

PORT SHELDON TOWNSHIP PLANNING COMMISSION
Meeting Minutes
Wednesday, August 24, 2022
6:00 p.m.

Chairman DeLeeuw called the meeting to order at 6:00 PM

PRESENT: Timmer, Stump, DeLeeuw, Petroelje, Grilley and Monhollon

ABSENT: None

STAFF: Planner Nathan Mehmed and Zoning Administrator Ryan Capson

MINUTES: **Motion by Petroelje, to approve the minutes from the July 27, 2022 meeting supported by Timmer and carried.**

PUBLIC COMMENTS: None

COMMUNICATIONS: None

NEW BUSINESS: None

UNFINISHED BUSINESS

1. **Kiekentveld Special Land Use for mining at 14935 Blair Street.** Kiek's Excavating is planning to remove about 95 cubic yards and enlarge a pond at 14935 Blair Street. The pond would measure about 420'x350' and be 18 feet deep. The surface area would be about 3.4 acres. The applicant has obtained a permit from EGLE. Mehmed reviewed the revised site plan submitted by Ron Kiekentveld that was tabled from the previous meeting. The site plan submitted was scaled and in better condition than the previous application, and appears to meet the standards of the zoning ordinance. Petroelje asked if the project needed a performance bond. Kiekentveld mentioned that he is not planning on storing a lot of sand there, and would like to have the project complete by 2025.

DeLeeuw opened the public hearing. No comments were heard, so DeLeeuw closed the public hearing.

Commissioners asked if the project should be reviewed in a year. Kiekentveld was agreeable to this but wants his permit to be valid until 2025. Hours of operation were set at Monday through Friday 7am – 7pm, Saturday 7am-1pm, and closed on Sundays and holidays. The Planning Commission also decided to require a performance guarantee of \$10,000, in addition to the other conditions proposed by the planners.

Motion by Petroelje to approve the special land use subject to 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 as shown on the site plan. 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 approximately 18 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, 7:00 AM to 7:00 PM, and Saturday 8:00 AM to 1:00 PM, and closed Sundays and Federal Holidays.**
7. **The applicant shall take all reasonable steps to ensure that there is no sedimentation, erosion, or other negative impacts on the Post Drain. The Ottawa County Water Resources Commissioner shall approve the project prior to excavation, if necessary. The applicant shall comply with the requirements of EGLE and Ottawa County Road Commission permits.**
8. **The applicant shall utilize one driveway on the site for ingress/egress to be approved by the Zoning Administrator, and if necessary, the Ottawa County Road Commission.**
9. **The operation shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas, and limiting stockpile height to 15 feet.**
10. **Materials removed in the creation of the pond shall be hauled to 152nd Avenue, then south to Port Sheldon Street.**
11. **Trees shall not be removed, moved, or altered outside of the excavation area except as necessary for driveway improvements.**
12. **The end use of this project shall be a pond consistent with the submitted site plan.**
13. **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.**
14. **Excavation shall cease and the pond shall be completed by June 1, 2025, unless extended by the Planning Commission at a future date.**

15. 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.
16. 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.
17. All other rules and regulations of Section 18.24 of the Zoning Ordinance and any other regulations of Port Sheldon Township shall be applicable and enforceable.
18. The project shall be reviewed in one year, and future reviews will be held as deemed necessary by the Planning Commission.
19. The applicant shall provide a performance bond for the project for \$10,000.

The motion was supported by Monhollon and carried

PUBLIC HEARINGS:

2. **Ordinance to amend Section 17.04 related to Planned Unit Developments.** Mehmed reviewed the draft ordinance, which adjusts the language in the PUD chapters related to density. The proposed amendment would permit two-family and multi-family PUDs to exceed the underlying density by three times but not to exceed 6.5 units per acre overall. Capson asked about water and sewer requirements, which allow developers to utilize private community sewer systems. Capson was concerned that this would allow the density to dramatically increase anywhere. After discussion, the Planning Commission decided to postpone a recommendation on this ordinance until the utility issue could be addressed. **Motion by Petroelje to table this item until the next meeting, supported by Monhollon and carried.**
3. **Ordinance to amend Section 4.10.5.E related to Accessory Buildings.** The proposed amendment was discussed at the last meeting and would limit the size of an attached garage to 1,200 square feet. DeLeeuw opened the public hearing. No public comments were heard, so DeLeeuw closed the public hearing. **Motion to recommend approval of the ordinance to the Township Board by Grilley, supported by Petroelje and carried.**

UNFINISHED BUSINESS:

Solar Energy Systems. The Planning Commission decided to postpone the discussion on this item until the next meeting.

ZONING ADMINISTRATOR UPDATES: NONE

DeLeeuw adjourned the meeting at 7:10 PM.

Lori Stump, 12-28-22
Lori Stump, Secretary