

**ALLENDALE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

April 19, 2021

7:00 p.m.

Via Zoom Software

- 1) Meeting called to order
- 2) Roll Call
Present: Westerling, Adams, Zuniga, Schut, Zeinstra, Longcore
Absent: Kelley
Staff Present: Greg Ransford
Other Guests Present: Bill Amstutz, Jack Barr, Mindy Beck, Megan Beltman, Jeff Brinks, Aaron Byler, Gloria and Robert Curtis, Bruce DeVrue, Matt DeYoung, Mary and David Esther, Randy Feenstra, Jay Knoper, James Gerakinis, Mark Green, Curtis Moran, Kelli McGovern, Lora Richmond, Brian Sinnott, Dave Van Enk, Greg Yaklin
- 3) Received for information: An email regarding concerns received regarding mining applications set for public hearing.
- 4) Motion by Adams to approve the April 5, 2021 meeting minutes. Seconded by Zuniga.
Approval 6-0
- 5) Motion by Longcore to approve the April 15, 2021 Planning Commission Agenda. Seconded by Zeinstra. **Approval 6-0**
- 6) Public Comments for *non-public hearing items*:
Chairperson Longcore opened the public comment section for non-public hearing items. Kelli McGovern facilitated the public comments beginning with callers, proceeding to participants using the web or app. Callers and participants were recognized and comments made were regarding the public hearings. Chairperson Longcore closed the public comment section.
- 7) Public Hearings:
 - A. JMM Developers Mining Application
Planner Ransford summarized his memorandum regarding the application to issue a special use permit to mine approximately 774,196 cubic yards of sand from the property on 46th Avenue. The applicant was seeking to expand construction for approximately 11 lots for future parcels and a larger body of water. At the conclusion of the excavation, modification could be sought under appropriate application processes if desired. The Commission met with the applicant in a prior Commission meeting, giving directions for making the necessary adjustments. A sample resolution for the project had been drafted. The Township had received complaints and concerns from neighbors about the road conditions for this site and a separate mining operation in the area. The Township attorney was present in the last meeting to help discuss those issues with the applicant and to strengthen the resolutions if they are adopted--to provide and make sure that road maintenance occurs and the problems do not persist, which was reflected in the draft resolution subject to the process and public hearing prior to consideration for possible adoption during the meeting.

Mr. Jack Barr, with Nederveld, described the proposed change at the request of the Commission to add more character to the lake resulting in a kidney bean shape, as well as the berm on the north property line. Subsequent after the meeting, there was discussion with the Township, Road Commission, the excavator, and the applicant coming to an

agreement for road maintenance and who would finance it. Mr. Barr also mentioned much of the concern for the poor road condition was due to snow melt and that there was a plan moving forward to maintain it.

Kelli McGovern opened the public hearing for comments and provided instructions for how to be recognized to make a comment. There were no comments made during the hearing. Chairman Longcore closed the public comment section and moved to Commissioner and Staff comments.

Mr. Longcore discussed an emailed complaint involving a separate property asking if there had been any complaints about hours of operation or dust. Mr. Matt DeYoung, representing the contractor, stated he was unaware of any complaints about hours of operation, per the ordinance, or dust the site has generated. With permission from the Road Commission, ditches and swales were created for drainage to protect the road and are prepared to add slag to fill in potholes as needed. Additionally, a bond up to \$100,000 was in place to ensure meeting their obligations. The loader/operator would be present and observant for any road needs. In addition, a 25 MPH speed limit sign had been posted, and they would monitor and enforce speeds of the trucks to protect the road.

The Commissioners spoke favorably of the changes made to the proposed plan. Planner Ransford added that a minor change had been made to the language of the resolution to strengthen the Commissions ability to enforce it.

Mr. Zeinstra recommended a larger, separate temporary sign be added to make it easier to read from the roadway when the gate is open, and Mr. DeYoung clarified there were two separate signs, one on the gate and a larger one closer to the road.

