

**NELSON TOWNSHIP**  
**Planning Commission Meeting**  
Nelson Township Municipal Building  
2 Maple Street  
Sand Lake, Michigan 49343

Wednesday, November 16, 2016  
7:00 P.M.

**MINUTES**

The regular Planning Commission meeting was called to order at 7:00 p.m. by Commissioner Hoffman.

Hoffman, seconded by Litwinchuk, made the motion to appoint Covell to run the meeting in Vice-Chair McKown's absence.

Yes – 3, No – 0, Abstain, Covell.

Hoffman then introduced Board Member Maureen Mahoney who will be replacing Hoffman on the Planning Commission starting in January.

**Commissioners Present:** Hoffman, Wall, Litwinchuk, Covell.

**Commissioners Absent:** Stolk, McKown.

**Also Present:** Zoning Administrator Jerry Gross, Township Attorney Ross Leisman, Dan Larabel from Allen Edwin Homes, Township Engineer Kevin Gritters, and the Township residents who signed the attendance sheet attached to these minutes.

**Approval of Agenda:** Wall moved to amend the agenda by adding the Barber Creek/Hanson mining operation renewal, as well as the Sarniak mining operation renewal, under New Business. Seconded by Litwinchuk. Yes – 4, No – 0, Absent 2.

**Approval of Minutes:**

Wall moved to approve the September 21, 2016 regular meeting minutes as written. Seconded by Litwinchuk. Yes – 4, No – 0, Absent 2.

**Comments from the Public – Items Not on Agenda** None

**Public Hearing:**

- a) Giggles and Wiggles Child Care Increase in Licensing from 6 to 12 Children – Jennifer Ruwersma – 16115 Morel Lane

Jennifer Ruwersma addressed the audience stating that she is currently licensed for childcare in her home and is asking for a special land use to increase the number of children from 6 to 12. There will be no change in the home as far as structure and she would have one additional helper working with her. The hours would be approximately 6:00 a.m. – 5:30 p.m.

Commissioner Wall asked about traffic. There was discussion about the neighbors, number of employees and how many cars would come and go on the private road.

The Public Hearing was opened at 7:09 p.m.

Earle Hayden, 5261 Egner, lives closer to Jennifer than anybody. He can hear the kids and enjoys the sound of their laughter. He indicates the neighbors who are protesting have loud parties and kids who cause a ruckus. He has had no problems with Giggles and Wiggles or Jennifer or any of the kids. He says the more the merrier because they come over to his house and play and he loves it.

The public hearing was closed at 7:15 p.m.

Attorney Leisman referred to the letter he sent on October 7 that talks about rights of use. This special land use is slightly different than others that have come before the Planning Commission. The proposed Resolution incorporates state law and land use standards, and the Planning Commission can approve on it on the requirement that it meets both. The resolution should be approved unless there is a finding that the special land use doesn't meet the standards.

Motion by Hoffman to approve the proposed resolution, seconded by Covell, with the amendment that there must be fencing and screening along the sides, the hours of operation are changed from 5:30 a.m. to 6:30 p.m., and no more than two employees will be on site at any time. Yes – 4, No – 0.

b) Special Use: Sand Removal – Bret Toppen – 8344 18 Mile Road, N.E.

Brett Toppen, 677 Harrison, Holland, Michigan regarding the property at 8344 18 Mile Road, explained that Rowland's approached him regarding mining material because his land was an established site. He is working out the additional plans with Roosien to get a survey and determine how much sand and gravel there is now, the final grading, and the driveway issue.

At this point, Attorney Leisman explained the procedure since Toppen did not have all of the required documentation for approval: open the public hearing, take comment, then close the public hearing, deliberate, not make a decision and adjourn it until January. Additional public comment can be taken at the January meeting and a public notice won't have to be renoticed again.

The public hearing was opened at 7:28 p.m.

Andre Guimond, 8250 18 Mile, lives across from the Toppen property. He is concerned with the noise, the number of trucks, extra traffic, chemicals, effect on the water table, the reclamation, the application of topsoil, and how this might affect this property value.

Tom Hammer, 8175 18 Mile, lives adjacent to the property on west side. He questions how this type of commercial use can be allowed in an agricultural or residential area. Attorney Leisman explained that the Zoning Enabling Act has special provisions for mineral removal and the special land use is in the ordinance. Tom's major concern is the noise. He moved here to have a peaceful life. He is concerned that topsoil will be screened there and that process will be noisy and cause vibrations. He would like the township to consider no screening.

