

OLIVE TOWNSHIP
PLANNING COMMISSION

Regular Meeting
February 12, 2008

The meeting was called to order at 7:30pm by Vice-Chairperson Vander Zwaag.

PRESENT

Terry Hossink

Andy Machiela

Wayne Vander Zwaag

Gregory L. Ransford, Planner

ABSENT

Garry Dreyer

Shane Russell

Also present were Tim Smith of the Ottawa County Central Dispatch Authority, applicants Mr. & Mrs. Slag, R & D Resources and Don Dewitt as well as two members of the public.

Hossink provided a motion to approve the agenda as presented. Motion was seconded by Machiela and carried unanimously.

Machiela provided a motion to approve the minutes of the January 8, 2008 meeting. Motion was seconded by Hossink and carried unanimously.

At 7:31pm Vice-Chairperson Vander Zwaag opened the floor for any citizen comments regarding items not on the agenda.

There were none.

At 7:32pm Vice-Chairperson Vander Zwaag introduced Tim Smith, the Director of the Ottawa County Central Dispatch Authority to present their plans for a new facility at the County Fillmore Street complex property.

Among numerous matters, Mr. Smith explained that the existing interior drive will be connected to Stanton Street, which will provide two access points for the property. General discussion was held.

At 7:45pm Vice-Chairperson Vander Zwaag recognized Dan Leeuw of R&D Resources to present their application for a special use permit to conduct a mining operation on parcel numbers 70-12-17-200-010 and 70-12-17-200-011, which are located on 128th Avenue.

Mr. Leeuw indicated that they began the pond with a pond permit and the intention to complete it within the time permitted. However, current economic conditions have slowed their excavation. As a result, they are applying for the mining permit to be able to remove sand by demand.

Ransford explained that the proposed mining operation is likely to cause significantly less impact than the typical mining operation, which generally includes sorting equipment for stone, gravel, sand and other materials. The proposed is only for the excavation of sand with no processing and is of a very small size resulting in a pond. As indicated by the applicant, their pond permit has expired and rather than continually issuing a pond permit, which ultimately circumvents the intent of the Ordinance, it is more appropriate to pursue a special use permit for a mining operation.

Vice-Chairperson Vander Zwaag opened the public hearing.

Since no comments were received, Vice-Chairperson Vander Zwaag closed the public hearing.

Ransford explained the proposed conditions within his memorandum in the instance a recommendation of approval is provided. Specifically, the applicant previously constructed a berm voluntarily along the right-of-way, which they propose to expand to provide additional sight screening. However, their design does not meet the specifications of Section 18.16.D.4, as it is proposed to have a one (1) foot vertical to one (1) foot horizontal slope. This design is intentional to not only provide the required sight barrier but to also create a steep slope to prevent people from climbing it and entering the site. In regards to the requirement of planting trees and shrubs on a screening berm, the applicant desires to remove the berm at the completion of the project to return the property to its original condition (with the exception of the pond). Thus, they prefer to not plant any materials on the berm, as such will be lost at the end of the project when the berm is removed.

Consequently, Ransford explained that other options are permitted for required screening. Ransford suggested that the berm as proposed is maintained, as it is a proposal of the applicant and they could add screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening, in accordance with the Ordinance. Specifically, Ransford suggested planting two rows of staggered evergreen trees on the west side of the berm.

Ransford also indicated that the truck route for the site must be finalized, which he recommends is in accordance with the Township Truck Route Ordinance. In addition, the submission of a current Michigan Department of Environmental Quality permit and Soil Erosion and Sedimentation Control permit should be required. Lastly, Ransford noted that the Township Disorderly Conduct, Noise and Dust Control Ordinance establishes dust control measures for the applicant.

General discussion was held.

Hossink provided a motion to recommend approval with the following conditions:

1. Construct the proposed berm as presented with a one foot by one foot slope.
2. Plant evergreen trees in two rows parallel to 128th Avenue on the west site of the proposed berm in a staggered fashion of no more than 40 feet apart for the entire width of the parcel, except the entrance drive, to create a site barrier.
3. Truck traffic is required to follow 128th Avenue south to Tyler Street, then east to 120th Avenue either north or south, which is the same path currently utilized by the Turkey City Sand Mine.
4. Submission of the MDEQ, SESC and letter of credit to the satisfaction of the township.

Machiela seconded the motion and it carried unanimously.

At 8:00pm Vice-Chairperson Vander Zwaag recognized Ransford to present the special use application from Rodger Slag to operate a boarding stable at 5663 124th Avenue, parcel number 70-12-28-300-015.

Ransford indicated that the applicant currently operates Pine Ridge Stables on the property and has done so for approximately 16 years. The parcel is currently up for sale and the applicant wants to ensure that the use is permitted by the township for the benefit of a potential buyer. While the applicant should have sought permission for the use 16 years ago, the township has never received complaints about the use and has not had any enforcement matters. Nonetheless, the applicant is now seeking to receive the appropriate approval. Fortunately, since the use does currently exist, we

have the advantage of examining the proposal under operation. The Zoning Ordinance permits riding stables as a special use with specific conditions that must be met for the property under Section 5.03.B.7.(a), which the property does meet.

Vice-Chairperson Vander Zwaag opened the public hearing and recognized Rodger Slag to speak to the application.

Mr. Slag reiterated the explanation by Ransford and clarified that the use is not a public riding stable where people could call to arrange to ride their horses. Rather, it is a boarding stable at which they care for the horses and provide riding opportunity and pasture to those boarded horses.

Don Ashley, the perspective buyer, asked if riding could occur on the property.

Ransford clarified that both a riding stable and a boarding stable are ultimately permitted by the special use permit, if granted. The township expects numerous aspects to occur for horse management, including riding.

Vice-Chairperson Vander Zwaag closed the public hearing.

General discussion was held.

Hossink provided a motion to recommend approval as presented. Motion seconded by Machiela and carried unanimously.

At 8:10pm Vice-Chairperson Vander Zwaag recognized Don DeWitt to discuss the Turkey City sand mine special use renewal.

Mr. DeWitt provided copies of an aerial print of the site that included a highlighted area in orange that represents the area left for excavation. The area left for excavation is the current location of their excavation equipment. General discussion was held.

Ransford indicated that the applicable fees have been paid and no complaints have been received.

Hossink provided a motion to recommend renewal. Motion seconded by Machiela and carried unanimously.

At 8:15pm Vice-Chairperson Vander Zwaag recognized Ransford to discuss the Dennis Aukema special use renewal.

Ransford indicated that the fee has been paid and no complaints have been received.

Machiela provided a motion to recommend renewal. Motion seconded by Hossink and carried unanimously.

At 8:16pm Vice-Chairperson Vander Zwaag recognized Ransford to discuss the proposed text amendments to Section 26.06 and 26.07 regarding civil infractions as well as Section 3.03 regarding the US-31 Overlay District article title.

Ransford explained that there were minor revisions from our legal counsel regarding the civil infraction text, most notably including a third repeat offense. The Section 3.03 amendment is to formally include the title of the overlay district in Article 3 of the Ordinance.

Vice-Chairperson Vander Zwaag opened the public hearing.

Since no comments were received, Vice-Chairperson Vander Zwaag closed the public hearing.

General discussion was held.

Hossink provided a motion to recommend renewal. Motion seconded by Machiela and carried unanimously.

At 8:18pm Vice-Chairperson Vander Zwaag noted that Master Plan discussion was the next item on the agenda.

Hossink provided a motion to table the Master Plan discussions until a full membership of the Planning Commission was available. Motion seconded by Machiela and carried unanimously.

At 8:19pm Vice-Chairperson Vander Zwaag sought member comment.

Ransford raised an issue regarding temporary signage along US-31. He explained that his current process regarding temporary signs in the commercial or industrial zoning districts requires a permit and the ordinance limits their erection to no more than 30 days. After notice to two businesses on US-31 regarding the requirements, Ransford explained that they are failing to apply for a permit. The hardwood company on 136th Avenue, which is one of the businesses in question and is near the township hall did discuss the matter with Supervisor Wolters and believes the ordinance is gray regarding the requirement of a permit. Supervisor Wolters agreed and explained the matter to Ransford.

Ransford indicated that believes a permit is needed in accordance with Section 26.04.A.2. Ultimately, Ransford indicated his concern that if a permit is not required for one banner sign the township would lose its legitimacy to regulate a property that erects multiple banners signs, for example in excess of a dozen, which is not desired by our Ordinance. Ransford indicated that he would take the matter to the Planning Commission for their clarification and to determine if they believe a text amendment is appropriate. As a result, this matter is before the Commission.

Ransford explained that the Ordinance permits temporary signage, or banners in the current examples on US-31, to be erected for no longer than 30 days. While the Ordinance does not specifically indicate a period of time the signage must be removed prior to the erection of the next sign, Ransford believes a reasonable amount of time should occur, otherwise the sign is permanent. Ransford further indicated that he has proposed an annual permit to the property owners in question to lessen the cost and provide increased convenience for their temporary signage needs.

Hossink indicated that he believes 100 days is a reasonable amount of time for a temporary sign to be up during a one year period. Hossink believes that if a business needs a sign longer than 100 days, it should be converted to a permanent sign as permitted by our Ordinance.

General discussion was held.

Consensus was reached that a permit is required for temporary signage, as permitted by Section 24.10.I. In addition, consensus was reached that these signs may not be erected longer than 30 days, as permitted by Section 24.10.I, and may not be reestablished for at least 30 days after their removal. In addition, consensus was reached that the current text of the Ordinance does not require amendment.

General discussion was held regarding the future utility meeting and that we will invite our engineer to attend, who has been working on the conceptual drawings for sewer in the township.

General discussion was held regarding recreation planning and the potential joint meeting.

At 8:43pm Hossink provided a motion to adjourn. Motion was seconded by Machiela and carried unanimously.

Respectfully submitted,

SIGNED: _____

DATE: _____