

Port Sheldon Township Planning Commission
September 27, 2017

Vice Chair DeLeeuw called the meeting to order at 6:00 p.m.

PRESENT: DeLeeuw, Petroelje, Stump, Timmer, Van Ginhoven

ABSENT: Monhollon, Van Malsen

STAFF: Davis, Moore

Motion by Van Ginhoven to approve the minutes of the August 23, 2017 meeting, supported by Petroelje and carried.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. Application from DC Land LLC to re-zone parcels 70-11-01-100-005 and 70-11-01-100-017 from AG to R-1. DeLeeuw summarized the request. Petroelje read the Public Hearing procedure. Moore suggested that the applicant summarize their request for re-zoning and the proposed project. Kelly Kuiper from Nederveld stated that the plan is to rezone the property to R-1, then request a PUD for residential development that will fit with the neighboring developments. They plan a large pond as a buffer between the homes and the commercial properties on US-31, and will tie in to the county sewer and water nearby. DeLeeuw opened the public hearing.

Curt Shull asked if the pond will be considered commercial sand mining. DeLeeuw responded that it appears some sand would remain on the site for fill, but some might be trucked off-site and that other developments in the area with ponds all had some sand removed as part of the projects.

Kenny Steward asked if street connections to the Tradewinds neighborhood are necessary. Moore said that the Ottawa County Road Commission would likely require them.

Another resident asked why the re-zoning request? And why is sand and gravel rejected? Moore explained that the rezoning to R-1 is needed to accomplish the density they were looking for, and the lake and home sites would be part of the PUD.

DeLeeuw closed the public hearing. Moore reviewed the process; why the re-zoning is proposed, why the previous sand mine request was denied. Moore also reviewed his memo on the re-zoning. Moore said that the Master Plan supports re-zoning of this property. Utilities are located in this area. Moore also noted that the R-1 district permits fewer land uses than AG-1, but does open the door for more density due to smaller minimum lot sizes. The applicant indicates that some sand mined for the "pond/lake" would be used for construction, and some sand sold and hauled off site. Other developments have lakes, and the sand from those projects was retained on site to build roads and homes.

The Master Plan guides development toward certain areas that can handle it with utilities and infrastructure. The homes proposed in this neighborhood are compatible with the nearby Tradewinds and The Corners developments. Moore stated that the commission can review the proposed PUD next month in detail.

Moore stated he believes the request should be approved for the reasons stated in his report.

Petroelje commented that the lots in this development will be 20,000 sq. feet and the lots in Tradewinds and The Corners are 10,000 -15,000 sq. feet.

Motion by Van Ginhoven to recommend that the township board rezone parcels 70-11-01-100-005 and 70-11-01-100-017 from AG. to R-1, supported by Petroelje and carried.

Motion by Van Ginhoven to set a public hearing for the Ventura Shores PUD rezoning application on parcels 70-11-01-100-005 and 70-11-01-100-017 for the next regular Planning Commission meeting, supported by Timmer and carried.

2. Application from Bob Van Wyk for Special Use to enlarge an existing pond and remove sand from parcel #70-11-26-400-009, 5825 152nd Avenue. DeLeeuw opened the public hearing. Bob Van Wyk summarized his project, we wants to remove 5000 yards of sand to enlarge the pond to irrigate blueberries. The pond would be at least 10 feet deep. He would like to pile some sand and let it dry out, and asked for a 2-3 year duration of approval. Moore and Davis noted that the pond met required setbacks. No public comments were made. **DeLeeuw closed the public hearing. Motion by Petroelje to approve pond as proposed with the following conditions:**

- 1. The applicant shall take adequate public health measures to ensure that the existence of the pond does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to the public health.**
- 2. The slopes of the banks or sides of the pond shall be constructed so that for each one foot of fall there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of at least five (5) feet.**
- 3. The pond shall be at least 10 feet deep, as measured from the average water level.**
- 4. The pond shall be constructed and maintained such that it neither causes nor contributes to the erosion of any adjacent, abutting, or nearby lands.**
- 5. The applicant shall maintain the pond in accordance with all applicable standards of the Zoning Ordinance.**
- 6. The hours of operation for loading, removing and moving materials shall be limited to Monday through Friday, 7:30 AM to 5:30 PM, and Saturday 8:00 AM to 12:30 PM, and closed Sundays and Federal Holidays.**
- 7. The Ottawa County Water Resources Commissioner shall approve the project prior to excavation, if necessary.**
- 8. The applicant shall utilize the existing driveway on the site for ingress/egress. No other access to 152nd Avenue shall be constructed.**
- 9. The operation shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas and stockpile height of 15 feet.**
- 10. 152nd Avenue shall be maintained daily in a mud and dust free condition to minimize dust, dirt and mud accumulations and not produce a public nuisance.**
- 11. Materials removed from the site shall be trucked north along 152nd Avenue to Port Sheldon Street with the exception of local deliveries within Port Sheldon Township, that are covered and within the weight limits permitted by the Ottawa County Road Commission.**

- 12. Trees shall not be removed, moved or altered outside of the excavation area and within a phase in which excavation activities have not commenced. Trees within the excavation area may be transplanted to other areas to buffer the excavation area from adjacent properties.**
- 13. The end use of this earth removal project shall be a pond consistent with the submitted site plan.**
- 14. Storage of trucks and other equipment not used directly in the mining and processing of commodities produced on site shall not occur on the site.**
- 15. The owner/operator shall file with the Township Zoning Administrator the name and telephone number of the person designated by the owner/operator to act on behalf of the owner operator, who will be held responsible for resolving any and all complaints related to this operation. When the owner/operator receives a complaint, he or she shall file a report with the Zoning Administrator regarding the nature of the complaint and the resultant action of the owner/operator.**
- 16. Excavation shall cease by 12-31-19 and the pond shall be completed by 12-31-19 unless extended by the Planning Commission at a future date.**
- 17. Use of lighting shall be limited to hours of operation as specified in these conditions, and shall not glare onto adjacent properties or public roadways.**
- 18. The owner/operator/applicant and subsequent assigns, hereby agree to take full remedial and financial responsibility for any impact on nearby water supply wells, as determined by the MDEQ.**
- 19. Additional signs shall be posted at the entrance to the operation identifying rules for vehicle operators, hours of operation, or other appropriate messages intended to protect the public health, safety, and welfare. This sign shall also contain the name and phone number of the person responsible for answering questions or responding to complaints.**
- 20. All other rules and regulations of Port Sheldon Township shall be applicable and enforceable.**
- 21. The applicant shall return to the Planning Commission for annual review each September.**

Motion was supported by Van Ginhoven and carried.

Chuck Hozer spoke to the commission about his ideas for Kouw Park and is concerned about congestion. Commissioners advised Mr. Hozer to address the Township Board with these concerns.

Moore handed out a list of frequently asked questions about ponds as requested by the Planning Commission. Commissioners are to look it over and notify Moore if there are any edits. Once finalized, the information can be given to give to applicants/residents in the future.

DeLeeuw adjourned the meeting at 7:17 p.m.