

ROBINSON TOWNSHIP PLANNING COMMISSION
June 28, 2016

The special meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Fire Station.

Present	Absent
Shawn Martinie Rich Sibley Travis Vugteveen Bill Maschewske Tom TenBroeke Steve Young George Schippers	None

Also present were Township Attorney Ron Bultje, Zoning Administrator Kathy Kuck, and eight members of the public. See attached attendance sheet.

A motion was made by Tom TenBroeke and seconded by Rich Sibley to approve the minutes of the May 24, 2016 Planning Commission meeting as written. The motion carried unanimously.

Non-Commission Member Inquiries -- None

Reports and Communications

Travis Vugteveen reported the following from the Township Board.

1. Pat McGinnis, City Manager of Grand Haven, gave a presentation regarding neighborhood housing services. He is looking for future support of the program.
2. The David's Garage Special Use application was approved.
3. The Mike VanderKooi Earth Change request was approved.
4. The Jim Rockel Earth Change application was approved.
5. The Jim Berry Earth Change application was approved.
6. The Township Board approved the South Cedar Mining Site request for closing and opening cells per request of Phillip Johnson.
7. Public complaints were received regarding road brining inadequacy, especially along 112th Ave., Sleeper St., and Buchanan St. The next applications are scheduled for mid- July and Labor Day.

Old Business

The first item on the agenda was the Merle Boes/Bay Park Sapphire LLC Site Plan and Special Use request for a convenience store/service station/restaurant at the current site of the Yellow Jacket. Chairperson Martinie noted that Township Planners LSL have not completed, nor have they been instructed to perform, a detailed review of the applications.

Dalane Vandenberg representing Bay Park Sapphire LLC – Noted that the requested windows were added to the building plan along with other changes.

The LSL preliminary review was discussed.

Dalane Vandenberg – Reviewed the following subjects.

1. Access management – Noted that MDOT had previously approved the third driveway for the previous owner and verified that it was approved for them also.
2. Site Design – LSL gave three examples of similar businesses that were arranged per the Overlay District requirements.
 - a. Ft. Worth site – represents different vehicle speeds and has pedestrian access.
 - b. Seven – Eleven example – They could not find this address, however, they noted that it was in an area of high population density.
 - c. Turkey Hill, Ohio – This location also had a high population density and was located in an urban neighborhood.

Chairperson Martinie – Showed a Google Earth example of the Wesco facility on Mercury Drive by Millhouse Bayou as an example of a site that reasonably complied with Site Plan requirements and was very successful.

Mike Boes – Stated that the Wesco example was not applicable since it was a mid-block location and not on a corner.

Mike Boes – Stated that he was not aware in advance of the Ordinance requirements, specifically, the Overlay District.

Bill Maschewske – Discussed with Mr. Boes the fact that he attended several of the meetings during which the document was drafted and had specifically commented regarding the number of fuel dispensing pumps allowed, but did not comment on the site layout. The draft documents were available to him.

Chairperson Martinie – Noted that the Bay Park Sapphire LLC Site Plan and Special Use applications could not be approved by the Planning Commission as submitted since they did not conform to the Zoning Ordinance requirements. It was noted that the architecture also does not fit.

Dalane Vandenberg – Stated they would be willing to change the architecture to make the building look like a barn.

Chairperson Martinie -- It seems we are at an impasse since the Site Design and possibly other features do not meet the Zoning Ordinance.

Travis Vugteveen – Feels the Zoning Ordinance required plan would work successfully.

Mike Boes – What is the next step?

Chairperson Martinie – LSL would need to complete a detailed review and submit the findings to the Planning Commission. The Planning Commission would then need to vote on the issue and forward the recommendation to the Township Board. The Township Board would need to schedule and hold a public hearing and make a final decision on the applications.

Township Attorney Bultje – Continued the discussion of the approval process. Noted that the Township Board could vote contrary to the Zoning Ordinance, however, the decision would be subject to challenge in Circuit Court. The Special Use cannot be appealed to the Zoning Board of Appeals. The only appeal for the applicants, if denied by the Township Board, would be to Circuit Court.

Mike Boes – Inquired regarding the differences between structure and principle building in the Zoning Ordinance. He also discussed the option of attaching the canopy to the building.

Mike Boes – Wants LSL to proceed with the detailed review process of the submissions and wants the Planning Commission to make recommendation at the July meeting.

At 8:05 PM., the next item on the agenda was the MDOT Class B Earth Change application.

Chairperson Martinie – Noted that Phase 2 review of the submitted materials by Lakeshore Environmental was authorized by the Township Board and all materials submitted to date have been forwarded to Lakeshore Environmental for review and report.

MDOT representatives James Fortney, Nick Jasinski, and Jeremie Wilson were present to explain the project. A summary was given by Mr. Jasinski as follows:

1. MDOT submission in January 2016
2. Site Visit by Planning Commission.
3. Preliminary review by Lakeshore Environmental.
4. Submittal of additional documents by MDOT.
5. MDOT submitted a summary of work on Chessman Drain.

Chairperson Martinie – Noted that the Township now has all materials submitted by MDOT to the DEQ for their permit. The Township is still waiting for the final review report from Lakeshore Environmental and answers to questions submitted by Steve

Young. He noted that a large remaining issue is the lack of compliance with the cell structure requirement from which MDOT has requested relief.

MDOT – Can the application be approved without the inclusion of cells?

Township Attorney Ron Bultje – Stated the Earth Change Ordinance is a police power ordinance and requirements could be overridden by the Township Board.

James Fortney – Stated there are two reasons for requiring the cell concept.

1. Typical mining operations expose large areas for long periods of time susceptible to soil erosion.
2. Projects could possibly be partially completed and then abandoned. Cell concept limits how much can be opened at one time.

Mr. Fortney continued to explain how the MDOT project is not subject to these issues.

1. The project will be completed in one year.
2. MDOT does not start projects without complete funding.
3. There will be continuous MDOT personnel on the site.
4. They have Soil Erosion and Sedimentation procedures in place.

It was suggested that the applicants provide evidence of why it would be difficult if not impossible to comply with the cell concept.

Steve Young – Inquired of the Township Attorney if granting relief from the cell concept would be precedent setting.

Township Attorney Bultje – The Planning Commission submits a recommendation to the Township Board. The Planning Commission would need to provide adequate unique justification as to why they would recommend waiving the cell concept requirement.

Bill Maschewske – Is not convinced that the cell concept could not be followed. MDOT has repeatedly requested a waiver of this requirement and has complied in the past without undue difficulty.

Steve Young – Agrees.

Mr. Fortney – Explained that the Jack’s Fish Farm MDOT wetlands mitigation site was approved by the Township and conducted without using the cell concept.

Bill Maschewske – Stated that, if remembering correctly, the Jack’s Fish Farm Site was primarily conducted prior to obtaining an Earth Change permit from Robinson Township. Additionally, there was question regarding the elevations involved such that most of the site may have been a wetland prior to excavation by MDOT.

Nick Jasinski – Also wishes to waive the bonding requirements. Noted other bonds they have in place.

Township Attorney Ron Bultje – Stated that bonding requirements could be combined and have been in the past for previous MDOT projects.

Chairperson Martinie – Noted that input from Lakeshore Environmental was still needed.

A discussion was held regarding if the public hearing should be scheduled at this time.

A motion was made by George Schippers and seconded by Tom TenBroeke to schedule the public hearing for the MDOT Class B Earth Change application for wetlands mitigation for July 26, 2016.

The motion carried unanimously.

At 8:50 PM., the John Boos Special Use and Site Plan applications for the construction of a residential garage in the E-1 Zoning District was reviewed and discussed.

A brief presentation was made by John Boos, explaining that an existing detached garage was previously removed and that the house had previously been flood proofed. He noted that the garage design has more flood vents than required in addition to garage doors front and back.

Bill Maschewske – Inquired if there is living space planned for the upstairs of the garage.

John Boos – No, there will only be electrical service upstairs.

The Special Use application was reviewed compared to the requirements in Section 9.3A of the Zoning Ordinance.

1. The building is flood compliant.
2. N/A – Not inhabited.
3. Only electrical is applicable and it is above the flood elevation.
4. N/A
5. N/A
6. The applicant states he has flood insurance.

The Site Plan was reviewed compared to the Standards in Section 31.8 of the Zoning Ordinance.

- A. The plan is consistent with the Master Plan.
- B. N/A
- C. N/A – it is a private garage.
- D. N/A
- E. N/A – it is a residential site.
- F. N/A – residential.
- G. Residential – N/A
- H. N/A
- I. N/A
- J. Electrical will be underground.

- K. N/A
- L. Compliant.
- M. N/A
- N. N/A
- O. Meets criteria.
- P. N/A

The submissions were next reviewed compared to the Special Use Standards in Section 32.5 of the Zoning Ordinance.

- A. Complies
- B. Complies – no adverse effect.
- C. No change.
- D. N/A
- E. N/A
- F. No change.
- G. No change.
- H. Complies.
- I. Complies.
- J. Complies.
- K. Complies.
- L. N/A

A motion was made by Travis Vugteveen and seconded by Rich Sibley to recommend to the Township Board approval of the John Boos Site Plan and Special Use applications to construct a garage in the E-1 Zoning District based upon compliance with the Standards included within Sections 9.3, 31.8, and 32.5 of the Zoning Ordinance and with the following conditions:

1. Compliance with the applications and all verbal representations included in the minutes.
2. Compliance with all Federal, State, County, and Township ordinances.

A roll call vote was taken.

Steve Young – Yes

Tom TenBroeke – Yes

George Schippers – Yes

Rich Sibley – Yes

Shawn Martinie – Yes

Bill Maschewske – Yes

Travis Vugteveen – Yes

The motion carried unanimously.

Any and All Business

Chairperson Martinie reported that the Ottawa County Parks and Recreation Department would like to rent from MDOT a parcel adjacent to the West side of the M-231 bridge for parking. The parcel is currently zoned RR, which does not allow parking lots. It was anticipated that eight parking spaces would be needed originally and this would be expanded to eighteen spaces eventually.

Nicholas Zientorski – Stated that the primary parking area for pedestrian or bicycle traffic on the M-231 bridge was planned for the north side of the river.

Township Attorney Ron Bultje – Discussed the various options for this request if the Planning Commission favored the concept. It was recommended that Contract Zoning be used, if requested by the Parks Department, in that it could permit parking as the only allowable use and the number of spaces could be limited.

Rich Sibley – Inquired of Chairperson Martinie if LSL is recommending standards in the Overlay District for gas stations/convenience stores that no one else in Michigan is requiring.

The subject was discussed at length and it was agreed that there should be no reason the concept would not work.

A motion was made by Travis Vugteveen and seconded by George Schippers to pay salaries for the month of June 2016 (one meeting).
The motion carried unanimously.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to adjourn the Planning Commission meeting at 10:05 PM.
The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission

