

Approved Minutes
Grass Lake Charter Township Planning Commission Meeting
March 21, 2019 @ 7:00 PM

CALL TO ORDER: Chairperson Hinkle called the meeting to order at 7:00 pm.

ROLL CALL: Members present: Jere Hinkle, Robert Doerr, Tom Brennan, Jim Warbritton, Lacey O'Quinn, and Roger Memmer. Members absent: Ken Elliott.

ALSO PRESENT: Doug Lammers, Township Zoning Administrator, Chris Patterson & Kendal O'Connor Township Attorneys and ~70 Residents.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Lammers requested that the Clear Lake Road Item be removed from the agenda.

It was moved by Brennan and supported by Warbritton to approve the modified agenda. All ayes. One absent. Motion carried.

APPROVAL OF February 21st, 2019 MEETING MINUTES:

Moved by Brennan and supported by Warbritton to approve the February 21st, 2019 meeting minutes. All ayes. One absent. Motion carried.

Moved by Hinkle and supported by Brennan to close the meeting to open up the public hearing. All ayes. One absent. Motion carried.

Public Hearing, Case #19-02-0001 Rezoning of 13 parcels.

- a. Hinkle presented the Case for rezoning of parcels. Three sets of properties are being considered for rezoning. First a set of 6 adjacent to I-94 currently zoned as Light Industrial/Highway Commercial (LI/HC). The zoning ordinance manual does not contain this (LI/HC). The parcel is along Michigan Avenue that are currently General Commercial (GC). The final set is on Norvell Rd. currently Residential (R-1).

Zoning Administrator Lammers read the proposed 13 Parcels. They are as follows to be addressed. All parcels below start with 000-

Parcel 10-21-126-001-00(**Tabled**)* JCA Associates submitted a letter and had a representative (John M Basso) speak in favor of working to have the zoning as Light Industrial (LI) rather Highway Commercial (HC). Representative Basso later indicating that they would be in favor of the overlay district or the creation of the (LI/HC) zone by the planning commission.

Parcels 10-21-200-16 & 17(**Tabled**) on Knight Rd. Under the name of WA FOOTE did not have a representative or comment. It is being recommended HC.

Parcel 10-21-200-002-13(**Tabled**) L & H Leasing also currently zoned LI/HC and recommended to be zone HC. L & H representative George Husak wants the zoning to remain LI/HC vs recommended HC. Mr. Husak bought this property 12 years ago under the assumption of the flexibility that the current LI/HC would provide. Mr. Husak would like the language written for the Hybrid zoning.

Parcel 10-21-200-002-15(**Tabled**) JCLB, LLC represented by Bruce Maxson. Mr. Maxson requested the commission retain the LI/HC zoning. Flexibility of use is key to further developing the property.

Parcel 10-13-376-001-03(**Tabled**) is under Coy Investment. No representative was present nor any written requests to Zoning Administrator Lammers. Current use is LI

Parcel 10-34-126-001-07(**Tabled**) is owned by Anthony and Michelle Vigo. Currently zoned GC. A letter was received asking for GC to remain as their designation. Currently it is residential use with a residence in place. Confirmed by Zoning Administrator Lammers.

Parcel 10-34-126-001-08(**GC**) RSW Development. Currently GC and proposed is to be GC. A portion of this parcel is split up into two zones. One portion is zoned commercial along Michigan Ave and the rest is zoned residential. Tom Simon did come as a partner to represent RSW. The commission needs to show a depth to where the commercial ends and the residential begins. The property is an overlay district and Residential development is still possible.

Parcel 10-34-301-003-00(**R2**) Sherwood, Pamela. It is Currently zoned GC and is Residential (**R2**) use. No letter or representation for this parcel.

Parcel 10-34-326-001-00(**R2**) Campbell, Phillip. It is Currently zone GC and is being used as R2. Phillip Campbell did support R2 zoning and assumed the property was zoned as such.

Parcel 10-34-326-002-00(**R2**) Collins, Sharon. It is currently zoned GC and is in residential use. Zoning Administrator Lammers believes that Sharon Collins did visit and expressed that she was okay with the property to be rezoned R2, but noted there is nothing in writing.

Parcel 15-04-400-001-04 & 15-04-400-002-00 (**Tabled**) Fisher, Dale. Currently R1 and is being operated as AG. Dale Fisher did address the commission. He does not want the property rezoned as AG as he feels it's not in his best interest. Mr. Fisher is working with an appraiser to get the property to be split. Mr. Fisher asked that this be tabled. Attorney

Patterson expressed that they have been working with Mr. Fisher and expressed that the property is currently operating in violation of current zoning. . Attorney Patterson is pleased to see that a surveyor is being pursued to help split up that property. Commission agreed to table the discussion and look to put a timeline together and to see progress in the parcel splits.