Motion by Zeinstra to approve the resolution as presented for the proposed plan, seconded by Westerling. **Approved: 6-0**

B. 5015 Warner Mining Application

Planner Ransford summarized for the public that Mr. Curtis Moran was seeking to excavate about 252,006 cubic yards of sand at the rate of 50,000 cubic yards annually to complete the mining operation in a five-year period. This would result in two ponds and the proposal is generally similar with other mining operations. Due to smaller bodies of water, there would not be a hydrological study, but it was an option the Commission could require.

Mr. Curtis Moran addressed the road maintenance issues, explaining that after meeting with the public, the Road Commission, he believed they had a satisfactory solution. There were now daily checks on the road by the loader/operator to complete road maintenance as necessary to help avoid complaints. He added they had increased signage information for the public and have clear communication to the residents.

Kelli McGovern opened the public hearing for comments and provided instructions for how to be recognized to make a comment. Participants and callers were recognized, and comments were made. Chairman Longcore closed the public comment section and moved to Commissioner and Staff comments.

- 1) Jay Knoper: Concern regarding lots being landlocked and the private existing easement.
- 2) Bruce De Vrou: Concern regarding truck traffic using 48th Avenue and requested a hydrological study be completed.
- 3) Megan Beltman: Concern about the drainage tile and requested a hydrological study be completed.

- 4) Deanna: Opposed the original current mining operation being approved but asked since approved the operation be completed as soon as possible.

Mr. Moran addressed the comments, explaining one of the mining operations would be completed this summer. Regarding the water concerns, he explained many of the previous water issues were related to the Marshall Aquifer, and this mining operation was related to the Glacial Aquifer, which had no issues. Once the clay layer was reached, the digging stopped, and the ponds act as settling ponds for the storm water burden. The haul route was east to 48th Avenue and 48th Avenue to Lake Michigan Drive, thus dividing the traffic to help with the concentration of trucks. Regarding the easement, he clarified it was a county easement with public service, and an easement would be created to access the lots on the north side of the pond.

Mr. Schut raised concerns about the smaller size of the easement and general layout deficiencies involving the parcel splits and landlocked areas due to the two ponds. He also questioned the property's sales history relating to the insufficient size of the easement. Planner Ransford provided further background, explaining the proposal was shared with the Zoning Administrator and Assessor with the same concerns, and some communities prohibited property being bisected by water, however, Allendale's ordinances did not. Both the Zoning Administrator and Assessor indicated that the end use lots are compliant.

Mr. Longcore and Mr. Schut spoke about the private road ordinance in relation to the development and how the easement could potentially tie into it. In response, Mr. Moran discussed how they arrived at the current plan exceeding the 1:4 ratios with land division splits by having 8 in the plan.

Mr. Zeinstra referenced Item #6 in the Private Road Standards concerned that although they are not providing entry, they would still be providing access to two lots, as well as the County property behind the two houses which would likely require a private road. Planner Ransford agreed to verify with Ottawa County Road Commission about the property. Mr. Westerling mentioned that trespassing due to ice fishing could be a concern.

The Commissioners discussed concerns about not knowing enough about the use of the existing easement, whether it would be legal or not at the current size, its current purpose, and how Lots B, E, F, & G would have access to the rear of their properties. Direction was provided to Ransford to investigate the history of the area parcels and consult with the Township Attorney regarding construction of a private road.

Motion made by Zeinstra to table the proposal, seconded by Westerling.

Approved 6 to 0.

Responding to the Commission's decision, Mr. Moran asked if part of the future resolution could be the created easement with approval from both sides. In addition, he inquired about the properties being split and a more feasible way to develop the property. Mr. Zeinstra responded that his concern was how the existing easement would be used, whether it was legal or would need upgrading, and how residents would access the back of their properties. It was noted by Planner Ransford that legal counsel had not been asked to review the plans regarding this.

