

ALLENDALE CHARTER TOWNSHIP PLANNING COMMISSION MEETING

March 1, 2021

7:00 p.m.

Zoom Video Call

The meeting shall be only on Zoom as a result of the recent Michigan Department of Health and Human Services order.

You can join remotely in two different ways.

- A. For Video and Audio: Use a Zoom App
- B. For Audio Only: Dial-In

Video and Audio Instructions

At the time of the meeting use this link and/or passcode to join.

<https://zoom.us/j/99160590637?pwd=SUVqVDFxTHdFY3JDd09ISGlVd5QT09>

Passcode: aGxD76

Audio Only Instructions

Callers are responsible for any charges that may apply through their phone plan.

You can dial in using your phone.

Dial: 1-929-205-6099

Meeting ID: 991 6059 0637

Participant ID: *Not Needed for callers.*

Passcode: 880426

For Individuals with disabilities you can use a relay service by dialing 711 first.

Dial-In Instructions:

1. Dial into the number provided above.
2. You will be asked for a Meeting ID.
3. Enter 991 6069 0637.
4. Press # to confirm Meeting ID.
5. You will be asked for a Participant ID. (Callers do not need a Participant ID.)
6. Press # to confirm you don't have a Participant ID.
7. You will be asked to enter a passcode.
8. Enter 880426.
9. Press # to confirm passcode.

*Once you enter the call you will be muted.

Public Comment:

Please note that meetings are open to the public, but are not structured for public discussion to occur throughout the entire meeting. Instead, there are opportunities for members of the public to address the Board/committee members during specific points in the meeting.

Two periods of public comment will be held during the times outlined in the attached agenda.

1. The admin for the call will unmute callers one by one.
2. When it is your turn to speak you will be notified that you have been "unmuted"
3. You will have 10 seconds to respond if you would like to speak.
 - o If you confirm that you will like to speak you will be given "the floor" and 90 seconds to speak.
 - o If you decline to speak or do not answer, the admin will move to the next caller.
4. At the end of each public comment period, the opportunity for public comment will be closed and the Board Chair will move the meeting forward.

Closing the Meeting:

1. Closing of the meeting will proceed by motion of the board after completion of the items on the agenda. The agenda can be found in the following pages.
 2. Shortly after the meeting is closed the admin will end the meeting for all participants.
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1. Call the Meeting to Order
2. Roll Call
3. Received for Information:
4. Approval of the February 15, 2021 Planning Commission Minutes
5. Approval of the Agenda
6. Public Comments for *non-public hearing items*
7. Public Hearings:
8. Site Plan Review:
 - A. JMM Developers – Mining Application – 70-10-19-100-021 & 70-10-18-300-016
9. Old Business:
 - A. Work Program
 - Section 3.19 – Tree Preservation
 - Section 24.06H – Standards for Approval, Waste Disposal Facilities
 - Section 24.06J – Standards for Approval, Building Appearance
10. New Business:
11. Public Comments
12. Township Board Reports
13. Commissioner and Staff Comments
14. Adjourn

Next meeting Monday, March 15, 2021 at 7:00 p.m.



**ALLENDALE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

February 15, 2021

7:00 p.m.

Via Zoom Software

1. Meeting called to order
2. Roll Call
Present: Westerling, Adams, Schut, Kelley, Zeinstra, Longcore
Absent: Zuniga
Staff Present: Greg Ransford
Other Guests Present: Brett Butler, Kim Cannata, Betty Culbertson, Jason Howland, Kelli McGovern, Patrick Morrow, Joel Paauwe, Lora Richmond, Cathy Schmidt, Catherine Seaver, Brian Sikma, Mike Tiesma
3. Received for information: no information received.
4. Motion by Schut to approve the February 1, 2021 meeting minutes. Seconded by Adams.
Approval 6-0
5. Motion by Longcore to approve the February 15, 2021 Planning Commission Agenda as presented. 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 the callers, proceeding to participants using the web or app. After all comments were finished, Chairperson Longcore closed the public comment section.
 1. Brett Butler, representative of Metro Health – No comment
 2. Brian Sikma, representative of Metro Health – No comment
 3. Catherine Seaver, Allendale – Comments regarding Commissioner Kelley
 4. Jason Howland – Comments to Planning Commission regarding purpose of Public Comments
 5. Cathy Schmidt, Allendale – Comments regarding Commissioner Kelley and Park Statues
 6. Joel Paauwe, Allendale – Comments regarding Commissioner Kelley
 7. Kim Cannata, Allendale – Comments regarding Commissioner Kelley and purpose of Public Comments
 8. Mike Tiesma, representative of Midwest Sign – No comment
 9. Patrick Morrow: No comment
7. Public Hearings: no public hearings were scheduled.
8. Site Plan Review: no site plans were scheduled for review.
9. Old Business:
 - a. Metro Health Signage—4830 Becker Drive
Planner Ransford briefed the Commission for the purpose of the public present that Metro Health medical facility had been approved for a location on the northwest corner

of 48th Avenue and Lake Michigan Drive, part of the University Park Planned Development. Discussions were ongoing and the applicant had submitted signage specifications that exceeded current zoning ordinance regulations. The Planning Commission had offered two alternatives:

- 1) Compliance with the current zoning regulations
- 2) Return with mockups from different vantage points to prove that an amendment would be appropriate.

Mr. Steve Witte of Nederveld was unavailable to present as in previous meetings. Mr. Brett Butler, a representative of Metro Health introduced Mr. Mike Tiesma, the Account Representative with Midwest Sign to present an update a package of three mock-ups to the Commission:

- **Sign A:** a large monument sign proposed for the corner of 48th Avenue and Lake Michigan Drive, drawn at their desired 150 square foot size.
- **Sign B:** second option, a scaled back version drawn 50 square feet smaller.
- **Sign X:** a version drawn following the guidelines of the ordinance.

Mr. Tiesma summarized the smaller sign was difficult to see when travelling east and west and urged Commissioners to consider the proposed 10'x15' sign as an appropriate size given the set-back location, speed of traffic, and visibility issues of the Lake Michigan Drive area.

Mr. Zeinstra reviewed the current definition of height and how the sign was measured, and Mr. Butler reiterated the visibility challenge from the east bound traffic side and the sign needing to clear the height of the guardrail. Mr. Tiesma provided some view options, again noting that the smaller sign disappeared behind the guardrail on the eastbound traffic decision point.

Planner Ransford and Mr. Zeinstra discussed where the 10' height was measured from, and Mr. Zeinstra voiced concerned that a sign on M-45 would possibly obstruct the view of drivers looking for a road or drive to turn down when looking for the building. He was not opposed to Sign B but thought that Sign A seemed too large.

Mr. Brian Sikma, also a representative of Metro Health, noted their unique situation, attributing to why the applicant was asking for larger sizes for three of the five signs. His reasoning involved: 1.) the site having three road frontages, 2.) the building front unable to be on the main road, 3.) the site topography requiring the building to be set off a substantial distance, and 4.) the location being on a high-speed road. He suggested that the PUD made it possible for the Commission to have more latitude but understood their concern about setting a precedent. He expressed significant time had been spent to make the signage fit within the guidelines and encouraged the Commission to consider the study done examining the patient base and demographics to determine their proposed and desired sizes.

Mr. Westerling agreed with Sign B being too small, but Sign A being too large.

Planner Ransford checked earlier information and clarified that both the ground mounted signs had exceeded the maximum height allowed which was also a consideration in the meeting.

It was suggested by Mr. Schut that sign height might be gained from gradual grade or berming to increase visibility. He also asked if the Metro Health building could be considered multi-tenant as a possible means to allow expanding the size of the sign.

Mr. Butler agreed to pursuing the option of elevation but noted some concerns relative to the location. He explained some communities included different types of service on their signage, but their chosen sign was not multi-tenant. He considered it a way finding sign not an advertising sign. He was open to considering the advertising type sign, so long as the signage size could stay at the proposed size and agreed to Mr. Tiesma to creating another concept for the Commission.

Mr. Tiesma gave an example of a highway billboard at 14'x48' vs. the Metro Health sign drawn at 10'x15'. By comparison, he believed the sign size to be very appropriate given the distance off the road. He noted that the renderings were also drawn close to scale and fit the space.

Mr. Schut clarified he envisioned a nicely elevated and landscaped raised grade to gain visibility. His understanding was that the only way for the Commission to allow the requested change was to amend the PUD. Planner Ransford confirmed Mr. Schut was correct in that the PUD by default simply said the signage had to meet the ordinance, and the PUD itself would have to allow for those variations. In addition, there was a short list of criteria for the applicant to consider deviations if an amendment to the PUD is pursued.

Chairperson Longcore shared his preference for the Commission to control the signage rather than the ZBA. He agreed with Mr. Westerling and Mr. Zeinstra that Sign A was too large and recommended raising Sign B through grade elevation as a sufficient solution. Mr. Adams disagreed, believing the ordinance size to be sufficient particularly with the well-recognized logo branding and that Sign B did not need increased size or elevation.

Mr. Butler responded that the logo was "unofficially" in the process of being modified and desired continued focus on the sign size not the brand for effective way finding. He acknowledged he would be willing to work with Mr. Tiesma and Mr. Witte to work on a variation and redesign of Sign B.

Mr. Adams again stated that Sign B was twice as large as the current ordinance and would not have a problem of visibility, even without landscaped elevation. Mr. Kelley agreed.

Mr. Tiesma explained that Sign B would be adequate on a normal parcel of land, however, with the building sitting a significant distance away from the sign, it necessitated the larger sign to attract patients driving in any direction to not miss the second driveway if they missed the first entrance. Mr. Butler verified the address of 4830 Becker Drive at Mr. Schut's request adding it was not a well-known road, thus the larger sign request.

Mr. Kelley inquired if patients making appointments were given address verification and location. Mr. Butler explained a protocol was followed, but patients still struggled to find locations. He explained that the city of Wyoming had made changes to their PUD and had allowed additional signage on overhead street signs and poles to increase navigation. He agreed with Mr. Kelley's assessment perfect results were impossible, but that even small changes helped. He gave the example that the number of phone calls from patients asking for directions to the Metro Health hospital decreased after the changes in Wyoming had been implemented.

Mr. Sikma again reminded the Commission that the building was a valuable entity within the community and did not feel the sign would set a precedent for future businesses. Mr. Zeinstra voiced his support for Sign B and the height, measured from the center line off the road.

There was discussion and clarification among the Commissioners, Mr. Butler, and Mr. Tiesma that the sign needed to be 72' off the edge of the road due to the right of way. The Metro Health sign measurement was compared to other signs that were typically about 25 to 30 feet off the road. Mr. Westerling voiced his support for Sign B.

Mr. Kelley asked Planner Ransford if the PUD were amended would other areas in the vicinity also be allowed similar sized signage. Planner Ransford explained it would be at the discretion of the Commission. If the applicant submitted it, they could be limited to the scope of their property. If the Commission felt it was appropriate to address the entirety of the PUD, then it could be more than just a particular parcel within the University Park PUD.

Mr. Kelley affirmed that if it were defined only for that location, he would support Sign B, while Mr. Schut said he was not opposed to Sign B. Mr. Zeinstra said that a review of the PUD indicated that this was the only area that the ravine and extra right of way would impact, applying only to that parcel.

Mr. Adams remained opposed due to the large size of the building and sign, stating that the ordinance requirements provided sufficient visibility. Chairperson Longcore suggested discussing the building sign rendering visibility from Lake Michigan Drive.

Mr. Butler explained it would be seen more quickly by westbound travelers as all obstruction had been removed on the northeast corner of 48th Avenue and Lake Michigan Drive. The heavily wooded ravine in front would exclude visibility until much closer to the intersection of 48th Avenue. The intent was for the sign to be visible early enough to make the roundabout turn, entering through University Parkway rather than going past 48th Avenue to Boulevard turn, coming back to 48th Avenue and back to the building.

Mr. Adams concluded he could still not justify the larger sign per Mr. Butler's explanation. Mr. Butler explained travelling from an east bound direction would require almost being on top of the site and passing 48th Avenue before seeing building signage. In either direction, the goal was to allow enough time for drivers to slow down and prepare to turn without congesting the boulevard turn and impacting traffic efficiency,

safety, and patient appointment/treatment timing. Mr. Adams expressed that any delay in that instance would be minute.

Mr. Sikma commented that the monument sign was important to connecting it to the building. Mr. Tiesma added it had been challenging simply to get an unblocked photo for their renderings because of the heavier traffic, and Mr. Butler affirmed their desire to decrease the amount of turns for the safety of their patients based on their past successful experiences of opening facilities.

Both Mr. Sikma and Mr. Butler reiterated they had a wide scope of patients, but that the goal for all was patient safety. Mr. Butler cited their Cascade location being moved one-half block from the highway for safer transmission entering and exiting. Mr. Butler acknowledged he was supportive of making compromises to improve safety and way finding while still maintaining the standards and process of the Commission.

During the discussion, Mr. Schut identified an error in the calculations for the dimensions of the south sign. He referred to Sleep Inn and asked if that project had set any precedent that would help with the current Metro Health project but still felt that an exception should not be permitted.

Chairperson Longcore and Mr. Schut briefly discussed whether Family Fare was a precedent and considered that it was larger, multi-tenant, but were somewhat uncertain, as it preceded their time on the Commission.

Planner Ransford then verified he had found a discrepancy in one of the site plan numbers and worked to verify the floor plan.

Mr. Westerling asked which of the Metro Health wall signs were compliant with the ordinance, and Mr. Butler confirmed that their north and east signs on the building were compliant. Chairperson Longcore asked Mr. Westerling if he was referring to Sign X being compliant, and Mr. Westerling mentioned that by the 232 sq. ft measurement it was but would not be based on the new calculation.

Planner Ransford said that his calculation was 171 ½ square feet to Mr. Schut's rounded up calculation of 173 square feet. With calculation changes, Mr. Westerling asked if that meant all three wall signs were compliant. Mr. Schut said he believed the north wall to be compliant and the east wall to be slightly over but close. He also questioned if the blueprint showing future expansion would change the calculations. Planner Ransford confirmed it would allow for another 22 square feet on the south and north sides.