*Note: The bolded action notes the subsequent action taken by the commission in discussion following the close of the public hearing.

Michael Coppernoll of 12111 knight Road expressed that he wants to keep the hybrid LI/HC zone for the properties along I94.

Public Hearing was closed. Moved by Warbritton and seconded by O'Quinn.

NEW BUSINESS

a. Public Hearing Case # 19-02-0001

Discussion by the commission to create the I94 Hybrid District zone LI/HC. A zoning district needs to be put together to make a Hybrid District. Commissioner Memmer offered the idea of an overlay district with its own requirements. Attorney Patterson also suggested a textual amendment could also be put in place to the current language. These options would support the properties listed as 1-7 on Grass Lake Charter Township Re-zoning Project handout presented by Zoning Administrator Lammers.

Motion was made by Warbritton and supported by Doerr to Table properties 1-7. Table property item 8, approve property 9 unchanged to remain HC. Properties 10-12 are to be rezoned to R2. Properties 13 &14 were tabled. All ayes. One absent. Motion carried

CITIZENS WISHING TO ADDRESS THE COMMISSION:

Comments included:

1. Jill Margenau addressed the commission about the proposed Norvell Road Gravel Pit and submitted a copy of her letter.
2. Dr. Melissa Mercer-Tachick presented the concerns of crystalline silica dust. Also presented a hand out to the commission members.
3. Frank Hasbrouck expressed support for Dale Fishers operation. It is not a nuisance to his home directly across the street. Expressed that the loudspeaker at the high school is loud and annoying. Would like the speaker turned down.
4. Star Suzanne addressed the commission about her home being complained about. Feels bullied and supports the idea that Dale Fisher is being bullied.

5. Joanne Ackerman addressed the commission on their lack of support at the information seminars presented to the public about silica dust. Gave a hand out to the commission. Asked for information on the consequences of what happens if the conditions that are set are violated for the L&L and Bohne road pit.
6. Resident questioned the commission's decision making process. Why are decisions predetermined before the meetings?

TOWNSHIP BOARD REPORT:

Tom Brennan reported that the Township Board is looking for a zoning enforcement officer.

OLD BUSINESS:

- a. Discussion of submitted material by L&L for the Norvell Road property being proposed for extraction. The township attorney Chris Patterson presented the litigation relevance to the commission. Informed of the commission of recent judge ruling to temporarily not allow the commission to give final approval. The commission is allowed to review the documents and determine where more information is needed from L&L. There are specific findings. 12 preconditions are required to be met before extraction can begin. Letter conditions A,B,E,H,K,&L have not been satisfied. Conditions C,D,F,G,I,&J have been satisfied. It's proposed that a final site plan be prepared for the commissioners to review. Per attorney Patterson, discussions are ongoing with L&L to get all documents updated. Discussion around site reclamation on whether plan cost for reclamation was appropriate. Commissioner Doerr expressed concern for reclamation costs being unsubstantiated. Does the current costs account for 5 years of inflation etc. Final site plan will be key to final decisions and discussions. Chairman Hinkle questioned if the commission could add more conditions to the operating conditions (SUP)...i.e. hours of operations. Crushing on site was also questioned by commissioner Memmer. Crushing would be done offsite, only expect sand and gravel extraction is proposed. Commissioner Doerr asked for clarification of a proposed 5 week day operation vs article that mentioned 6 days? Rocky from Wood Environment also addressed the commission. Confirmed no crushing on the site and that it's going to only be a proposed 5 day activity. Rocky expressed that L&L is okay with memorializing some of these concerns.
- b. Bill Lester addressed the commission and offered to build a 12ft berm vs 6ft. berm. Mr. Lester expressed that pine trees will not be effective in a short term extraction. This could be included in the site plan. Commissioner Hinkle asked if this berm be a U shape extended to the wet lands. That is not on the preliminary site plan. Rest rooms on the site was also brought up and should be reviewed on the site plan. Commissioner Memmer also asked regarding bonding? Further discussion is needed. Reclamation is expected to be the entire disturbed area including the proposed pond(31.2acres)

GENERAL DISCUSSION: None

PROPOSED BUSINESS FOR NEXT MEETING:

The next regular meeting was established for Thursday April 18, 2019.

Business to include:

1. Public Hearing, Case #19-03-0002, Special Land Use request
2. Public Hearing, Case #19-03-0003, Parcel Rezoning

ADJOURNMENT:

Moved by Brennan and supported by Doerr to adjourn meeting at 10:05 pm.
All ayes. One absent. Motion carried.

Respectively submitted,

Robert Doerr, Member
Grass Lake Charter Township Planning Commission

Attachments: