpone a decision on the request table the public hearing for a July 11, 2019 special meeting.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

c. Stoneco, 1560 100th Street and 10300 Pease Avenue (PUD & A-R)

Major amendment to Stoneco PUD-MR to allow for mining within the 100 foot setback between existing Stoneco and Kamminga & Roodvoets mining operations.

Tony Halloran from Stoneco

Stoneco is asking for this amendment to allow mining in the required setback between the existing mining operation on Kalamazoo Avenue and the property to the south. Kamminga & Roodvoets (K&R) previously mined the property to the south. The amendment will allow Stoneco to create a smooth transition between the properties. This will improve the likelihood that the properties will be developed for housing.

Chair Giarmo opened the public hearing at 8:30 pm.

Paul Jeplawy, 10287 Kalamazoo Ave. SE

Jeplawy's property abuts the Kamminga & Roodvoets property. Jeplawy informed the Planning Commission that the K&R property had been mined for years without oversight from the Township because it was a "grandfathered" use. Jeplawy is concerned that Stoneco would not be required to follow any rules on the property. Assistant Planner McKernan explained that Stoneco would be required to comply with the same regulations as their current mining operation.

Chair Giarmo closed the public hearing at 8:35 pm.

Member Haagsma asked Mr. Halloran the time frame of completion and verified that the conditions and rules set forth in Stoneco's current PUD would need to be followed on this property as well.

Tony Halloran stated it would take approx. 6-8 weeks per side to remove the minerals from this site. Member Haagsma asked if a stipulation could be added that the project must be complete in 2019. Halloran agreed to a 2019 completion.

Motion: By Member Waayenberg, supported by Member Thomas to approve the amendment to the Stoneco PUD-MR to allow Stoneco to extend their existing mining activities on the properties located at 1560 100th St. and 10175 Kalamazoo Avenue SE subject to the following conditions:

1. The existing berm along the east property line shall be extended to the south to buffer the residence at 10195 Kalamazoo Ave. SE.
2. All existing conditions of approval for the Stoneco PUD-MR be extended to apply to the proposed mining activity.
3. The applicant shall submit a revised mining plan that incorporates the proposed area of mining. The plan shall also indicate the extension of the berm along the east property line.
4. The applicant shall submit a letter from the property owner to the south stating that they have no objection to the proposed mining activity.
5. Mining must be completed in 2019.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

d. Staybridge Suites, 1439/1469 Eastport Drive (PUD)

Major PUD amendment to allow for construction of a 4-story, 25,260 square foot hotel facility at 1439/1469 Eastport Drive SE.

John Lovely of Bosch Architecture

Lovely's client is looking to build a 4 story hotel with 120 rooms, a pool, and a 90 person meeting room. They have already responded to concerns from the fire inspector, township engineer, and staff report.

Assistant Planner McKernan stated these two properties were designated as overflow parking for Celebration Cinema in the Crossings PUD. The lots have only been sparsely used in the years since the theatre opened. The proposed 4 story building exceeds the townships general standards for height and the building setback is 11.5 feet from Eastport Dr. on the south side of the property. The Planning Commission should discuss the height and setback and areas of concern from the staff report.

Chair Giarmo opened the public hearing at 8:45 pm.

Jason Allard, 1515 Eastport Dr.

Allard owns the Peppino's Restaurant adjacent to the proposed hotel project. Allard came to the public hearing to see the plans and make sure there wouldn't be a negative impact to his business. His one concern is that he has paid for and maintained an overflow parking lot on the proposed site. He is not opposed to the project, he would just like to be informed of what is happening.

Chair Giarmo closed the public hearing at 8:48 pm.

The Planning Commission inquired if the plans had enough parking spots. Assistant Planner McKernan said the number meets the standards for parking requirements.

Akram Namou of M-6 Hotel Group clarified this would be an extended stay hotel and in his experience a full parking lot happens on very rare occasions. Staff is very light overnight and guests start to leave after breakfast and arrive after lunch. Namou doesn't have any issues allowing overflow parking from Peppino's as there are generally many unused spaces for these types of hotels.

The Planning Commission discussed the height of the hotel. The fire inspector does not have an issue with the height, he just wants to make sure driveways are wide enough to provide firetruck access. Several Planning Commission members expressed reticence to approve a building taller than 2.5 stories, but it was ultimately decided that 4 story hotels are fairly common along M-6 and the building won't look out of place.

The Planning Commission worked through discussion points from the staff report. The initial plan had the dumpster enclosure in an easement, revised plans show it has been moved. Engineer Gritter recommended the curbs be adjusted to straighten the driveway. The planning commission looked at the plans and agreed that detail can be addressed with the site plan.

Motion: By Member Haagsma, supported by Member Waayenberg to direct staff to draft a resolution recommending approval to the Township Board for the proposed amendment to the Crossings Planned Unit Development.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

2. Site Plan Review

a. Hideaway Open Space Development, 3250 100th Street (A-B)

Continued review of plans for a 34 lot single family residential development on approximately 113 acres of land. Development will utilize rural open space preservation provisions of Chapter 22.

Assistant Planner McKernan updated the planning commission on changes since the April meeting. The developers have created a 2nd entrance to the development, the trails have been moved to allow for more concentrated farming area, and they are continuing to research the community septic system.

Developer Jarid Halverson, Halverson Engineering

Halverson stated they have been in contact with Assistant Planner McKernan and the Township Engineer to address some issues. They have created a 2nd entrance and moved the trails following Planning Commission feedback. They are still working on the community septic. Larry Stevens has drafted a plan for the septic system and sent a copy to the Township Engineer. Mr. Stevens also responded to the Township Engineer and addressed his concerns. EGLE is not willing to draft a letter releasing the township from responsibility if the septic were to fail and the HOA was not able to replace it. The township board has been

sent a request to partner with the developers to operate the community septic. He reminded the board these systems have been successfully installed throughout the state.

Township Engineer Gritter asked the board if they had reviewed his report. He explained he does not have issue with the technology, it is the burden of responsibility that can fall back on the township. The land use is the planning commission's decision, and the backing of the community septic system falls to the township board.

The Planning Commission discussed their responsibility tonight. They are to approve the land use only. Member Rober made a motion to approve contingent on township approval, but withdrew the motion when she was informed individual septic systems was not an option for this development due to soil conditions.

The planning commission resumed discussion. Some members do not think this development reflects the intent of a cluster development; a community septic works for places with a single owner (mobile home park); not sure they want a home owners association responsible for maintaining the community septic.

Motion: By Member Rober, supported by Member Thomas to table a decision to wait for Township board to make a decision on the community septic.

Discussion: None

Ayes: Billips, Giarmo, Rober, Thomas

Nays: Haagsma, Waayenberg

Abstain: None

Decision: Passed

b. Cornerstone Church, 1675 84th Street (A-R)

Site plan review for 4,896 square foot expansion to Cornerstone Church.

Darryl DeHaan from Integrated Architecture was present to address the planning commission. The church is asking for approval to add some classrooms. This is a relatively minor expansion but requires Planning Commission approval.

Assistant Planner McKernan explained that a previous site plan approval stated that Cornerstone would be required to add architectural or other aesthetic improvements to improve the appearance of the façade of their assembly area on the west side of the building. The plans show that Cornerstone plans to stain the exterior of assembly area two different colors and add accent striping to break up the monotony of the concrete wall. McKernan recommended approval of the request.

The Planning Commission was happy the church found a way to improve the aesthetics of the building and had no objections to the other proposed improvements.

Motion: By Member Haagsma, supported by Member Waayenberg to approve the site plan for the expansion with the following condition:

1. The applicant shall comply with all recommendations of the Township Engineer and Fire Marshall.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

c. Panda Express, 1801 Marketplace Drive

Request for extension of site plan approval for the Panda Express Restaurant that was originally approved in May 2018.

The Planning Commission asked how long the extension was. Assistant Planner McKernan responded it is a 1 year extension reapproving the site plan. Member Rober stated she is frequently asked by residents when Panda Express is coming. Member Haagsma is glad the entrance drive has been repaired.

Motion: By Member Haagsma, supported by Member Waayenberg to extend the approval of the site plan until June 27, 2019.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

VII. UNFINISHED BUSINESS

None

VIII. GENERAL DISCUSSION

None

IX. ADJOURNMENT

Motion: By Member Waayenberg, supported by Member Billips to adjourn the meeting at 9:45 pm.

Discussion: None

Ayes: Billips, Giarmo, Haagsma, Rober, Thomas, Waayenberg

Nays: None

Abstain: None

Decision: Passed

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the June 27, 2019 Regular Meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lani Thomas". The signature is written in black ink and is positioned above the printed name and title.

Lani Thomas, Secretary
Gaines Charter Township
Planning Commission

Dated: July 11, 2019