C. Allendale Baptist Church – Planned Unit Development Site Plan

Planner Ransford outlined a church building construction proposal by Allendale Baptist Church located on the south side of Lake Michigan Drive, east of Family Fare. The proposal came through the PUD process and included a concept for a possible future building without specific details on the site plan. It would be accessed by WJ Presley

Parkway connecting to Henry Street on the southwest toward Allendale Christian School. The plan included a parking lot for the church building, landscaping, utilities, water detention, a civic space near the front of the Lake Michigan property, and pathways connecting to the Lake Michigan Drive sidewalk. The Planning Commission was the reviewing body before making recommendation to the Board of Trustees because it was a PUD, as a requirement of the zoning ordinance, and the Township Board would also hold a public hearing as a requirement of statute.

The Planning Commission initially reviewed the site plan in February 2020 and provided the applicant direction. The Commission recently reviewed the site plan and discussed the cross structure along Lake Michigan Drive and having it lighted. Previously, the church considered abandoning the cross structure but desired the option to keep it included. The Commission had requested the photometrics for the lighting around the cross structure, but the applicant had encountered difficulties in producing the photometrics without ordering the structure or having it constructed. They planned to limit the light illumination, and to ensure it did not trespass into the right of way or adjacent properties. The way the resolution was proposed, the future building would not require a full PUD amendment rather just site plan approval if the current PUD process recognized something would go in the location, and the Commission agreed it to be appropriate for general commercial spaces similar with other site plans. The church hoped this could be the process for the future building addition. This would be a recommendation to the Board of Trustees if the Commission is ready after the public hearing.

Mr. Jeff Brinks with Venture Engineering discussed their efforts to try to obtain a photometric for the cross structure which could be produced later, prior to seeking approval and expressed his interest in answering any further questions.

Kelli McGovern opened the public hearing for comments and provided instructions for how to be recognized to make a comment. Participants and callers were recognized, and a comment was made. Chairman Longcore closed the public comment section and moved to Commissioner and Staff comments.

1) Aaron Byler – Pinnacle Construction, General Contractor for Allendale Baptist Church, requested the Commission consider approval for both Phase 1 and Phase II.

Mr. Longcore asked for any questions or comments, and Mr. Schut addressed the phasing of the project, having no issues with approving both phases of the church building now. The Commissioners agreed.

Mr. Adams sought clarification about increased parking spaces on the site plan, and Mr. Brinks explained the parking was sufficient for both the building as proposed and with the addition in the next phase. He also added for the Commissioner's reference, the Storm Water Management Facilities had been designed with future parking and building additions.

In response to Mr. Adams inquiry regarding an emergency overflow, Mr. Brinks explained it would not overflow on any public areas and was designed to hold overflow two times, 100-year storm events based on Ottawa County standards.

The Commissioners discussed the site plans for the cross structure and the lighting and agreeing they would like to review the plan again when more information was available. Planner Ransford mentioned that the cross structure could be authorized through the PUD process to allow it to remain where it was shown, but Mr. Schut preferred not to approve its location at the current time, with several Commissioners in agreement.

Planner Ransford followed-up by asking the Commission if they considered this structure a major or minor amendment, and how the applicant could better prepare for the future or whether it could be approved based on coming back to the Commission at a future time when ready to construct it.

There was discussion about the cross and whether another public hearing would be necessary. Mr. Schut recommended documentation for the future, and in response, Mr. Zeinstra advised more information was needed, including height, setback location, and the fall zone. The consensus among the Commissioners was standard site plan approval would be satisfactory for future construction.

Mr. Schut expressed concern that the rooftop equipment proposed renderings did not follow the standard parapets per the ordinance and questioned the consistency for future building approvals. Referring to previous notes, Planner Ransford pointed out the Commission had offered some flexibility, and the church had proceeded based on that flexibility. Mr. Schut and Mr. Adams suggested that perhaps having 3-D renderings might be helpful to presenting a clear presentation to the final sight lines of the building.