Jody Green, 15080 Pine Lake, lives behind the property. She is concerned about what happens after the mine. Are there going to be houses built there? Toppen explained that the mining won't go farther west and there won't be additional logging. The final plan will be more of a natural terrain and he hopes to get a grant from the DNR to plat whatever will grow in there. He hopes going forward he will make the property better.

Chad Dire, a representative of Rowland Excavating, 13655 Shaner, stated that the amount of trucking depends on the demand of material, as does the amount of noise. They have no intention of taking gravel out of there, just screening for selling sand and/or topsoil.

The public hearing was closed at 7:42 p.m.

There was then discussion about the possible screening operations.

Litwinchuk, seconded by Hoffman, moved to table approval of the special land use until they have a site plan and a closer look at the materials can be reviewed by a subcommittee to consist of Commissioners Wall, Hoffman and Litwinchuk. Yes – 4, No – 0.

#### **New Business:**

- B&B Self Storage Application for Rezoning and/or Special Land Use to Construct additional storage unit/continue use as a storage facility

Bruce Yowitz, 15964 Northland Drive, has been operating a storage facility for 20 years. He would like to add another building which would allow him to store bigger trucks and motorhomes. There would be a 16-ft. height to the building and this would be the last building he could accommodate on the property.

Zoning Administrator Gross gave a history of the zoning of the property. He and Mr. Yowitz are looking for clarification about which option the Planning Commission would like to utilize for his request.

Attorney Leisman explained the options: A change in allowed uses in a commercial district, rezone to industrial or mixed use, or conditional rezoning.

There was general discussion about the differences in uses between commercial and industrial zoning in the ordinance and the procedure.

Attorney Leisman explained to Mr. Yowitz his options. Mr. Yowitz decided he would like to ask for a text amendment to the commercial district to allow special land uses for storage facilities. Under this procedure, Mr. Yowitz would also ask for special land use to run parallel with his request for the text amendment. The Planning Commission would set a special hearing for the text amendment to allow it as a special use, then a public hearing on the land use at the same time, contingent on the Township Board agreeing to the text amendment. The Township Board will not have to set a public hearing, only at the Planning Commission level. Mr. Yowitz will have to fill out a special land use application.

Wall, with support from Hoffman, moved to set a public hearing on the request for a text amendment to allow storage facilities as permitted special uses in the commercial district, as well as B&B's request for a special land use contingent on Planning Commission and Township Board approval of the text amendment. Yes – 4, No – 0.

- Barber Creek/Hanson Mining Renewal

Zoning Administrator Gross has inspected the site, and has not received word of any problems or complaints. It appears that the Barber Creek/Hanson Mining Operation is in full compliance with the resolution.

Wall, with support from Litwinchuk, moved to renew the special land use for mining operations at the Barber Creek/Hanson site for an additional three years. Yes – 4, No – 0.

- Sarniak Mining Renewal

Zoning Administrator Gross reported that it's been quiet and there have been no problems.

Hoffman, with support from Wall, motioned to approve the special land use for mining at the Sarniak site for an additional 2 years. Yes – 4, No – 0.

#### **Unfinished Business:**

- a) White Pine Ridge PUD Landscape Plan** - Attorney Leisman reported that the Township Board voted to adopt it but the ordinance isn't effective because it hasn't been published yet. The engineer would like to see more information on the

drainage. Commissioner Wall reviewed the landscape plan and would like to see more mature trees instead of seedlings.

Wall, with support from Hoffman, moved to table review of the landscape plan until the next meeting. Yes – 4, No – 0.

**b) Review Draft No. 1 of Proposed Sign Ordinance.** Wall, with support from Hoffman, moved to table review of the sign ordinance. Yes – 4, No – 0.

**c) Master Plan Review.** Wall, with support from Hoffman, moved to table review of the Master Plan. Yes – 4, No – 0.

**Comments from the Commissioners.**

Hoffman: Supervisor Noreen submitted his resignation. His last day is December 31. Robyn Britton has been serving as his deputy. It appears that at the next board meeting she'll be on the agenda to be appointed supervisor to fill a partial term until 2018 when she will have to run again.

**Extended Public Comments.**

None.

**Adjournment.** Hoffman, with support from Wall, motioned to adjourn the meeting at 8:43 p.m. Yes – 4, No – 0.

The next regular Planning Commission meeting will be held on January 18, 2016 at 7:00 p.m.

Christine Witt  
Recording Secretary