Mr. Tiesma asked for clarification on the 173 square feet being allowable on the north and south sides of the building and Planner Ransford confirmed.

Mr. Sikma asked if the additional square footage not being used on the north side might be able to be utilized on the opposite side of the building on the south elevation, but Mr. Schut was concerned it would mean changing the ordinance or amending the PUD. Chairperson Longcore acknowledged the PUD could be amended, and according to Planner Ransford the parcel could be site specific. Planner Ransford confirmed to the Commission that if the PUD were amended it would require a public hearing following the same process for a new PUD.

Mr. Adams asked for clarification stating that he believed the south sign on the building was larger than what the ordinance allowed and based on the current information he could not support the change.

Mr. Butler then asked if amending the request to go with Sign B on M-45, the less than compliant sign shown on the north side, the compliant sign on the east side of the building, the larger sign on the south side of the building and dropping the size of the monument sign on the Becker side to the ordinance size or slightly smaller, would be an adequate compromise.

Mr. Zeinstra, Chairperson Longcore, Mr. Westerling, and Mr. Kelley agreed to the options given by Mr. Butler. Mr. Schut remained opposed and proposed Metro Health build the structure first with temporary signage, then amend the PUD for the Commission to first see the structure in relation to the size of the sign. Both Mr. Tiesma and Mr. Sikma expressed concern about the timing issue of the whole process and avoiding the look of any temporary signage. Mr. Tiesma reiterated the sign renderings on the building were precise, drawn-to-scale, and an accurate depiction of the final product, however, Mr. Schut remained apprehensive about future exceptions. Mr. Butler affirmed he understood their position, but that the location had been chosen due to proximity of the university and the bus line and asked for additional consideration.

Mr. Adams pointed out that the Commission had not yet seen the monument sign rendering in compliance with the ordinance and preferred to see one before finalizing a decision. In response, Mr. Butler reminded the Commission they had been working somewhat within the parameters of incorrect information.

Chairperson Longcore explained that while several of the Commissioners were supportive of some of the aspects of their suggested compromises, the Commission still needed to see renderings drawn according to ordinance requirements.

Mr. Butler thanked Chairperson Longcore and asked for an overview of the process for the PUD amendment to the Planning Commission. Planner Ransford detailed the steps and the Commission asked Planner Ransford to proceed with setting up a public hearing. Mr. Butler, Mr. Sikma, and Mr. Tiesma thanked the Commission for their time and listening to their request. In closing, Planner Ransford sought clarification that once corrections were made to the south façade and materials updated, the hearing would be scheduled. Chairperson Longcore confirmed that was correct.

10. Work Program – Tree Preservation Language

Planner Ransford summarized for the public an ordinance adopted by Park Township in Ottawa County. He reiterated nothing had been scheduled for a public hearing and the Commission was reviewing revisions made in the last meeting to the language for Allendale Township.

Mr. Schut raised concerns about some of the language restricting any tree cutting prior to submitting a plan. Mr. Ransford provided an explanation and court case example.

The Commissioners discussed the proposed language, how to address non-compliance, and language on tree stands and tree canopies being preserved “to the extent possible.”

Additional discussion involved possible setting a percentage of trees that must remain, and how to address trees removed years prior without the new owner's knowledge.

Mr. Zeinstra agreed clear cutting the site was not the answer, but rather incorporating them into their design where possible with proof if the argument were that none could be saved. Chairperson Longcore agreed the goal was not to prevent property owners from doing work on their property, but not clear cutting their property in preparation for development, then having to re-forest and re-plant.

Planner Ransford agreed to prepare revisions to the language for the Commission to review based on comments provided.

11. Section 24.06H – Standards for Approval of Waste Disposal Facilities

Planner Ransford recapped the need to reexamine the language regarding dumpster enclosures to have a certain width whether, or not, it contained one or two dumpsters, as well as an aesthetic enclosure matching the building. He explained the current language requiring a drive approach of a certain length for the truck to service it and requiring an all-enclosure. Concerns have been raised to the Commission over time and the discussion has come about to re-examine and see if any changes are necessary.

Mr. Zeinstra raised a question about the language including an exception for storage building areas on commercial and industrial properties which are fenced and screened not requiring a separate enclosure. Mr. Westerling agreed. Mr. Schutt added that the existing storage fencing would need to include the concrete reinforced 6" bollards and other items consistent with the language already proposed.

Planner Ransford agreed to prepare revisions to the language for the Commission to review based on comments provided.

12. Section 24.06 J. Standards of Approval on Building Appearance.

Mr. Ransford explained that Section 24.06J had certain minimum requirements for commercial and industrial architecture, as well as multi-family developments. The Planning Commission had made a note in months past to this work program about the maximum of 40% glass for a commercial building, a current provision in the zoning ordinance. Recent site plans had used Spandrel glass or similar material that is not a genuine window that one would typically see, so the question was raised if aesthetically proper buildings could be achieved with more than 40% glass, and that some clarity might be needed in how the current language reads.

Chairperson Longcore recommended language indicating at least a minimum of 10% glass, not windows on building frontage. Mr. Westerling, Mr. Schut, Mr. Adams, and Mr. Kelly agreed.

Planner Ransford agreed to prepare revisions to the language for the Commission to review based on comments provided.

13. Second Public Comment

Chairperson Longcore opened the public comment section for non-public hearing items. Kelli McGovern facilitated the public comments, beginning with the callers, proceeding to participants using the web or app. After all comments were finished, Chairperson Longcore closed the second public comment section.

1. Catherine Seaver, Allendale – Comments regarding Commissioner Kelley
2. Cathy, Allendale – Comments regarding Commissioner Kelley
3. Joel Paauwe, Allendale – Comments regarding Commissioner Kelley
4. Kim Cannata, Allendale – Comments regarding the Metro Health Signage

14. Township Board Reports

Bruce Zeinstra reported that they had a Sheriff's update regarding community policing and assigned liaisons to the various boards and committees.

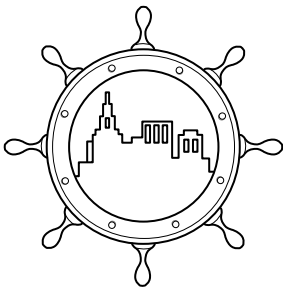
15. Commissioner and Staff Comments

Planner Ransford reminded the Commission of Allendale Baptist Church and the requirements they had been asked to meet one year ago. He asked if the Commission would prefer to schedule a hearing or have a meeting prior to the hearing. Upon the recommendation of Mr. Zeinstra, it was decided to schedule a public hearing, but to review the applicant information prior to the public hearing.

16. Chairperson Longcore adjourned at 9:43 p.m.

Next meeting Monday, March 1, 2021 at 7:00 p.m.

Planning Commission Minutes respectfully submitted by Lora Richmond



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MEMORANDUM

To: Allendale Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: February 24, 2021
Re: JMM Developers, LLC Mining Special Use Application – Preliminary Review

In accordance with Section 23.08 – Removal of Topsoil, Sand, Gravel, or Other Minerals of the Allendale Charter Township Zoning Ordinance (ACTZO), attached is a Special Use Application from JMM Developers, LLC to excavate approximately 774,196 cubic yards of sand from 12084 46th Avenue, parcel number 70-10-18-300-016, and 11910 46th Avenue, parcel number 70-10-19-100-021, which will result in the formation of a lake.

As you will recall, in late Fall of 2019, you approved the excavation of 280,100 cubic yards of sand from 12084 46th Avenue, which would result in the formation of a pond. Since that approval, the applicant indicated their intent to expand this mining operation during their recent annual report to the Planning Commission, which now includes excavation to the south and west. The additional property from 11910 46th Avenue will create a total land area of approximately 50.15 acres. Currently, 11910 46th Avenue contains a single family dwelling and related accessory buildings.

The applicant intends to annually excavate approximately 100,000 cubic yards and complete the lake and mining operation within an eight year period. Following the conclusion of the mining operation, the applicant seeks to accommodate eleven (11) future parcels abutting the lake. The property is located within the Agricultural and Rural Zoning District.

Preliminary Review Comments

Pursuant to your longstanding direction, we reviewed the proposed site plan and related documents as a preliminary plan review. While our review was comprehensive related to the ACTZO, our notations within this memorandum are not composed of the traditional final review format (i.e. site plan review standards, inclusion of all staff recommendations, and etcetera). Subsequent to our initial review, we provided our review comments to the applicant and received the attached in response. Below are our remaining observations for the Planning Commission and applicant to consider prior to final site plan review as well as other relevant notations regarding the proposed.

Section 23.08F3 – Requirements for Mining Permitted by the Planning Commission

The Planning Commission possesses the authority to require studies or information concerning the need for and the consequences of the mineral extraction. Studies may include, but are not necessarily limited to, an environmental impact, hydro-geological, engineering, traffic impact, and economic analysis impact on adjacent property values.

Further, if the excavation will result in the creation of a lake, a hydro-geological study may be required to determine the impact of the mining operation on nearby wells or water features. Unfortunately, and while we believe you retain this authority regardless of the size or identification of the body of water, the ACTZO does not provide a threshold for the area of a lake. As you may know, any body of water with a surface area of five (5) acres or greater requires approval from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), which is typically recognized as a lake. Given that the excavation will result in a lake of

approximately 18.45 acres in area, we asked the applicant for details in that regard from the EGLE. In response, the applicant indicated that an EGLE permit is needed once the excavation exceeds five acres of open water. They also indicated that they have contracted with Lakeshore Environmental in this regard. As a result of their response regarding EGLE, we have asked the Township Engineer to verify their position, as it seems atypical. Once we receive his comments, we will transmit them to you. Nonetheless, in the instance the Planning Commission desires a hydro-geological study, such can be required.

Section 23.08F4c – Requirements for Mining Permitted by the Planning Commission

The first thirty (30) feet of entry road to and from the site shall be composed of asphalt, concrete, or a similar dustless hard surface. As you will note on the site plan, the applicant is proposing to continue use of the previously approved fifty (50) feet of crushed concrete for this area. The Planning Commission should determine if this use remains appropriate.

Section 23.08F4e – Requirements for Mining Permitted by the Planning Commission

The applicant proposes a four (4) foot tall orange construction fence to surround the excavation area within the site. In accordance with Section 23.08F4e, the applicant shall provide a fence of at least four (4) feet in height and shall be plastic or similar visible material, as approved by the Planning Commission. As indicated, the Planning Commission will need to determine if the proposed is appropriate. It is important to note that the same fencing was accepted for the existing mining operation.

Section 23.08F4o – Requirements for Mining Permitted by the Planning Commission

The Planning Commission possesses the authority to require earth berms, landscaping, or both along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. As a result, in combination with Section 24.06D, which we outline further below, the Planning Commission will need to determine if additional earth berms and/or landscaping is appropriate.

Section 23.08I – Requirements for Mining Permitted by the Planning Commission , Renewal of Special Land Use

The Planning Commission is authorized to grant a mining permit for a period of up to five (5) years, with the discretion to grant an additional five (5) years, under certain parameters. Given that the applicant is proposing eight (8) years of excavation, the Planning Commission should require completion within five (5) years and deliberate regarding this ordinance limitation and related review parameters to determine the appropriate means to address the subsequent three (3) year period that is sought. In particular, the most significant parameter for renewal, in our opinion, is consideration of the land use conditions in the vicinity of the operation at five (5) years (see subsection I4 below). In the instance the Planning Commission concludes that the land use and related conditions are unlikely to change, and while you are still limited to an authority of five (5) years to authorize the excavation, it seems feasible to authorize the use with the expectation of a renewal. Below is a copy of Section 23.08I for your convenience.

- I. Renewal of Special Land Use. The special land use authorized by this section is granted for a period of up to five years and may be renewed in the discretion of the Planning Commission for an additional period of up to five years. Such renewal shall be subject to the terms of this subsection as follows:
 1. The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special use.
 2. Prior to consideration of an application for removal, the Township Engineer or other designated Township official shall inspect the land to determine compliance with the mineral mining activities to date and shall submit a report to the Township Planning Commission.

3. Upon receiving the completed application for renewal, including the report of the Township Engineer, the Township Planning Commission shall approve, disapprove or approve with conditions the requested renewal. All payments to the Township of any required mineral removal surveillance, escrow or administration fee shall be current as a condition of renewal.
4. In determining whether to approve a renewal of the special land use, the Township Planning Commission shall apply the standards and conditions for approval that are then in effect and that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations there under and the report of the Township Engineer.
5. The consideration of any such renewal shall take place at a public hearing with public notice given in the same manner and to the same extent as that required for an original granting of a special land use.
6. In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

Article 21-A Landscaping Requirements

In the same regard as Section 23.08F4o above, the applicant is subject to the landscaping requirements of Article 21-A of the ACTZO. While the landscaping requirements of Article 21-A is fairly limiting, prior to directing the applicant to include landscaping in compliance with said Article, we felt it was appropriate to receive direction from the Planning Commission. As you know, the Planning Commission possesses the authority to increase, decrease, or otherwise modify the landscaping requirements of Article 21-A, pursuant to certain criteria. Given this, the Planning Commission will need to determine if additional landscaping beyond the existing vegetation is appropriate.

Section 24.06C – Sidewalks and Pedestrian Circulation

Pursuant to your site plan standards for approval, the applicant is required to either install a sidewalk along the 46th Avenue property frontage or receive deferment from the Planning Commission. The applicant seeks deferment of the sidewalk without a specific date. The Planning Commission will need to determine if this is appropriate. It is important to note that the deferment of construction was granted for the current operation until such time that 46th Avenue is paved abutting the Development.

Section 24.06D – Landscaping and Buffering

Pursuant to your site plan standards for approval, the applicant is required to provide reasonable visual and sound privacy for adjacent dwelling units. It is important to note that the current development approval includes a berm at the northeast corner of the property to screen the adjacent dwelling to the east and north. This berm is no longer proposed. The applicant should explain its removal to the Planning Commission particularly given the public comment received in this regard during the original development approval.

General Notations

- Only one phase is identified over the course of the proposed eight year excavation (see General Note 13 on site plan Sheet C20)
- The haul route is proposed to remain as 46th Avenue south, to Rich Street, west to 48th Avenue, which is the shortest route from the site to the designate truck route
- The stockpile heights will not exceed twenty (20) feet

Township Department Reviews

Township Engineer

Review comments are attached from the Township Engineer. As you will note on page one of their review letter, the Engineer notes concern regarding the location of processing equipment. The applicant has indicated that no processing of materials will occur on site. As a result, the related provision of the ACTZO is met.

No comments have been received from the Superintendent of Public Utilities. The Township Fire Department is satisfied with the proposed plans.

Public Hearing

Following your review of the proposed, a public hearing is required to be scheduled for final site plan consideration.

Planning Commission Considerations

As the Planning Commission performs their preliminary review of this request, the following warrant your review and consideration.

- Whether studies are necessary to determine the need for and consequences of the proposed excavation, particularly a hydro-geological study
- Whether an EGLE permit or similar correspondence should be provided prior to approval, pending comments from the Township Engineer
- Whether the crushed concrete for the first fifty (50) feet of the site entrance remains appropriate
- Whether the proposed site fencing is appropriate
- Whether berms or landscaping is appropriate
 - The removal of the northeast corner berm
- Deferment of the sidewalk along 46th Avenue until such time that 46th Avenue is paved abutting the Development
- The authorization period of five (5) years when eight (8) years are intended

The application has been scheduled for preliminary review at your March 1, 2021 meeting. We expect the applicant to be in attendance. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Adam Elenbaas, Supervisor
Jack Barr, Nederveld, Inc.



February 18, 2021

Mr. Gregory Ransford, MPA
Fresh Coast Planning
950 Taylor Avenue, Suite 200
Grand Haven, Michigan 49417

RE: 11910 & 12084 46th Ave., Allendale Charter Township, Ottawa County, Michigan

Dear Mr. Ransford:

Fleis & VandenBrink (F&V) received and reviewed the Special Land Use Permit application materials for the proposed 11910 & 12084 46th Ave. sand mining operation. The Special Land Use Permit submission included the following:

- Allendale Charter Township Special Land Use Permit Application
- Project Location Map
- Legal Description
- Project Description
- Copy of check for application fee
- Copy of check for escrow fee
- Site Plan Set – C101, C201, C205, C700 (dated January 15, 2021)

The subject property owner is proposing the construction of an aesthetic pond totaling 18.5 acres in size with a total excavation of 774,200 cubic yards of sand. The sand is intended to supply the Western Michigan construction industry. Upon completion of the proposed sand extraction, the applicant is proposing eleven land divisions as indicated in the site plan. The estimated duration of mining activities is proposed to be 8 years.

Sheet C205:

- The proposed equipment storage area does not comply with the Allendale Charter Township (ACT) Zoning Ordinance Article 23 Section 08.F.04.d.02. The ordinance requires that all machinery for mineral processing must be located 250 feet from any property line or street line.

Sheet C-700:

- The current reclamation plan does not show landscaping or plantings as required by the ACT Zoning Ordinance Article 23 Section 08.F.02.c.04. As such, it is recommended that the applicant provides this information.

Conditions of Approval

Should the project be approved by ACT, it is recommended that all items noted above are addressed. The following conditions should also be included:

2960 Lucerne Drive SE
Grand Rapids, MI 49546
P: 616.977.1000
F: 616.977.1005
www.fveng.com

- The mineral mining activity is periodically inspected to assure the applicant is proceeding with the conditions of the approved site plan and the special land use permit.
- The applicant must acquire the required Ottawa County SESC permit for this work.
- It is recommended that the applicant provides screening (i.e. – earth berm, landscaping, etc.) on the eastern property line to shield the adjacent property owner from mining activities (4384 Bliss St.).
- The applicant coordinates with the Ottawa County Road Commission (OCRC) for maintenance and repair of 46th Ave.
- The applicant shall clean any and all spillage of material, dirt, rock and any other debris carried into any public roads coming to or from the site.
- A letter of credit or performance bond will be required as part of this project. The amount shall be enough to restore the site in accordance with the approved reclamation plan. This includes but is not limited to the following: restoration measures, removal of fencing, removal of the access road, vegetation, removal of equipment, roadway repairs as required by the OCRC, and removal of stockpiled material. It is recommended that ACT review and approve the reclamation estimate upon submittal.
- Dust control must be closely monitored throughout the duration of the project. Should ACT receive complaints, it is recommended that the site is inspected to assure that the approved dust control method is being followed.
- Trucking companies are required to use the hauling routes that are approved by ACT.
- An annual inspection by ACT Engineer is recommended to assure that the applicant is compliant with requirements outlined in the ACT Ordinance Article 23 Section 8 and with the approved plans.

Should you have questions regarding the items noted above, please contact us at your earliest convenience.

Sincerely,

FLEIS & VANDENBRINK



Bruce Pindzia, P.E.
Sr. Project Engineer



Kyle Sutton, E.I.T



February 15, 2021

Mr. Gregory Ransford
Planning Consultant
Allendale Charter Township
6676 Lake Michigan Drive
PO Box 539
Allendale, MI 49401

RE: Special Land Use for Pond (Sand Removal)
11910 & 12084 46th Avenue, Allendale Township, Ottawa County, Michigan

Dear Mr. Ransford:

Enclosed are six (6) sets of the revised plans and documents that address the January 29, 2021 memorandum from Fresh Coast Planning.

We request to be placed on the next available Planning Commission agenda.

If you have any questions, please feel free to contact me at (616) 575-5190 or jbarr@nederveld.com.

Sincerely,

R. Jack Barr, P.E.
Director of Engineering

Allendale

CHARTER TOWNSHIP

"Where community is more than just a concept!"

Planning Commission

Site Plan Review Application

Submission Date: _____

Application for Site Plan Review in conjunction with which of the following:

- ☐ Site Plan Review Only
☐ PUD Rezoning
☒ Special Use Application
☐ Other: _____

Property Owner:	JMM Developers LLC		
Mailing Address:	7300 Fillmore Street, Allendale, MI 49401		
Phone Number:	616-218-2230	Cell Phone:	
Email Address:	matthd43@hotmail.com	Fax:	
Owner's Signature:	<i>Miles ULberg</i>		

Applicant Name: (if not owner)	Same as Owner		
Mailing Address:			
Phone Number:		Cell Phone:	
Email Address:		Fax:	
Applicant's Signature:			

Who is the responsible party for future invoices? Check one:

<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Applicant
--	------------------------------------

Architect, Engineer, Attorney or other professionals associated with the project (attach additional sheets if necessary):

Contact:	Nederveld, Inc.; ATTN: Jack Barr		
Mailing Address:	217 Grandville Ave, SW; Ste 302, Grand Rapids, MI 49503		
Phone Number:	616-575-5190	Cell Phone:	
Email Address:	jbarr@nederveld.com	Fax:	

Address of Property:		11910 & 12084 46th Avenue			
Permanent Parcel Number:		70-10-19-100-021 (11910) and 70-10-18-300-016 (12084)			
Legal Description of Property (or attach to the application):					
SEE ATTACHED					
Lot Area:	50.15 Acres	Lot Depth:	1,314 ft (west/east)	Lot Width:	1,666 ft (north/south)
Current Zoning of Parcel:	AG	Current Use of Parcel:	Single Family Dwelling & Vacant		
Proposed Use of Parcel:	Construct a pond				
Name of Proposed Development (if applicable):		n/a			
Name of Proposed Buildings to be constructed:		n/a			
Square feet of gross:	n/a	Square feet of usable floor area:	n/a		
Number of Permanent Employees (if applicable):	n/a				

- Please include 6 sets of the proposed Site Plan and 1 electronic copy for staff review along with your application and escrow fee. (When ready for submission to the Planning Commission, smaller than typical plans are allowed when they can be easily interpreted and are to scale.)
- Please see Resolution 2011-2 for our full escrow fee policy. If you would like a copy of this policy it is available online or by request at the Township office.
- If your escrow is not kept up to date, according to our policy, the Township reserves the right to withhold approval of your project, issue a stop work order, or withhold final occupancy until the escrow balance is made current.

For Office Use Only

Date Received:			
Amount Paid:		Check No:	
Notes:			

LEGAL DESCRIPTION

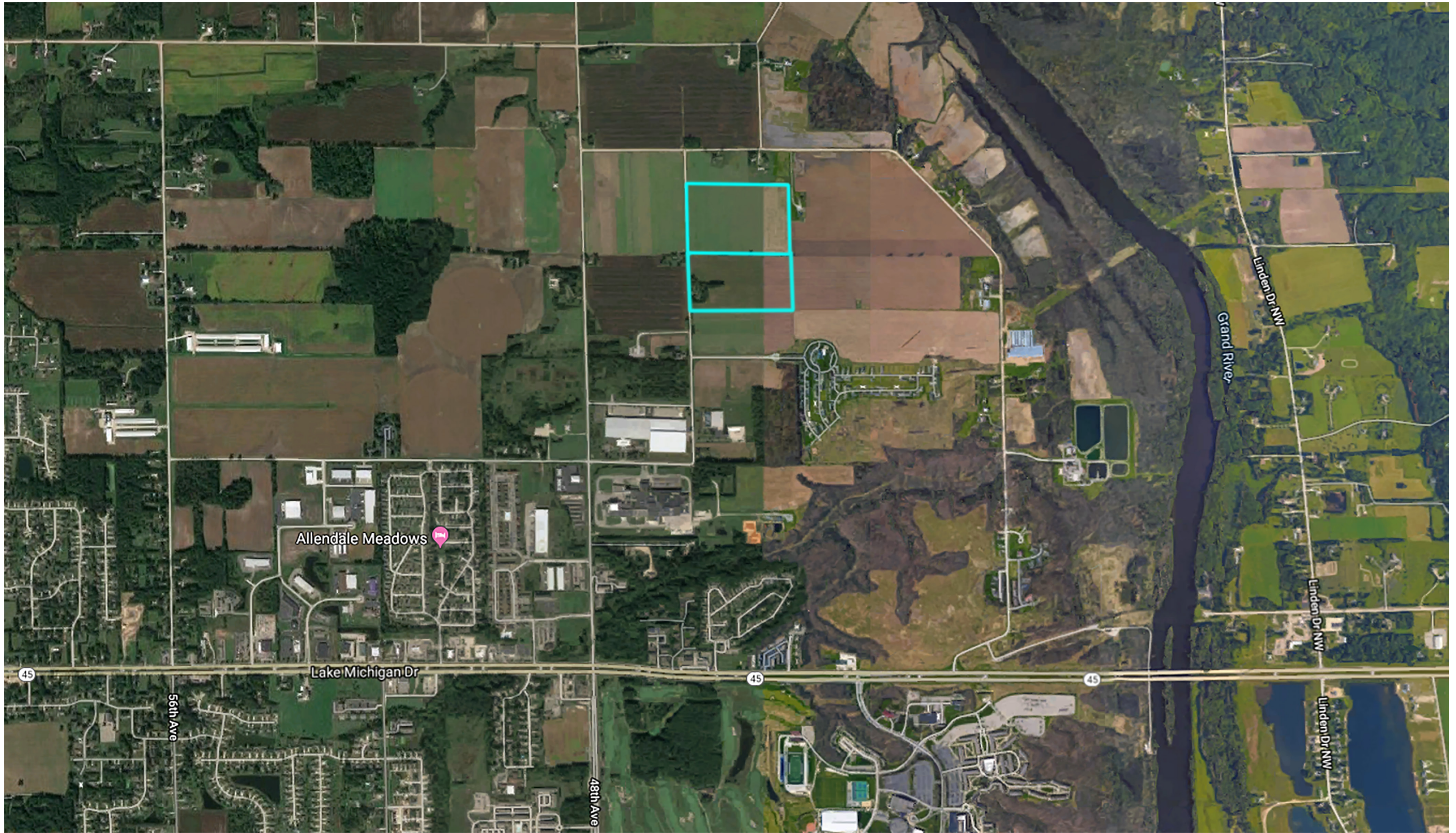
11910 & 12084 46th Avenue Pond

11910 46th Avenue (70-10-19-100-021)

PART OF E 1/2 OF NW 1/4 COM N 1/4 COR, TH S 88D 54M 35S W 1311.72 FT, S 0D 05M 07S E 730 FT, N 88D 54M 35S E 1313.3 FT, TH N 0D 05M 07S W 730.04 FT TO BEG. SEC 19 T7N R13W

12084 46th Avenue (70-10-18-300-016)

PART OF SW FRL 1/4 COM SW SEC COR, TH N 0D 49M 07S W 1345.38 FT, S 89D 12M 03S E 1337.61 FT & S 0D 59M 49S E 419.03 FT TO PT OF BEG, TH S 89D 12M 03S E 1313.98 FT, S 0D 51M 29E 927.23 FT, N 89D 10M 52S W 1311.74 FT, TH N 0D 59M 49S W 926.94 FT TO BEG. SEC 18 T7N R13W 27.93 AC.



LOCATION MAP

11910 & 12084 46TH AVENUE

project number: 19200719



PROJECT DESCRIPTION

11910 & 12084 46th Avenue

Request.

The special land use request for 11910 & 12084 46th Avenue proposes an aesthetic pond totaling 18.45 acres in size with a total proposed excavation of approximately 774,196 cubic yards of sand. The sand produced by this pond will aid in the booming West Michigan construction industry, specifically in the immediate Ottawa County area for road and home construction. This sand is used extensively for sub-base, pipe trench backfill, and as structured material for new building construction.

Name of all of the owners(s) of the land from which removal is to be made or upon which mining operations will take place.

JMM Developers LLC
Joshua Vrugink
7300 Fillmore Street
Allendale, MI 49401

Name and address of the applicant.

JMM Developers LLC
Joshua Vrugink
7300 Fillmore Street
Allendale, MI 49401

Name and address of the person, firm or corporation who will be conducting the actual removal and/or processing operation.

Vrugink and Son Excavating
7300 Fillmore Street
Allendale, MI 49401

Location, size, and legal description of the area from which the removal is to be made.

The excavation is to take place at 11910 & 12084 46th Avenue in Allendale Township, two parcels containing approximately 48.89 acres. The legal descriptions are as follows:

11910 46th Avenue (70-10-19-100-021)

PART OF E 1/2 OF NW 1/4 COM N 1/4 COR, TH S 88D 54M 35S W 1311.72 FT, S 0D 05M 07S E 730 FT, N 88D 54M 35S E 1313.3 FT, TH N 0D 05M 07S W 730.04 FT TO BEG. SEC 19 T7N R13W

12084 46th Avenue (70-10-18-300-016)

PART OF SW FRL 1/4 COM SW SEC COR, TH N 0D 49M 07S W 1345.38 FT, S 89D 12M 03S E 1337.61 FT & S 0D 59M 49S E 419.03 FT TO PT OF BEG, TH S 89D 12M 03S E 1313.98 FT, S 0D 51M 29E 927.23 FT, N 89D 10M 52S W 1311.74 FT, TH N 0D 59M 49S W 926.94 FT TO BEG. SEC 18 T7N R13W 27.93 AC.

A description of the type of mineral to be removed and an estimate of the total quantity and an annual quantity to be removed. This estimate shall be verified by a registered civil engineer or land surveyor.

The proposed pond will total 18.45 acres in size and will result in a total cut of approximately 774,196 cubic yards of sand. The proposed annual quantity to be removed is approximately 100,000 cubic yards. This estimate has been verified by a registered civil engineer.

If over 100,000 cubic yards of material is to be removed, provide evidence to reasonably demonstrate that the amount of material proposed to be removed actually exists on site.

Soil borings and backhoe excavations have been performed on site and verified by a professional engineer.

A description of the trucks to be used to transport the minerals described in cubic yard capacity and single or double bottom.

Conventional 15 cubic yard dump trucks and 50 cubic yard lead and train trucks will be utilized.

Estimated number of truck trips per day. (A truck going in and coming out is two truck trips).

The excavated sand leaving the site will be based on market demand, therefore, the number and loaded weight of the trucks to be utilized may vary greatly. On average, approximately fifteen (15) trucks or ten (10) lead and train trucks per day will haul sand from the site.

The roads which will primarily be used to transport the minerals (haul route).

Trucks leaving the site will head south on 46th Avenue to Rich Street to 48th Avenue, which is a designated truck route per the Allendale Township Truck Route Ordinance.

The proposed hours and days of operation.

The hours and days of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday per the special use standards in Section 23.08.F.4.g.

A description of the types of equipment to be used in the mining operation.

The proposed pond will be constructed with standard excavating equipment such as excavators, clam shells or cranes and draglines, and no dewatering of the site is proposed.

A description of the methods to be used for dust control.

Windblown dust and sand will be minimized by watering the site as need during dry/windy conditions. In addition, the first 50 feet of the haul road will be constructed with crushed concrete so as to minimize tracking onto 46th Avenue (however, 46th Avenue is a gravel road).

State if materials such as asphalt and concrete will be brought into the site for crushing and mixing with on-site mining minerals.

Materials such as asphalt and concrete will not be brought into the site for mixing with on-site mining minerals.

The estimated number of years to complete operations and number of phases.

The proposed pond totals approximately 774,196 cubic yards of sand and approximately 100,000 cubic yards is proposed to be removed annually. Therefore, the estimated number of years to complete the pond is eight (8) years.

A description of the proposed use of the land follow completion of mining activities.

The pond will serve as an aesthetic addition to for 11910 & 12084 46th Avenue and the eleven (11) proposed future land divisions.

Proof of liability insurance with at least one million dollars of coverage.

Proof of liability insurance with at least one million dollars of coverage has been provided to the Township as part of this submittal package.

JMM DEVELOPERS LLC

7300 FILLMORE
ALLENDALE, MI 49401

74-1437/724

3067

DATE

1.14.21

MP

PAY TO THE
ORDER OF

Attendale Township

\$ 250.00

two hundred fifty and no/100

DOLLARS



Heat
Reactive
Ink

GRAND
RIVER
BANK

Grandville, MI 49418
www.grandriverbank.com

MEMO

App Fee

Fund Development

MP

⑆072414378⑆

25117720 3067

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

JMM DEVELOPERS LLC
7300 FILLMORE
ALLENDALE, MI 49401

74-1437/724

3068

DATE

1.14.21

MP

PAY TO THE
ORDER OF

Alleendale Township

\$ 1500.00

one thousand five hundred & No/100

DOLLARS

Heat
Reactive
Ink

GRAND
RIVER
BANK

Grandville, MI 49418
www.grandriverbank.com

MEMO

Escrow

Pam Druesenaga

MP

⑆072414378⑆

25117720 3068

LOOK FOR FRAUD-DETERING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT REACTIVE INK (DETAILS ON BACK)

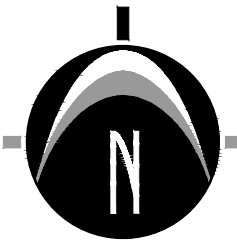
PREPARED FOR:

Miles Ulberg Builders
Miles Ulberg

6564 Warner St
Allendale, MI 49401

REVISIONS:

Title: Township Special Use Submittal
Drawn: BEM Checked: RJB Date: 01.15.2021
Title: Review Comments
Drawn: BEM Checked: RJB Date: 02.02.2021



0' 100' 200' 400'
SCALE: 1" = 200'



Total

BLISS STREET

PINGREE STREET

46TH AVE

ZONED AG
FARMLAND
GEMMEN VICTORY
PROPERTIES LLC
4608 BLISS ST
ALLEANDALE, MI 49401
70-10-18-300-012

ZONED AG
RESIDENTIAL
KONG, TOMMY J
11807 46TH AVE
ALLEANDALE, MI 49401
70-10-18-100-003

ZONED AG
FARMLAND
MOHR, JANICE TRUST
11807 46TH AVE
ALLEANDALE, MI 49401
70-10-18-100-020

ZONED AG
INDUSTRIAL
CONSUMERS ENERGY
11807 46TH AVE
ALLEANDALE, MI 49401
70-10-18-100-021

ZONED PID
INDUSTRIAL
PROPERTIES WEST LLC
4608 PINGREE ST
ALLEANDALE, MI 49401
70-10-18-100-024

ZONED PID
INDUSTRIAL
PROPERTIES WEST LLC
4601 PINGREE ST
ALLEANDALE, MI 49401
70-10-18-100-025

ZONED PID
INDUSTRIAL
PROPERTIES WEST LLC
4430 PINGREE ST
ALLEANDALE, MI 49401
70-10-18-100-026

ZONED AG
FARMLAND
HOFFER, PAUL
11807 46TH AVE
ALLEANDALE, MI 49401
70-10-18-200-021

ZONED AG
FARMLAND
SETSER, FARMER TRUST LLC
11807 46TH AVE
ALLEANDALE, MI 49401
70-10-18-200-018

ZONED AG
RESIDENTIAL
HUNTER, MICHAEL DEANNA
4379 BLISS ST
ALLEANDALE, MI 49401
70-10-18-400-029

ZONED AG
RESIDENTIAL
ROSEMAN, KENNETH L
4384 BLISS ST
ALLEANDALE, MI 49401
70-10-18-400-017

ZONED AG
RESIDENTIAL
ESTHER, DAVID - MARY TRUST
4300 BLISS ST
ALLEANDALE, MI 49401
70-10-18-300-007

ZONED AG
RESIDENTIAL
MCNAUGHTON, MATT
WOODER, ROCKY JEAN
4344 BLISS ST
ALLEANDALE, MI 49401
70-10-18-300-014

ZONED AG
RESIDENTIAL
ESTHER, DAVID
4372 BLISS ST
ALLEANDALE, MI 49401
70-10-18-300-015



This map does not represent a legal document. It is intended to show an approximate location of utilities and is not a substitute for a legal survey. The user of this map is responsible for verifying the location and status of all utilities in this area.



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

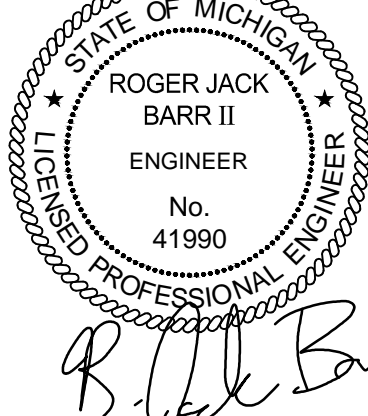
NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

12084 AND 11910 46TH AVE

GIS Data Plan

PART OF THE SOUTHWEST 1/4 OF SECTION 18, T7N, R13W,
ALLEANDALE TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:



PROJECT NO:
19200719

SHEET NO:
C-101

REVISIONS:		
Title: Township Special Use Submittal		
Drawn: BEM	Checked: RJB	Date: 01.15.202
Title: Review Comments		
Drawn: BEM	Checked: RJB	Date: 02.02.202

PART OF SW FRL 1/4 COM SW SEC COR, TH N OD 49M 07S W 1345.38 FT, S 89D 12M 03S E 1337.61 FT & S OD 59M 49S E 419.03 FT TO PT OF BEG, TH S 89D 12M 03S E 1313.98 FT, S OD 51M 29E 927.23 FT, N 89D 10M 52S W 1311.74 FT, TH N OD 59M 49S W 926.94 FT TO BEG. SEC 18 T7N R13W 27.93 AC

EXISTING GRADE CONTOUR

AREA OF DISTURBANCE

- 1) THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES AT LEAST THREE WEEKS PRIOR TO THE BEGINNING OF CONSTRUCTION OPERATIONS. THERE ARE EXISTING UNDERGROUND UTILITIES WHICH CROSS THE PROPOSED REPLACEMENT WORK AREAS. ALTHOUGH THEIR EXACT LOCATION CANNOT BE DETERMINED, IT IS KNOWN THESE UTILITIES ARE LOCATED WHERE THEY ARE REQUIRED. THE CONTRACTOR SHALL CONDUCT THE REQUIRED EXCAVATION IN THESE AREAS WITH EXTREME CAUTION.
- 2) ALL EXISTING UTILITY INFORMATION SHOWN IS TAKEN FROM EXISTING RECORDS, AND FIELD VERIFIED WHERE ACCESSIBLE. ONLY INFORMATION OBTAINED FROM EXISTING RECORDS MAY NOT BE COMPLETE OR ACCURATE. THE LOCATION OF ALL UTILITIES SHOWN SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY WORK BEING AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. THE CONTRACTOR SHALL FIELD VERIFY FOR ACCURACY, LOCATION AND CONDITION.
- 3) BEFORE ANY WORK IS STARTED ON THE PROJECT AND AGAIN BEFORE FINAL ACCEPTANCE BY THE TOWNSHIP AND BY THE TOWNSHIP REPRESENTATIVE, THE CONTRACTOR SHALL CONDUCT A VISUAL INSPECTION OF ALL EXISTING SEWERS WITHIN THE WORK LIMITS WHICH ARE TO REMAIN IN SERVICE AND WHICH MAY BE AFFECTED BY THE WORK. THE CONDITION OF THE EXISTING UTILITIES AND THEIR APPURTENANCES SHALL BE DETERMINED FROM FIELD OBSERVATIONS AND EXISTING VIDEO TAPES. RECORDS OF THE INSPECTIONS SHALL BE KEPT IN WRITING BY THE CONTRACTOR.
- 4) THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION WORK.
- 5) ALL EXISTING UTILITIES, SEWERS AND WATER LINES ARE TO REMAIN UNDISTURBED UNLESS OTHERWISE NOTED ON THE PLANS. THE CONTRACTOR SHALL CONTACT AND COORDINATE WITH ALL APPLICABLE UTILITY COMPANIES, MUNICIPALITIES AND AGENCIES BEFORE ANY WORK IS STARTED.
- 6) THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES REGARDING REMOVAL OF EXISTING POLES, OVERHEAD WIRES, UNDERGROUND UTILITIES, GUY WIRES, GAS LINES, ETC. ALL ADJUSTMENT OR RECONSTRUCTION WORK EXCEPT FOR THOSE STRUCTURES OTHERWISE NOTED ON THE PLANS SHALL BE PERFORMED BY THE CONTRACTOR. EXISTING CABLES SUCH AS CABLES AND VALVES SHALL NOT BE DISTURBED BY THE CONTRACTOR DURING CONSTRUCTION.
- 7) THE CONTRACTOR SHALL MAINTAIN EXISTING UTILITY SERVICE TO ALL ADJOINING PROPERTIES.

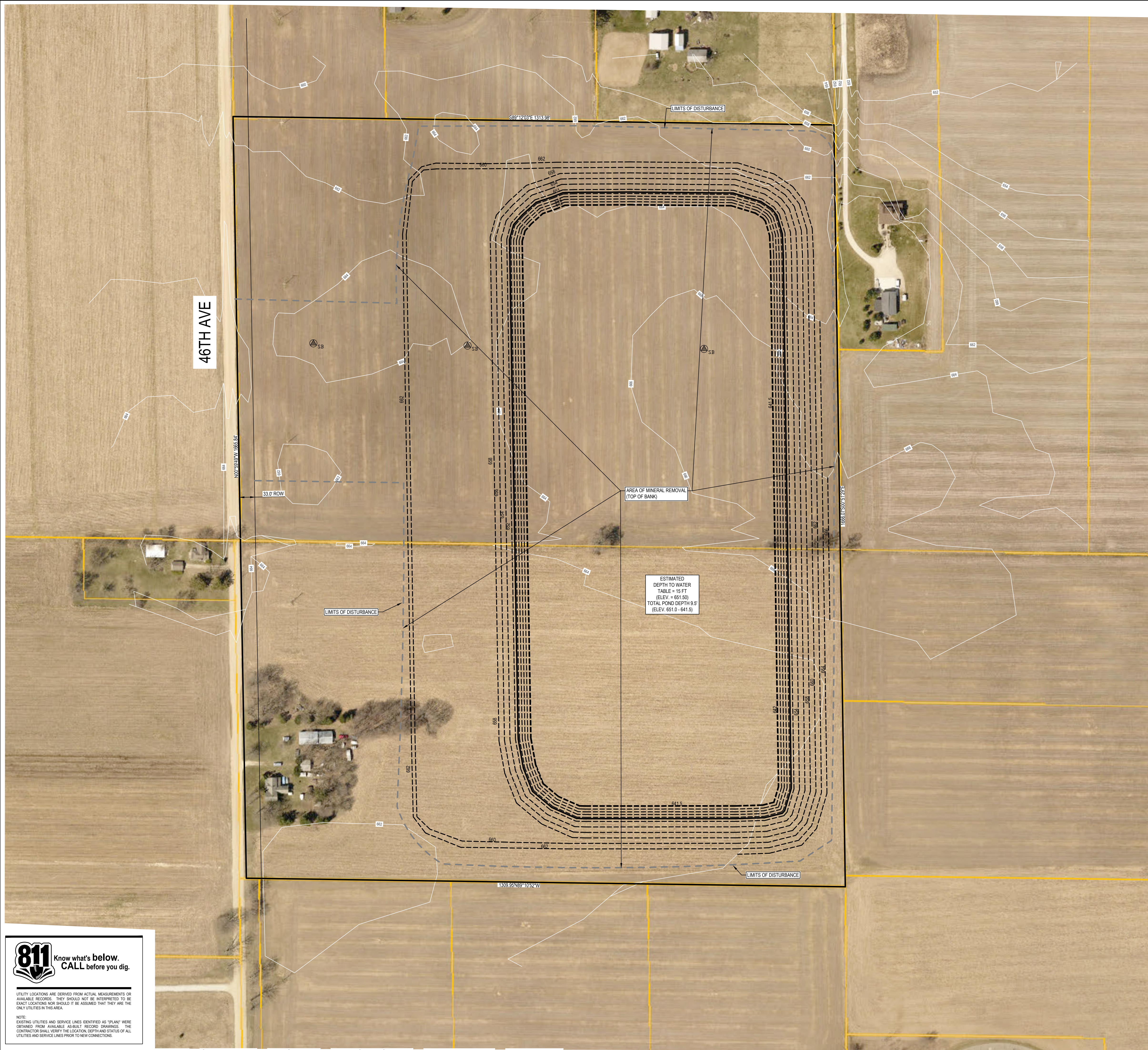
Existing Site Conditions & Demo Plan

PART OF THE SOUTHWEST 1/4 OF SECTION 18, T7N, R13W,
ALLENDALE TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STATE OF MICHIGAN
★
ROGER JACK
BARR II
ENGINEER
No.
41990
★
LICENSED PROFESSIONAL ENGINEER

R. J. Barr

SHEET NO:
C-201



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE
OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE
CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL
UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

PREPARED FOR:

Miles Ulberg Builders
Miles Ulberg

6564 Warner St
Allendale, MI 49401

REVISIONS:

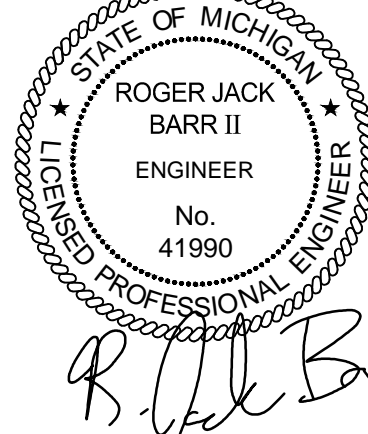
Title: Township Special Use Submittal
Drawn: BEM Checked: RJB Date: 01.15.2021
Title: Review Comments
Drawn: BEM Checked: RJB Date: 02.02.2021

12084 AND 11910 46TH AVE

Site Layout, S.E.S.C. & Grading Plans

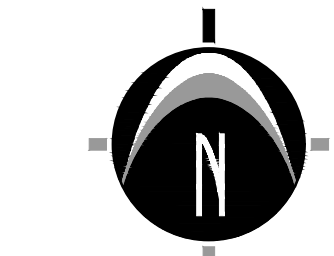
PART OF THE SOUTHWEST 1/4 OF SECTION 18, T7N, R13W,
ALLENDALE TOWNSHIP, OTTAWA COUNTY, MICHIGAN

STAMP:

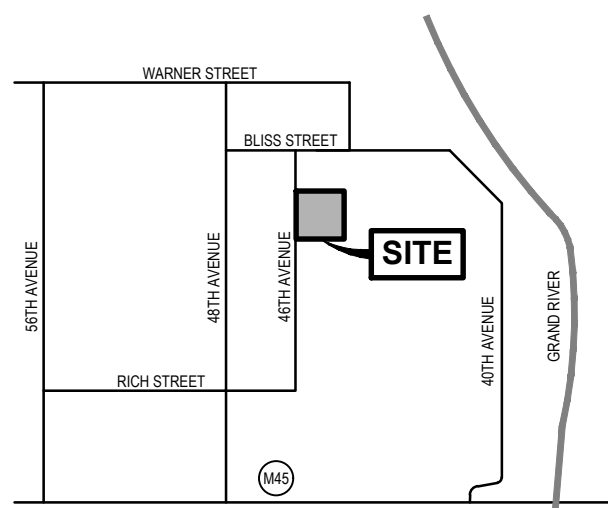


PROJECT NO:
19200719

SHEET NO:
C-205

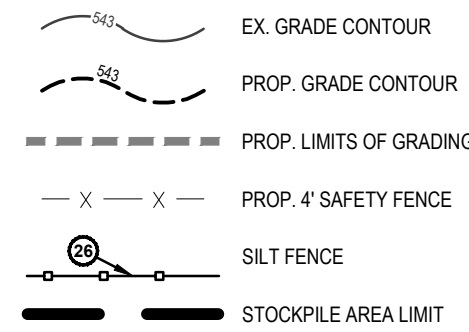


0' 50' 100' 200'
SCALE: 1" = 100'



LOCATION MAP
NOT TO SCALE

LEGEND

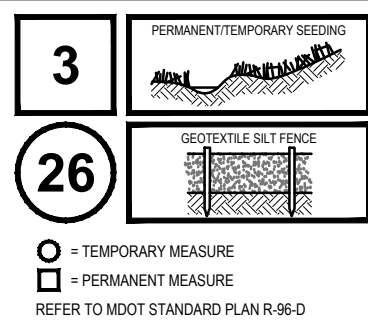


GENERAL NOTES

- SUMMARY OF PROPOSED LAND USE:
 - 12084 46th Avenue
Allendale, MI 49401
70-10-18-300-016
 - ZONING AG
 - TOTAL ACREAGE (EXCL. R.O.W.) 48.89 (2,129,630.4 S.F.)
 - PROPOSED POND ACREAGE 18.45 AC.
 - TOTAL EXCAVATED MATERIAL 774,196 CU. YDS.
 - SETBACKS
 - CUT/EXCAVATION SETBACK 25' FROM ALL PROPERTY LINES
 - PROCESSING MACHINERY SETBACK 100' FROM PRINCIPLE BUILDING ON ADJOINING PROPERTY
 - STORAGE/STOCKPILE SETBACK 250' FROM ALL PROPERTY LINES
 - 250' FROM A PRINCIPLE BUILDING
- HOURS OF OPERATION:
MON-FRI: 7AM TO 6PM
SATURDAY: 8AM TO 1PM
- ALL TRUCKS SHALL BE ROUTED SOUTH ON 46TH AVENUE TO RICH STREET TO 48TH AVENUE PER THE ALLENDALE TOWNSHIP TRUCK ROUTE ORDINANCE.
- PROPOSED MINERAL REMOVAL TO BE CONDUCTED BY "WET MINING"; NO DE-WATERING OF THE SITE WILL BE REQUIRED.
- THE CONDUCT AND OPERATIONS OF THE MINERAL REMOVAL WILL NOT RESULT IN WIND-BLOWN SAND, DUST OR SOIL THAT WOULD MIGRATE OFF-SITE; SITE WILL BE SPRAYED AS NEEDED.
- FOUR FOOT HIGH FENCING WILL BE ERRECTED AROUND CURRENTLY MINED AND STOCKPILING AREAS OF THE MINERAL REMOVAL OPERATION.
- THE CONDUCT AND OPERATIONS OF THE MINERAL REMOVAL WILL BE OPERATED IN SUCH A FASHION THAT THE NOISES OF OPERATION CANNOT REASONABLY BE CONSIDERED DISTURBING FOR NEIGHBORS. OBJECTIONABLE NOISES SHALL BE MUFFLED EXCEPT FOR WARNING DEVICES EMITTING SOUND FOR WARNING PURPOSES AS REQUIRED BY LAW.
- MINING MATERIAL AND STRIPPED TOPSOIL TO BE STOCKPILED WITHIN THE PROPOSED POND AREA, WITH STRIPPING AND MINING BEING CONDUCTED FROM EAST TO WEST. BOTH MATERIALS WILL BE SOLD AND MOVED FROM THE SITE BY THE YARD AS MARKET DEMANDS. STOCKPILES TO NOT EXCEED 30 FEET IN HEIGHT (AS MEASURED FROM ORIGINAL GRADE).
- ANY CHANGE OF THE NATURAL CONTOUR OF THE LAND, BOTH DURING MINERAL REMOVAL OPERATIONS AND AT THE TIME OF ABANDONMENT BY COMPLETION, SHALL BE MAINTAINED AS SAFE TO ALL TRESPASSERS AND ANY OTHER PERSONS HAVING REASON TO BE WITHIN THE AREA OF ACTIVITY.
- AS THE NATURAL RESOURCES ARE BEING REMOVED, THE PROPERTY SHALL BE RESTORED TO THE REPLACEMENT OF TOPSOIL WHERE FEASIBLE; AND ALL EXCAVATION SHALL BE SLOPED TO A GRADIENT WITH NOT MORE THAN A 3-FOOT HORIZONTAL TO 1 FOOT VERTICAL SLOPE AND THE CONTOUR BE CAUSED TO BLEND AS NEARLY AS POSSIBLE WITH THE NATURAL SURROUNDINGS. THE MINERAL REMOVAL AREA SHALL BE PLANTED WITH A SUITABLE GROUND COVER SUFFICIENT TO CONTROL EROSION. TOPSOIL SHALL BE REPLACED ON THE SITE TO A DEPTH OF NOT LESS THAN FOUR INCHES UNLESS IT IS DEMONSTRATED THAT THERE WAS LESS THAN FOUR INCHES OF TOPSOIL ON THE SITE PRIOR TO ANY EXCAVATION IN WHICH CASE TOPSOIL SHALL BE REPLACED TO THE EXTENT THAT IT EXISTED ON THE SITE PRIOR TO ANY EXCAVATION.
- THE PROPOSED EARTH CHANGE SHALL COMPLY WITH ALL FEDERAL, STATE AND COUNTY OF OTTAWA REGULATIONS, ORDERS AND PERMIT APPROVAL REQUIREMENTS.
- NO TRESPASSING SIGNS TO BE PLACED EVERY 100 FEET ALONG PROPERTY LINES.
- THE PROJECT WILL BE COMPLETED IN ONE (1) PHASE.
- THE APPLICANT WILL COORDINATE WITH THE OTTAWA COUNTY ROAD COMMISSION REGARDING MAINTENANCE OF 46TH AVENUE.
- ALL MINERAL MATERIAL TO BE MINED WILL BE SAND. R. JACK BARR, PE #41990 STATE OF MICHIGAN HEREBY CERTIFIES THE MATERIAL TYPE AND VOLUME CALCULATIONS.
- BACKHOE EXCAVATION WAS CONDUCTED ON THE SITE IN JUNE 2019 TO CONFIRM THE MINERAL MATERIAL TYPE AND DEPTH.
- NO SIDEWALK ALONG 46TH AVENUE IS PROPOSED. THE APPLICANT REQUESTS DEFERRAL OF SAID SIDEWALK.
- NO PRIVACY SCREENING OR FENCING IS PROPOSED.
- NO PROCESSING WILL OCCUR ON SITE.

SOIL EROSION AND SEDIMENTATION CONTROL NOTES

- CONTRACTOR SHALL POSSESS THE SOIL EROSION AND SEDIMENTATION CONTROL PERMIT PRIOR TO START OF ANY EARTH WORK.
- CONTRACTOR SHALL MODIFY THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN TO SHOW THE ADDITIONAL CONTROL MEASURES INTENDED TO BE USED DURING CONSTRUCTION. SUBMIT MODIFICATIONS TO THE CONTROLLING AGENCY, THE OWNER, AND THE ENGINEER.
- REFER TO THE M.D.O.T. "SOIL EROSION AND SEDIMENTATION CONTROL MANUAL" (APRIL 2006) FOR ADDITIONAL INFORMATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO INSPECT, TAKE CORRECTIVE ACTION AND MAINTAIN ALL TEMPORARY SECS MEASURES DAILY AND AFTER EACH RAIN EVENT UNTIL FINAL COMPLETION AND ACCEPTANCE OF THE PROJECT.



SOIL EROSION CONTROL SCHEDULE

2020

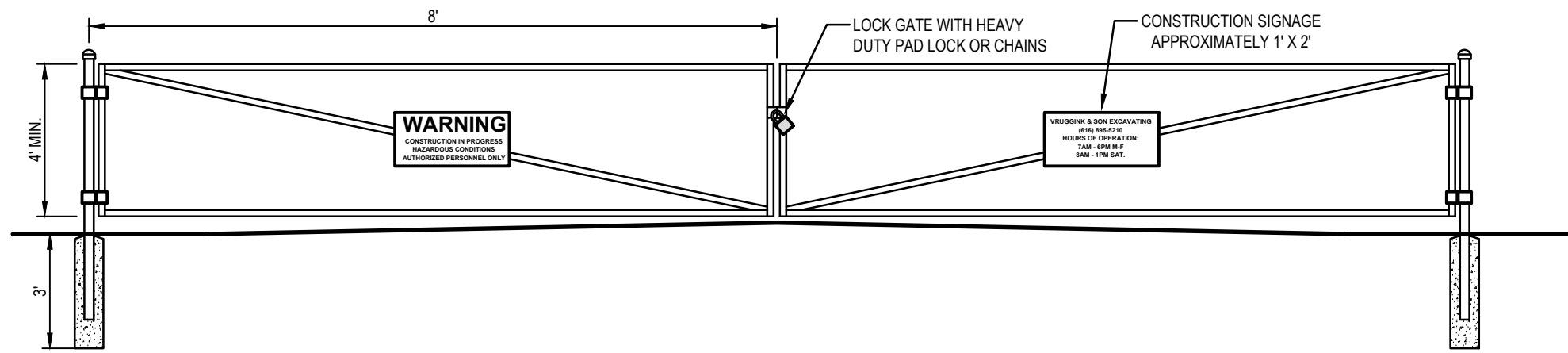
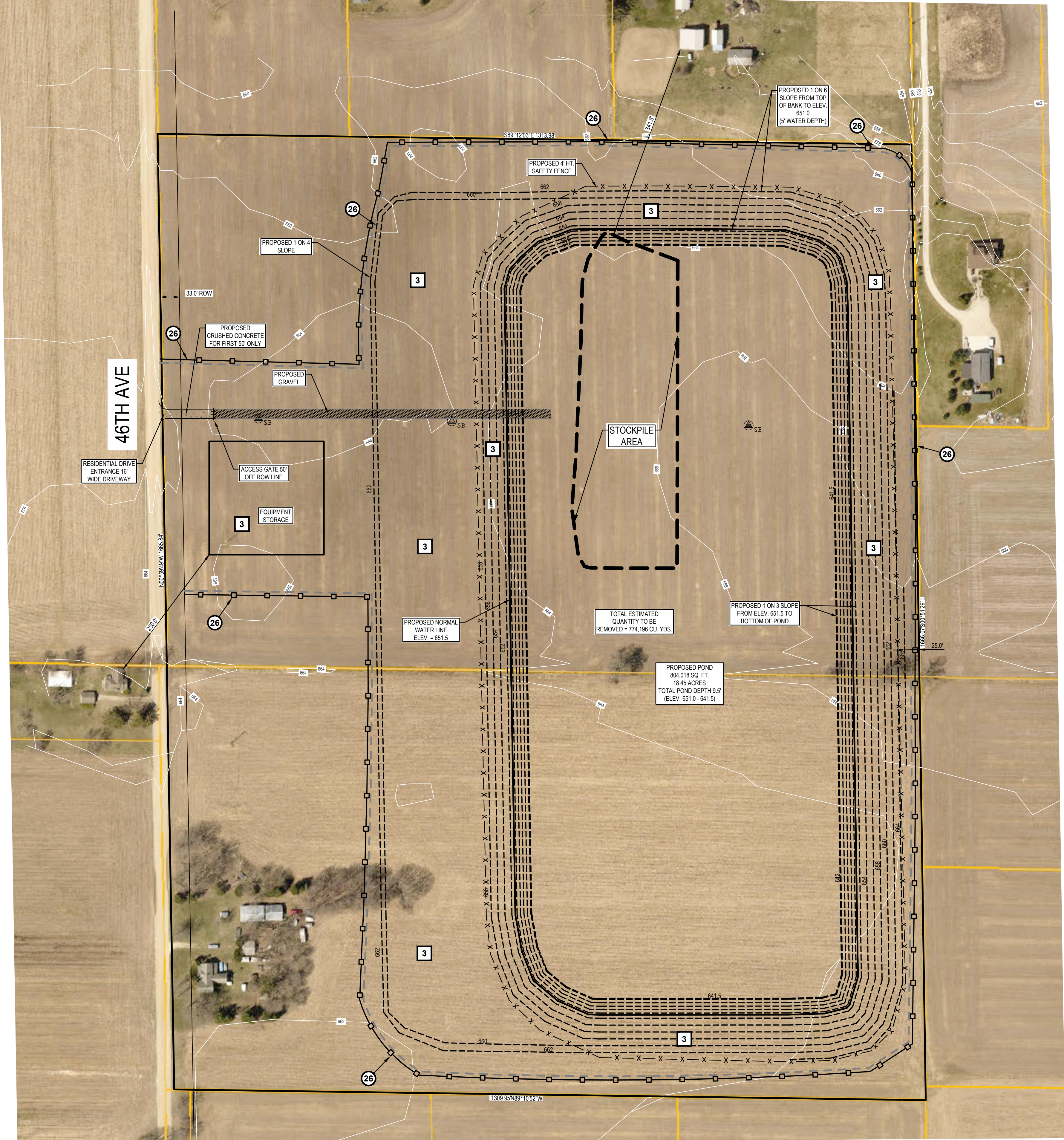
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
PLACE SILT FENCE												
STRIP & STOCKPILE TOPSOIL												
ROUGH GRADE SITE (PROJECT TO BEGIN ON NORTH END)												
FINISH GRADE SITE												
RESPREAD TOPSOIL/COMPACTION												
SEED DISTURBED AREAS												
SITE RESTORATION/CLEAN UP												

*ANTICIPATED COMPLETION 2024

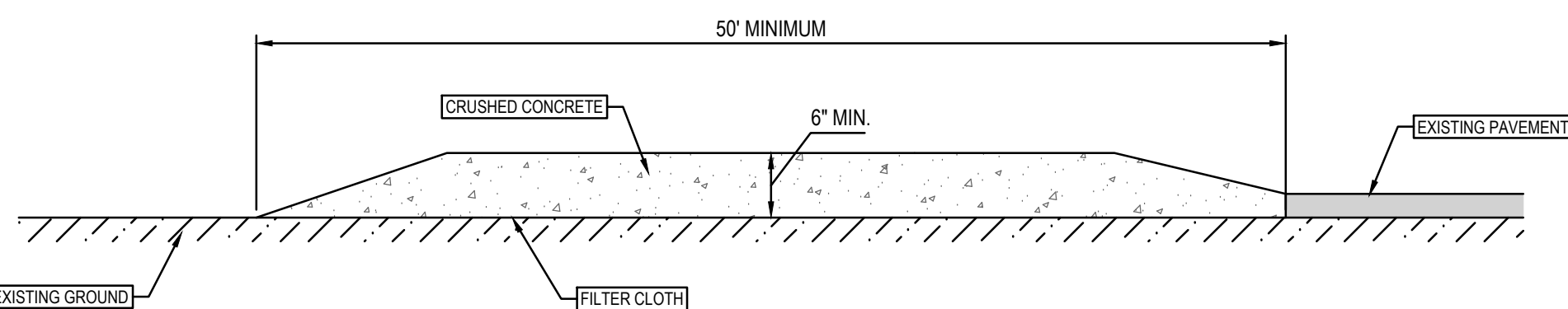
SOIL EROSION CONTROL SCHEDULE

2024

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
ROUGH GRADE SITE (PROJECT TO BEGIN ON NORTH END)												
FINISH GRADE SITE												
RESPREAD TOPSOIL/COMPACTION												
SEED DISTURBED AREAS												
SITE RESTORATION/CLEAN UP												



MAIN ENTRANCE ACCESS GATE DETAIL




ACCESS ROAD CROSS SECTION



**Know what's below.
CALL before you dig.**

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANT" WERE OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.



www.nederveld.com
800.222.1868

GRAND RAPIDS
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Phone: 616.575.5190

ANN ARBOR
CHICAGO
COLUMBUS
HOLLAND
INDIANAPOLIS
ST. LOUIS

PREPARED FOR:
Miles Ulberg Builders
Miles Ulberg

6564 Warner St
Allendale, MI 49401

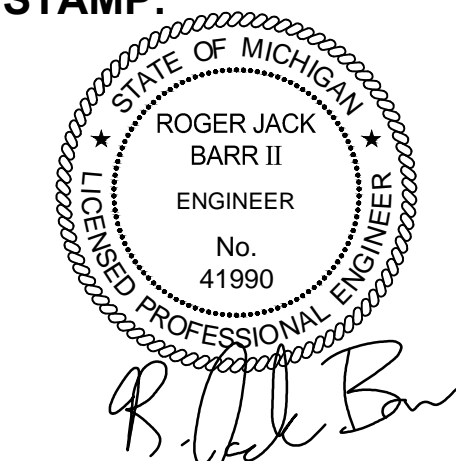
REVISIONS:		
Title: Township Special Use Submittal	Drawn: BEM	Checked: RJB Date: 01.15.2021
Title: Review Comments	Drawn: BEM	Checked: RJB Date: 02.02.2021

12084 AND 11910 46TH AVE

Reclamation Plan

PART OF THE SOUTHWEST 1/4 OF SECTION 18, T7N, R13W,
ALLENDALE TOWNSHIP, OTTAWA COUNTY, MICHIGAN

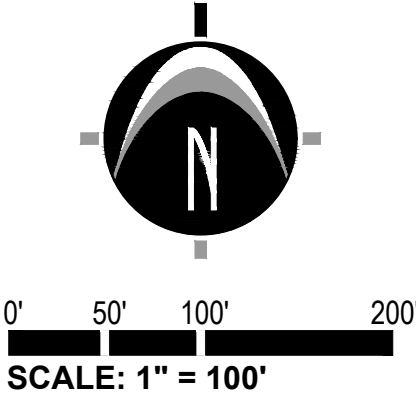
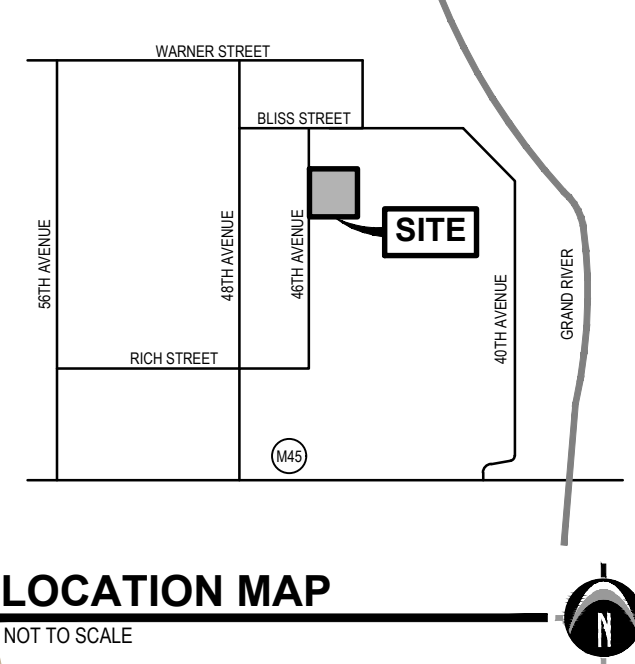
STAMP:




ROGER JACK
BARR II
ENGINEER
No.
41990

PROJECT NO:
19200719

SHEET NO:
C-700





Know what's below.
CALL before you dig.

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LETTER OF CREDIT ESTIMATE

12084 & 11910 46th Avenue

09/25/19

Updated 10/16/19

Updated 01/29/21

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
Finish grade site and remove any stockpiles	1	LS	\$16,000.00	\$16,000
Respread topsoil	26,000	CY	\$2.00	\$52,000
Seed and fertilize disturbed areas	34.00	Acre	\$500	\$17,000
Remove silt fence	5,000	LF	\$1.25	\$6,250
Sub-Total				\$91,250
Contingency		15%		\$13,688
Allendale Township Administrative Fee	1	LS	\$5,000	\$5,000

TOTAL LETTER OF CREDIT AMOUNT

\$109,938

NOTES

1. This letter of credit is in the favor of Allendale Township.
2. This letter of credit shall not expire before construction completion and acceptance by Allendale Township.

From: Kevin Yeomans <KevinYeomans@allendale-twp.org>
Sent: Friday, February 5, 2021 1:18 PM
To: Matt Vermeer <matt.vermeer@grandriverbank.com>; Tim VanBennekorn <timv@allendale-twp.org>; Kelli McGovern <kellimcgovern@allendale-twp.org>
Subject: RE: JMM Developers - 46th Street sand pit

Hi Matt,

I just left a voicemail for you which describes things in a little more detail. **In short, I would recommend that JMM waits to change their LOC.** With their requested expansion they are going to our planning commission for review and approval. As part of that process our Township engineer will review the expanded plans and set a new amount for the letter of credit. This new amount could be more or less than what is proposed in the email chain below.

If you or JMM has any questions feel free to reach out to me.

Kevin Yeomans

Project Coordinator

6676 Lake Michigan Dr.
Allendale, MI 49401
Office: (616) 892-3115

From: Matt Vermeer <matt.vermeer@grandriverbank.com>
Sent: Friday, February 5, 2021 9:35 AM
To: Tim VanBennekorn <timv@allendale-twp.org>; Kelli McGovern <kellimcgovern@allendale-twp.org>
Cc: Kevin Yeomans <KevinYeomans@allendale-twp.org>

Okay, thanks for the update.

Matt Vermeer

1st VP Commercial Banking

o 616.929.1632 | f 616.929.1630
e matt.vermeer@grandriverbank.com | w grandriverbank.com
a 4471 Wilson Ave SW, Grandville, MI 49418
s [Click here to send us a secure email](#)

From: Tim VanBennekorn <timv@allendale-twp.org>
Sent: Friday, February 5, 2021 9:30 AM
To: Matt Vermeer <matt.vermeer@grandriverbank.com>; Kelli McGovern <kellimcgovern@allendale-twp.org>
Cc: Kevin Yeomans <KevinYeomans@allendale-twp.org>
Subject: RE: JMM Developers - 46th Street sand pit

Hey Matt,

We are checking on our end. Kelli and myself were unaware of any changes so we have pulled our Project Coordinator, Kevin Yeomans, into the conversation and he is checking into it.
Thanks!

Tim VanBennekom, MBA, MiCPT, MCAT

Finance/Accounting Director

Deputy Treasurer

6676 Lake Michigan Drive, P.O. Box 539

Allendale, MI 49401

timv@allendale-twp.org

(616) 892-3112

From: Matt Vermeer <matt.vermeer@grandriverbank.com>

Sent: Friday, February 5, 2021 9:24 AM

To: Tim VanBennekom <timv@allendale-twp.org>; Kelli McGovern <kellimcgovern@allendale-twp.org>

Subject: RE: JMM Developers - 46th Street sand pit

Just checking back on my e-mail below that based on new plans submitted by JMM Developers you need the existing letter of credit increased from \$59,050 to \$109,938 with no other changes necessary at this time.

Matt Vermeer

1st VP Commercial Banking

o 616.929.1632 | f 616.929.1630

e matt.vermeer@grandriverbank.com | w grandriverbank.com

a 4471 Wilson Ave SW, Grandville, MI 49418

s [Click here to send us a secure email](#)

CERTIFICATE OF INSURANCE

Scan Code
CERT

☐ FARM BUREAU MUTUAL INSURANCE COMPANY OF MICHIGAN
☒ FARM BUREAU GENERAL INSURANCE COMPANY OF MICHIGAN

Email to: CommercialAllOther@fbinsmi.com
Fax to: 877-822-2875

Lansing, Michigan 48909

☐ AMENDED

Name and Address of Certificate Holder:

Allendale Charter Township
6676 Lake Michigan Dr
PO Box 539
Allendale, MI 49401

Named Insured and Address:

VRUGGINK & SON EXCAVATING INC
7300 FILLMORE ST
ALLENDAL MI 49401

Issue Date: **01/29/2021**

This is to certify that the following policy(ies) of insurance has (have) been or will be issued by the Company to the Named Insured. This certificate is not a guarantee that the policy(ies) will remain in effect until its (their) stated expiration date. In the event of cancellation of any of the insurance policies before the expiration date, the Company will endeavor to mail notice of such cancellation to the Certificate Holder designated above at the Certificate Holder's last known address, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company. This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This certificate does not amend, extend, or alter the coverage afforded by the policy(ies) of insurance indicated below. The information conveyed in this Certificate of Insurance is only valid for the indicated policy periods. Certificates of Insurance for subsequent policy periods must be requested by the Certificate Holder.

Type of Insurance	Policy Number	Policy Period	Limits of Liability
Business Auto Liability <input checked="" type="checkbox"/> Specifically Described Autos (Symbol 7) <input type="checkbox"/> Hired Auto (Symbol 8) <input type="checkbox"/> Non-Owned Auto (Symbol 9)	BAP3151367	Eff. 06/23/2020 Exp. 06/23/2021	Combined Single Limit Each Accident \$ 500,000
Worker's Disability Compensation	WCC3151365	Eff. 06/23/2020 Exp. 06/23/2021	Coverage A - Statutory Coverage B - Bodily Injury by Accident \$ 500,000 Each Accident (Employer's Liab.) Bodily Injury by Disease \$ 500,000 Each Employee Bodily Injury by Disease \$ 500,000 Policy Limit
Comprehensive General Liability or Commercial Package <input checked="" type="checkbox"/> Including <input type="checkbox"/> Excluding <i>Products-Completed Operations</i> <input checked="" type="checkbox"/> Personal Injury and Advertising Injury Liability Coverage is included <input type="checkbox"/> Hired Auto <input type="checkbox"/> Non-Owned Auto <input checked="" type="checkbox"/> CERTIFICATE HOLDER is an Additional Insured <input type="checkbox"/> Excluding:	CPP315368	Eff. 06/23/2020 Exp. 06/23/2021	Each Occurrence \$ 1,000,000 Products Aggregate \$ 2,000,000 General Aggregate \$ 2,000,000 Medical Payments Limit \$ 10,000
Owners and Contractors Protective Liability		Eff. Exp.	Each Occurrence \$ General Aggregate \$
Products - Completed Operations Liability		Eff. Exp.	Each Occurrence \$ Products Aggregate \$
Umbrella Liability	U3151367	Eff. 06/23/2020 Exp. 06/23/2021	Limit \$ 2,000,000
Farmowners Liability Including Products Business Pursuits <input type="checkbox"/> Excluded <input type="checkbox"/> Included		Eff. Exp.	Limit \$ Type: Describe:
Other		Eff. Exp.	

X

A Monroe
Authorized Signature

4856

Agent Number

(616) 202-6663

Agent Phone Number



January 29, 2021

Mr. Joe Bush
Ottawa County Water Resources Commissioner
12220 Fillmore Room 141
West Olive, MI 49460

RE: 12084 & 11910 46th Avenue Sand Mining | Minimal Impact Waiver Request
Allendale Township, Ottawa County, Michigan

Dear Joe:

Enclosed along with this cover letter, please find two (2) sets of the proposed mineral mining and pond creation project and a recent review memo we received from the Township. The Township is asking for your review of the plan.

Due to the limited scope of the project, we are requesting a minimal impact waiver that we would be able to submit to Allendale Township for their approval of the project.

If you have any questions or require additional information, please don't hesitate to contact me at (616) 575-5190 or via email at jbarr@nederveld.com.

Sincerely,

Jack Barr, P.E.
Director of Engineering

CHARTER TOWNSHIP OF ALLENDALE
COUNTY OF OTTAWA
STATE OF MICHIGAN

RESOLUTION #110419-1

At a regular meeting of the Planning Commission of the Charter Township of Allendale, Ottawa County, Michigan, held at the Allendale Charter Township Hall located at 6676 Lake Michigan Drive, Allendale Charter Township, Ottawa County, Michigan, on the 4th day of November, 2019 at 7:00 p.m. local time.

PRESENT: Longcore, Zuniga, Zeinstra, Westerling, Adams

ABSENT: Schut (one seat vacant)

It was moved by member Zeinstra and supported by member Adams that the following Resolution be adopted.

WHEREAS, JMM Developers, LLC (the "Applicant"), whose address is 7300 Fillmore Street, Allendale, Michigan, 49401, applied to Allendale Charter Township (the "Township") for a special use approval pursuant to Article 20 and Section 23.08 of the Allendale Charter Township Zoning Ordinance (the "Zoning Ordinance"), to excavate approximately 280,100 cubic yards of sand, resulting in a pond with a surface area of 4.9 acres within parcel number 70-10-18-300-016, as shown in the site plan submission titled 12084 46th Avenue, prepared by Nederveld, Incorporated, dated 09.25.19 (the "Development"), which includes;

1. An undated two (2) page Special Land Use Permit Application;
2. Location Map 12084 46th Avenue, Project No. 19200719;
3. A legal description sheet for 12084 46th Avenue;
4. A three (3) page Project Description;

5. A Certificate of Insurance, dated 08/13/2019;
6. A Letter of Credit Estimate from Nederveld dated 09/25/19, updated 10/16/19;
7. A five (5) page Ottawa County Environmental Health Vacant Land Evaluation Report dated 06/06/2019;
8. 12084 46th Avenue GIS Data Plan, Project No. 19200719, Sheet No. C-101, dated 09.25.19;
9. 12084 46th Avenue Existing Site Conditions & Demo Plan, Project No. 19200719, Sheet No. C-201, dated 09.25.19;
10. 12084 46th Avenue Site Layout, S.E.S.C. & Grading Plans, Project No. 19200719, Sheet No. C-205, dated 09.25.19;
11. 12084 46th Avenue Site Reclamation Plan, Project No. 19200719, Sheet No. C-700, dated 09.25.19; and

WHEREAS, before taking any action to approve or deny a request for approval of the Development, it is necessary that the Planning Commission hold a public hearing on the proposed special land use and give notice as required by Michigan Act 110 of 2006, as amended; and

WHEREAS, proper notice of the public hearing on the special land use and related site plan having been given as is required by Michigan Act 110 of 2006, as amended, as is evidenced by the Affidavits of Publication and Mailing on file in the office of the Township Clerk and the public hearing having been held on November 4, 2019; and

WHEREAS, the Township Planning Commission found that the Development complies with the purpose of Section 23.08 of the Zoning Ordinance, the conditions of Section 23.08F4

of the Zoning Ordinance, the standards of Section 23.08G2 of the Zoning Ordinance, the standards of Section 20.06 of the Zoning Ordinance, and the standards of Section 24.06 of the Zoning Ordinance and;

WHEREAS, pursuant to Article 20 and Section 23.08 of the Zoning Ordinance, the Township Planning Commission desires to approve the Development.

NOW, THEREFORE, BE IT RESOLVED THAT THE DEVELOPMENT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The pedestrian pathway parallel to 46th Avenue is to be constructed at the time 46th Avenue is paved abutting the Development.
2. Excavation shall commence from east to west.
3. All trucks shall be routed south on 46th Avenue to Rich Street, to 48th Avenue
4. All topsoil returned to the site shall be replaced at a depth of not less than four (4) inches.
5. The special land use shall be completed in five (5) years from the date of approval.
6. No activity shall be conducted outside of the hours of 7:00am and 6:00pm Monday through Friday, outside of the hours of 8:00am to 1:00pm on Saturday, and never on Sundays.
7. Stockpiles shall not exceed twenty (20) feet in height from original grade.
8. A berm shall be identified on the site plan and constructed on site along the north property line.
9. A cash deposit or irrevocable letter of credit in an amount of \$59,050.00 as determined by the Township Engineer, naming the Township as the

beneficiary thereof, shall be posted pursuant to and in accordance with Section 23.08G5 of the Zoning Ordinance.

10. The special land use permit shall be subject to annual review by the Planning Commission on or about the anniversary date of approval of the permit. The applicant shall provide a written description of the progress of the special land use pursuant to Section 23.08G6 of the Zoning Ordinance.
11. The special land use shall be subject to periodic inspections by the Township Engineer to determine if the approved activity is proceeding in accordance with the conditions of the approved site plan and the site plan itself.
12. Upon expiration of the special land use permit, the Applicant shall provide to the Township a certification from a registered civil engineer, landscape architect, or registered land surveyor that the site has been restored in conformance with the approved reclamation plan and may consult with the Township Engineer. Any costs incurred by the Township for such engineering services shall be paid for by the Applicant.
13. Review and approval from the Ottawa County Road Commission. If significant changes are required to the site, as determined by the Township Zoning Administrator, as a result of approval by the Ottawa County Road Commission, the Applicant shall return to the Planning Commission for revised approval.
14. Review and approval from the Ottawa County Water Resources Commissioner's office. If significant changes are required to the site, as determined by the Township Zoning Administrator, as a result of approval by the Ottawa County Water Resources Commissioner's office, the Applicant shall

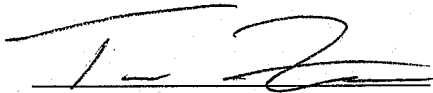
return to the Planning Commission for revised approval.

15. Review and approval from the Ottawa County Soil Erosion and Sedimentation Control Agency.
16. Compliance with the conditions of approval provided by the Fleis and VandenBrink review letter dated September 16, 2019, and any subsequent letter.
17. Review and approval from the Michigan Department of Environmental Quality, if necessary.
18. The Applicant shall be subject to any bond or other surety required by the Ottawa County Road Commission for the purpose of repair of any damage and or application of appropriate dust control to 46th Avenue resulting from Applicant's operation, as determined by the Ottawa County Road Commission or the Township.
19. The end use shall consist of three (3) divisions that comply with the dimensional provisions of the Agricultural and Rural Zoning District.
20. These conditions shall be binding on the Applicant and all successor owners or parties in interest in the Development, or any portion of the Development.
21. Any violation of these conditions shall constitute a violation of the Zoning Ordinance and, in addition to the remedies provided therein, shall be cause for the Township Board to suspend or revoke any zoning or building permit applicable to the Development.

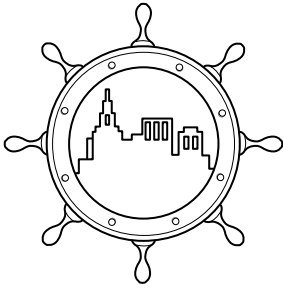
YEAS: Longcore, Zuniga, Zeinstra, Westerling, Adams

NAYS: None

RESOLUTION DECLARED ADOPTED.

A handwritten signature in black ink, appearing to read 'Tom Zuniga', written over a horizontal line.

Tom Zuniga, Secretary
Allendale Charter Township
Planning Commission



Fresh Coast Planning

950 Taylor Avenue, Ste 200
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Lindsay R. Mohr, MPA
248-990-3525
lindsay@freshcoastplanning.com

Julie Lovelace
616-914-0922
julie@freshcoastplanning.com

Brian Werschem
231-206-4821
bwerschem@gmail.com

MEMORANDUM

To: Allendale Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: February 24, 2021
Re: Second Draft of Section 3.19 – Tree Preservation

Pursuant to your direction at your February 15, 2021 meeting, attached is the second draft of Section 3.19 – Tree Preservation to be added to the Allendale Charter Township Zoning Ordinance. The draft shows changes from the previous document. Pursuant to your direction, we were asked to perform the following revisions:

- Clear Cutting – revise the language to allow Clear Cutting where practicable
- Health Analysis – return for commercial and industrial properties
- Tree Stands – include commercial and industrial properties
- Minimum Coverage – address lots primarily absent of trees
- Flexibility – revise the language, where possible, to allow more flexibility in review, including but not limited to, Tree Canopies

While you also provided the suggestion to allow design flexibility in exchange for trees that are preserved, it was difficult to determine the attributes the Planning Commission would be comfortable exchanging for trees, particularly within commercial and industrial properties, given your site plan review practices. As a result of this, we did not draft language in this regard. If this remains an interest of the Planning Commission, we seek further direction from you to draft this language.

In addition, you asked us to inquire with the Township Legal Counsel concerning a prohibition of clear cutting, and whether the same end can be achieved without explicitly prohibiting the clear cutting of a lot. We have submitted that inquiry and will provide you with his response, once available.

Otherwise, we believe the language achieves your direction. Nonetheless, we will be prepared to perform additional revisions, if necessary. The draft language has been scheduled for your review at your March 1, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Adam Elenbaas, Supervisor

Sec. 3.19 TREE PRESERVATION

- A. Purpose and Intent. Tree preservation is recognized as essential throughout the township to protect the health, safety, and general welfare of the natural environment, and the residents. The intent of this Section is to promote the aesthetic, biological, and environmental benefits of trees.

Further, the township seeks to implement the goals of preserving rural character, preserving the natural resources and water quality, and preserving open spaces and wooded lands within the Township, as encouraged by the Allendale Charter Township Master Plan, recognizing:

1. The natural beauty and rural character of the township are increased.
 2. Tree-lined Streets are an asset to the character of the community, particularly along, but not necessarily limited to, residential areas.
 3. Mature Trees create a spectacular Canopy along roadways and create shade.
 4. New development should preserve Tree Stands.
 5. Avoiding the loss of significant woodlots to disease and infestation is important.
 6. Tree Canopy and health analysis, maintenance, and reforestation should regularly occur.
- B. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

ARBORIST: A professional, who is both certified by the International Society of Arboriculture and is a registered member of the Arboriculture Society of Michigan, and who cultivates, manages, and studies trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture.

BUFFER: A vegetative screening of mature trees, or planted trees, or a combination of both, that protects and enhances the existing natural beauty and is sufficient to reduce noise and visually screen abutting property from the impacts of the Project property.

CANOPY: The layer of tree leaves, branches, and stems that provide coverage of the ground when viewed from above.

CLEAR CUT or CLEAR CUTTING: The removal of any tree beyond that reasonably required to construct Project infrastructure and buildings.

DIAMETER BREAST HEIGHT: The measurement of a tree diameter at four and one half (4.5) feet above the ground.

FORESTER: A professional, who is registered with the State of Michigan Department of Natural Resources Registered Forester program, and who practices the science of ecological restoration and management of forests.

MANAGEMENT OR MANAGEMENT PLAN: The sustainable practice of creating or improving a healthy biodiversity, carbon sequestration, and air quality equal to the original natural environment prior to the Project.

PROJECT: Any planned unit development, condominium, site condominium, plat, private road, site plan, or other application subject to review by the Planning Commission.

REFORESTATION: The intentional restocking of trees that have been removed.

TREE: A woody perennial plant with six (6) inches or greater of Diameter Breast Height, typically containing a single stem or trunk, and bearing lateral branches.

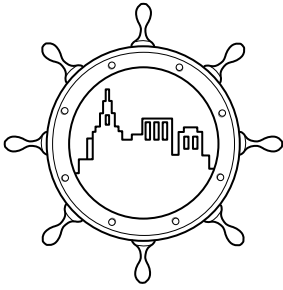
STANDS OF TREES (TREE STANDS): An aggregation of Trees or other growth occupying a specific area and sufficiently uniform in species composition, size, age, arrangement, and condition as to be distinguished from the forest or other growth on adjoining areas.

- C. Residential, Commercial, and Industrial Projects. Any Project with commercial use, industrial use, or a residential Project of two (2) or more residential building sites or units, shall be subject to the following:
1. Buffers. The designation of a Buffer along all Lot lines for a residential Project boundary, including the Street right-of-way, and along all side and rear Lot lines for commercial or industrial Project. The Planning Commission has the discretion to increase, decrease, or eliminate the Buffer in whole or in part, based upon a consideration of the following factors:
 - a. Whether Trees within or near the proposed Buffer are mature Trees;
 - b. Whether the Buffer contains or could contain Tree Stands;
 - c. The area of the proposed Buffer related to the area of the overall Project property;
 - d. The location and type of existing adjacent uses;
 - e. The type of permitted adjacent uses;
 - f. The density permitted by the underlying zoning district; and
 - g. The density permitted within a Planned Unit Development when a Project is sought pursuant to Article 12 of this ordinance.

Any Tree within a Buffer, where sufficient evidence can be provided that it is deceased or is dying, may be removed when authorized by the Planning Commission as part of Project approval.

2. Clear Cutting. Clear Cutting is prohibited. Further, the cutting of any Tree within a commercial or industrial zoning district prior to site plan approval is prohibited, unless it can be reasonably demonstrated to the Planning Commission that the Trees to be Clear Cut cannot be kept in a healthy state or safely maintained related to life or property within the Project site design. Any Lot Area that contains less than ten percent (10%) Tree coverage shall establish at least ten percent (10%) of its Lot coverage with Trees, exclusive of that required by Article 21-A.
 3. Tree Canopies. All Trees within the Project shall maintain a Canopy. A Canopy shall include all of the tree leaves, branches, and stems for any tree without a building beneath the tree and the Canopy shall not be removed to a height more than eight (8) feet from ground level, where practicable. A Canopy shall include all of the tree leaves, branches, and stems for any tree with a building beneath the tree in whole or in part and the Canopy shall not be removed to a height more than five (5) feet above the highest point of the building, where practicable.
 4. Tree Stands. Tree Stands shall be preserved to the extent practicable within any residential Project.
 5. Health Analysis. For residential Projects without street frontage on Lake Michigan Drive and containing two (2) or more acres in Project area, and for commercial or industrial Projects, the Planning Commission may require an inventory and general health analysis of all existing Trees of six (6) inches or greater in diameter measured at the Diameter Breast Height, identifying the species and approximate height of each tree, performed by an Arborist. Any Tree, where sufficient evidence can be provided that it is deceased or is dying, may be removed without conducting a health analysis when authorized by the Planning Commission as part of Project approval.
 6. Reforestation Plan. A reforestation plan of no less than twenty-five percent (25%) of the Trees removed at six (6) inches or greater in diameter measured at the Diameter Breast Height, which removal were necessary to construct the related Project infrastructure, including, but not necessarily limited to, any easements and physical improvements of internal roads, drives, public utilities, and storm water shall be provided. The reforestation plan shall be performed by a Forester, landscape architect, or other professional qualified to conduct a reforestation plan, and shall include a Management Plan for the entire Project property.
 7. Outside Agency Approvals. Final approval from the Ottawa County Road Commission, Ottawa County Environmental Health Department, Ottawa County Water Resources Commissioner, and any other pertinent government agency with jurisdiction over applicable approvals for the Project shall be obtained.
- D. Appeals. In-lieu of Section 28.04 of this Ordinance, the Zoning Board of Appeals may grant relief from any provision of this Section and shall consider the following standards:
1. That strict compliance with this Section would render conformity with those restrictions unnecessarily burdensome
 2. That the plight of the property owner/applicant is due to the unique circumstances of the property and not due to general conditions of the zoning district

3. In the case of a Project, whether appropriate Buffers can be adequately provided if the variance is granted
4. The location of buildings on adjoining properties
5. The size of the lot in question and the size of adjoining properties
6. The effect of construction on the lot in question on the view from adjoining properties
7. The potential effect of erosion



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MEMORANDUM

To: Allendale Charter Township Planning Commission

From: Gregory L. Ransford, MPA

Date: February 24, 2021

Re: Second Draft of Revisions to Section 24.06H – Standards for Approval, Waste Disposal Facilities

Pursuant to your direction at your February 15, 2021 meeting, attached is the second draft of revisions to Section 24.06H – Standards for Approval, Waste Disposal Facilities of the Allendale Charter Township Zoning Ordinance. The draft shows changes from the previous document. As you will recall, you instructed us to perform the following.

- Bollards – add “filled with concrete” in Subsection 2c and 2d
- Outdoor Storage Screening – allow for an approved outdoor storage area to serve as the screening requirements of Section 24.06H, when the same solid visual screen is achieved. Also, provide for a clearly defined dumpster area when this option is exercised.

In addition to your direction, the Township Legal Counsel, Bob Sullivan, recommended an expansion of Subsection 2f to ensure any pre-existing dumpster enclosure that is replaced, is done so in accordance with the current requirements of Section 24.06H and is not trumped by non-conforming provisions. As a result, we additionally performed that revision.

The language has been scheduled for your consideration at your March 1, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

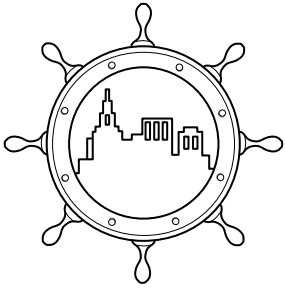
Attachment

cc: Adam Elenbaas, Supervisor

Section 24.06H. Waste Disposal Facilities.

A site plan shall identify the location of solid waste disposal facilities and provide details for each solid waste disposal facility showing compliance with the following requirements.

1. Dumpsters, Containers. All solid waste including recycling materials shall be placed in a dumpster or other appropriate container for pickup. Every dumpster or container shall be equipped with a lid or other top covering.
2. Enclosures. All dumpsters and other appropriate containers shall be placed in an enclosure constructed as follows:
 - a. An enclosure shall be constructed with durable materials that compliment and match the materials used in the principal structure.
 - b. An enclosure shall provide a solid visual screen on all four (4) sides. An enclosure containing separate pedestrian access from the gate opening shall ensure the same solid visual screen. Chain link with slats are prohibited.
 - c. The front of the enclosure shall be gated and shall include proper hardware to secure the gate in a stationary position when open and closed. Steel bump guard posts completely filled with concrete shall be installed at the front entrance area, without interfering with the operation of the gate, to prevent damage to the enclosure walls. All steel bump guard posts shall be no less than six (6) inches in diameter.
 - d. The interior back wall of the enclosure shall be protected with steel bump guard posts completely filled with concrete located at least one foot and six (6) inches in from the interior of the side and back walls. The bump guard posts shall be spaced no more than three (3) feet on center apart. All steel bump guard posts shall be no less than six (6) inches in diameter.
 - e. For an enclosure containing a single dumpster or other appropriate container, the minimum interior width of the enclosure shall be ten (10) feet and the minimum interior length shall be thirteen (13) feet. Enclosures containing more than one (1) dumpster or container shall have a minimum interior length of thirteen (13) feet and a minimum interior width equal to the combined widths of the dumpster/container plus a minimum of two (2) feet clearance from each side wall of the enclosure. In any case, every enclosure shall provide for a minimum width of ten (10) feet clear of obstructions, including the gate and steel bump guard posts, at its opening.
 - f. Any enclosure constructed prior to the adoption of this language shall only be replaced pursuant to this Section and may not be restored or repaired in accordance with Section 26.04.
3. All enclosures shall be located in the rear yard or the side yard. When located within an approved outdoor storage area, any dumpster may be absent an enclosure only if the outdoor storage area achieves the same or greater visual screening on all four (4) sides of the dumpster and meets the provisions of Section 24.06H2d and Section 24.06H2e, as if an enclosure was present, and shall meet Section 24.06H4 through Section 24.06H6.
4. Access Lane. The site plan shall provide an open space as an access lane to an enclosure containing a dumpster. Such access lane shall be paved and shall be parallel with and the same width as the outside width of the enclosure extending for a length of sixty (60) feet from the front of the enclosure.
5. Turning Lane. The site plan shall also provide an open space connected to and more or less perpendicular to the access lane to provide an area in which waste hauling vehicles may maneuver to change direction in order that vehicles shall not back into or back out of the site from a road right-of-way. Such turning lane shall be paved and shall be a minimum of fourteen (14) feet in width and thirty five (35) feet in length.
6. Parking Restrictions. No parking spaces shall be permitted in the access lane or the turning lane.



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MEMORANDUM

To: Allendale Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: February 24, 2021
Re: Second Draft of Revisions to Section 24.04J – Building Appearance

Pursuant to your direction at your February 15, 2021 meeting, attached is the second draft of revisions to Section 24.06J – Building Appearance of the Allendale Charter Township Zoning Ordinance. The draft shows changes from the previous document. As you will recall, you instructed us to perform the following.

- Require a minimum of ten percent (10%) building façade as glass, whether a typical window, or spandrel glass, or similar

The draft language has not yet been provided to the Township Legal Counsel for review and comment. While we do not anticipate any significant recommendations from Counsel, following your review we will provide him copy for comment.

The draft language has been scheduled for your consideration at your March 1, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Adam Elenbaas, Supervisor

Section 24.06J. Building Appearance.

In granting site plan review approval, the Zoning Administrator or Planning Commission shall require certain designs, textures, colors, or architectural treatments for any building or structures, which in its judgment produce a harmonious, substantial, distinctive, and inviting appearance with beauty of materials and architectural design creating a strong, sturdy, adaptable and lasting environment. The following materials represent and advance the intent and objective of the above descriptions.

1. Commercial and Mixed Use Buildings: That portion of the building which faces a public or private street, parking lot, or residential zoning district shall be finished with brick, architectural masonry block, stone, glass or a combination of these materials. A minimum of ten percent (10%) of the building which faces a public or private street, parking lot, or other residential zoning district shall contain glass windows or a similar glass product, such as spandrel glass, or completely or partially opaque glass.
2. Residential: Brick, architectural masonry block, cement board and stone. These materials shall be used for a minimum of fifty (50%) percent of all exterior wall areas in combination with dryvit, stucco, vinyl, EFIS, metal with enclosed fasteners, and similar materials.
3. Industrial: A minimum of 50 percent of that portion of the building which faces a public or private street or a residential zoning district shall be finished with brick, architectural masonry block, cement board, glass, stone or combination of those materials.

The remaining exterior walls if not finished with the materials noted in the preceding paragraph shall be finished with stucco, EFIS, architectural metal panels consisting of a minimum of 24-gauge metal with a minimum rib height of 1¼ inches or a combination of these materials or similar materials. Exposed fasteners shall match the color of the metal finish. *Updated 10-3-2016 Ord. No. 2016-13*

4. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they meet the intent of this Section, are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Township building codes, fire code and other applicable Township Ordinances.