Mr. Brinks reiterated that comments and concerns from the February 2020 meeting had been addressed and felt they had submitted a final presentation accommodating those requirements and was able to locate some previous renderings to screenshare with the Commission. Viewing these, the Commissioners asked for clarification on the colors of the rooftop enclosures, and Mr. Byler confirmed the rooftop enclosures would match the look of the building allowing for a unified architectural presence.

The Commissioners discussed whether the applicant had met the special PUD requirements initially requested, with Mr. Schut expressing concern over the sight line and parapet wall. Mr. Zeinstra was not opposed to the renderings, but suggested future ordinance revisions regarding roof screenings, and that the renderings would need to be updated to say Phase I and Phase II as opposed to future site plans.

Motion was made by Schut to recommend to the Board the approval of the Allendale Baptist Church with the following exceptions:

- The cross structure would be presented for site plan approval before construction.
- The proposed building and future building addition be changed to Phase I and Phase II.
- The metal paneling to color match the background on the renderings.
- The future addition would not be required to come back for site plan approval.

Seconded by Westerling. **Approval 6-0.**

D. Zoning Ordinance Text Amendments

- Section 3.19 – Tree Preservation
- Section 24.06H – Waste Disposal
- Section 24.06J – Building Appearance

Planner Ransford recapped proposed new language to three sections which have been available for public review. Section 3.19 involves tree preservation. Section 24.06H includes amendments to an existing section involving waste disposal areas and enclosures. Section 24.06J involves building appearance for commercial building façade which currently limits buildings to a maximum of 40% glass and proposes to have a 10% minimum of glass instead. Also, a canopy analysis was done on three properties involving approximately 8%, 15% and 33.5% canopy coverage at maturity.

Kelli McGovern opened the public hearing for comments and provided instructions for how to be recognized to make a comment. There were no comments made during the hearing. Chairman Longcore closed the public comment section and moved to Commissioner and Staff comments.

Mr. Zeinstra and Mr. Longcore discussed the removal of the phrase “exclusive of that required by article 21A” under item 3 for tree canopy to simply require 25% canopy coverage for the property not including the right of way.

Motion was made by Schut to recommend to the Board the text amendments to add 3.19, revise 24.06H, and revise 24.06J to be approved with changes and the removal of the phrase “exclusive of that required by 21A”. Seconded by Zeinstra. **Approved 6-0.**

8) New Business

A. Kennedy Lake Site Condominium - Phase II and Private Road

Mr. Ransford explained that Kennedy Lake was applying for their second and final phase of the authorized PUD from 2016. In 2017, Phase I was approved as a site condominium and private road application. Since that time, there were private road modifications to the ordinance, different from the time the road was originally constructed. Township Legal Counsel believed the Commission could grant permission to reduce the road requirements for phase 2 based on phase 1 construction as part of the PUD process, dependent on it if were determined as a major or minor change or hold the applicant to the current language. Planner Ransford noted a traffic assessment was provided by the applicant and had been submitted to the Township Engineer.

Mr. Randy Feenstra, the applicant confirmed there were no changes to the submission but expressed concern about the difference in the road ordinance language and requested that they could continue with their original design.

The consensus of the Commission was that to maintain the design and keep the continuity of the construction would be satisfactory. Mr. Longcore asked about requiring a cul-de-sac and Planner Ransford confirmed the Commission could require it. After discussion, the Commission felt it would not be necessary.

Planner Ransford confirmed the applicant was aware of the documents needed to prepare for a future public hearing. Mr. Feenstra was unable to respond due to technology issues, and Mr. Longcore moved ahead to the Public Comments.

9) Second Public Comment

Chairperson Longcore opened the public comment section for non-public hearing items. Kelli McGovern announced there were no participants. Chairperson Longcore closed the public comment section.

10) Township Board Reports

An intern was hired to help in the office and be the Community Coordinator, and another individual was hired to complete codification of the Township ordinances.

11) Commissioner and Staff Comments:

No comments were made.

12) Chairperson Longcore adjourned at 9:49 p.m.

Next meeting Monday, May 3, 2021 at 7:00 p.m.

Planning Commission Minutes respectfully submitted by Lora Richmond