

SAUGATUCK TOWNSHIP

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3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

Planning Commission Minutes 02/24/20 approved

The Saugatuck Township Planning Commission met February 24, 2020 at the Township Hall on Blue Star Highway Saugatuck, Michigan

1) Call to Order at 7:00 p.m. by vice-chairperson Israels. She thanked residents, neighbors and guests for attending the evening meeting.

2) Roll call and Pledge of Allegiance

Present: J. Helmrich, D. Ihle, R. Israels, C. Lozano, B. Rowe

Excused: A. Prietz, E. Welk

Also present: L. Wells, Zoning Administrator

3) Approval of Agenda-

Motion by Rowe to approve the agenda as written. Seconded by Ihle. Motion passed by unanimous voice vote.

4) Approval of PC Minutes: January 27, 2020

Corrections:

- Page 1, line 7 under public comment, change 'in' to 'is'
- Page 2, A. line 1, delete 'of '
- Page 2 A. conditions, delete box comic at the end of 7 conditions. Seems to be a glitch with the sending of conditions to the township computers.
- Page 3 A. line 1, delete the comic box, again after all 7 conditions.
- Page 4 A. conditions 8-11, delete the comic box at the end of the sentences.
- Page 4 C. second paragraph, line 8, delete the word 'have'.

Motion by Rowe to approve the minutes of 01/27/20 as amended. Seconded by Lozano. Motion passed by unanimous voice vote.

5) Public Comment:

- Sandra Randolph: I am really just here to see what is going on. I have heard lots of things, but am mostly concerned about the selling of sand.
- Bart Webb: I share the concerns of Sandra and am not sure that things have been transparent. I am here to be educated on the process.
- Scott Wierenga: He read his email submission dated and entered into record on February 22, 2020 requesting that the Special Approval Use variance be denied. His email cited the Unnecessary Hardship Law and legal definition thereof.



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- Sandra Randolph: Expressed concerns about road and traffic issues, and exiting the property onto the Blue Star Highway.

6) New business:

A. Public Hearing and consideration of a Conditional Rezoning application to change the zoning of parcel #20-003-001-00 (aka. 3577 64th St.) from Conditional C-3 Interchange Commercial District (Medical Marijuana) to Conditional C-3 Interchange Commercial District (Marijuana Facilities to include Adult-use and Medical). This is a request to amend the conditional rezoning application to include adult-use marijuana for retail use.

Legal description - THAT PT OF NE 1/4 NE FRL 1/4 LYING E OF THE HOLLAND RD S OF US 31 & W OF E SEC LIN SEC 3 EX THE S 478.02 FT SEC 3 T3N R16W. (03)

Staff Introduction: Wells explained the current project of Aaron Smith who has conditional rezoning for Medical marijuana sales at this site, and is requesting to include Adult-use to his conditional rezoning request. The Township ordinance was recently amended to include Adult-use business. The previous conditions agreed upon remain, and the property would revert back to C-1 zoning if the applicant is not able to get licensed from the State within 18 months of final approval, or if they fail to open within 22 months, or if the court determines there is a violation in the agreement.

Project Representative: Aaron M. Smith spoke in support of the conditional rezoning request. He has been in contact with our Township attorney about proposed changes.

Israels declared the Public Hearing Open-

There were no public comments-

Israels declared the Public Hearing Closed.

Commission discussion: Rowe questioned when the 22 month period would begin, and Lynee explained once everything is approved. The commission also explained where the site is located to members of the audience.

Motion by Rowe to recommend support of the conditional rezoning request to the Township Board. Seconded by Lozano. Motion passed by unanimous voice vote.

B. Public Hearing and consideration of a Special Approval Use and Site Plan Review application to amend the approved special approval use and site plan for a medical marijuana provisioning center to also include Adult-use marijuana retail on parcel #20-003-001-00 (aka. 3577 64 th) ^[1]_{SEP}

Legal description - THAT PT OF NE 1/4 NE FRL 1/4 LYING E OF THE HOLLAND RD S OF US 31 & W OF E SEC LIN SEC 3 EX THE S 478.02 FT SEC 3 T3N R16W. (03) ^[1]_{SEP}

Staff Introduction: Wells explained the applicant has updated his building renderings and revised the site plan accompanying the Special Approval Use application to include adult-use marijuana, as well as move the building closer to the intersection of North 64 th and the Lakeshore Tackle and Firearms business. The building size, location and elevation have changed. The current building will be removed. In general, the applicant has met the



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requirements of Section 40-693 (Special Approval Uses) and Section 40-746 (medical marijuana facilities). Wells reviewed the standards and noted the following recommendations:

1. Windows and doors shall remain closed except for ingress and egress. [SEP]
2. Negative interior air pressure shall be maintained at all times. [SEP]
3. Buffer yards shall remain, only removal of dead brush shall be permitted. Existing trees within the [SEP] buffer yards shall remain to satisfy the minimum size requirements and specifications of section 40-878. The applicant shall flag all trees to remain to be counted towards the buffer yard requirements, and new plant materials added should any deficiencies arise. [SEP]
4. The landscaping shall conform to section 40-880 and any new plant materials shall be installed and maintained per 40-880 (i) 1-6. [SEP]
5. All exterior lighting fixtures shall be downward facing, fully-shielded and dark sky compliant. Any exterior lighting will require submission of cut sheets to the Township Planner. [SEP]
6. The applicant shall adhere to all requirements and standards of applicable local, state and federal laws, including Ordinance 40-746 at all times. [SEP]
7. The exterior building façade shall meet the transparency requirements with windows per the Township Zoning Ordinance. An updated façade with dimensions shall be provided to the Township Planner for review. [SEP]
8. All conditions as set forth by the Fire District shall be met prior to issuance of building permit. [SEP]
9. All conditions as set forth by the Township's Engineer shall be met prior to issuance of building permit.
10. All conditions of the utility district, Allegan County Road Commission, and other applicable [SEP] reviewing agencies shall be met. [SEP]
11. The applicant shall remain in good standing and maintain all required licenses through the State [SEP] of Michigan and the Township. [SEP]
12. The Special Approval Use shall be conditioned upon approval of the conditional rezoning request [SEP] by the Township Board. [SEP]
13. All information provided by the applicant in previous reviews and included in this memorandum [SEP] are deemed as conditions of approval, including hours of operation, security, air filtration, and waste disposal. [SEP]

Project Representative: Aaron Smith explained that the project has taken on many positive elements. The building will be new and landscaping will be done with an arborist, retaining the natural aspect of the site. He is working with the Road Commission regarding access which is now off Blue Star at the light. He is aware of the Township conditions and working to meet them all. Ihle questioned the detention basin location. Aaron explained it is the same location as before. Israels questioned mechanicals on the roof and Aaron explained there will not be any. Aaron further explained they have added full auto access around the building.

Israels declared the Public Hearing Open-

There were no public comments-

Israels declared the Public Hearing Closed.

Commission discussion: Rowe noted that we are somewhat revisiting an approved item, but with some positive changes.



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A **Motion** was made by Rowe to approve the Special Approval Use and the site plan review to include the 13 conditions listed in the Township Planners' memo of February 18, 'SAU and Site Plan review for a provisioning center and marijuana retailer at 3577 64th.' Seconded by Helmrich. Motion passed by unanimous voice vote.

C. Public Hearing and Consideration for a **Special Approval Use** application from Chad VanHorn for a Mineral Extraction, Sand Mine in the R-1 district. ^[SEP]

Parcel Numbers – ^[SEP]20-003-063-(04 through 09), 20-003-063-11, 20-003-063-(13 through 17), 20-003-065-(02 through 05)

Staff Introduction: Wells explained that Mr. Van Horn submitted a request for sand mining per Section 40-740 of the Township Zoning Ordinance. The parcel(s) affected includes appx. 47 acres and the request is limited to sand mining and removal of sand only. Two pond permits were obtained in 2018 and there were no conditions on the permits. Also DEQ approval was not required. Wells review Section 40-470 and the nine standards governing sand mines, soil pits and quarries. She explained we do not have a State permit on file for the proposed 10 acre pond, and we may need additional permits from the County. See Planning Commission Memo date February 18, 2020 regarding *Special Approval Use for Sand Mining*.

Also included are comments from the Fire District in a memo date February 18, 2020 to the Saugatuck Township Planning Commission.

Wells noted that determination for the project to meet the General Standards for Special Use (Section 40-693) could not be made until additional information is provided.

The Township Planner made the following recommendations:

1. The applicant shall provide a timetable for mineral removal, including start and end dates, hours of operation and days of the week the mine will be open, as well as the anticipated number of trucks entering and leaving the site on a daily basis.
2. A restoration plan shall be provided without land division lines or roads, simply showing water elevation of the pond, spot elevations throughout the site, grading and landscaping. Future land development requests on the site would require separate and subsequent application and consideration by the Township.
3. A performance bond shall be required in the amount necessary to restore the site per the restoration plan.
4. The applicant shall describe measures, in addition to sign posting, for site security especially at project entries and around the water body.
5. Slopes shall be labeled for not only the berms, but also the relative to water elevation. Consideration should be given to the slope at water level, consistent with the development standards of the Allegan County Drain Commissioner's development standards for wet basins.
6. Applicant shall indicate the material of the berms and its slope. Measures shall be taken to protect against blowing sand.
7. Dewatering plans for excavation and potential effects on adjacent wells shall be described and addressed, if applicable.
8. Implications of the mining activity to the established Well Head Protection Plan adopted by the Kal-



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Lake Water and Sewer Authority, and any comments or conditions requested by the Authority.

9. Certification process shall be required for ensuring ponds have been constructed per prior approved pond creation plans, as well as the plans depicted in this submittal dated 1/10/20.

10. Impacts to the Blue Star Trail should be discussed, and a performance bond shall be required in an amount determined by the Township, for replacement after mining operations have ceased, as well as periodic repairs during mining operations when and if determined by the Township.

11. The applicant shall state whether materials will be brought onto the site, and if so, describe the types of materials and their source.

12. The applicant shall describe any dewatering plans for excavation, and determine potential effect on adjacent wells.

13. All conditions as set forth by the Fire District during their review.

14. All conditions of the utility district, Allegan County Road Commission, and other applicable reviewing agencies, including the Township Engineer.

15. Applicant shall secure all required permits by EGLE, the County Drain Commissioner, Health Department and any other reviewing agencies. It should be noted that a driveway permit was issued by the ACRC for Blue Star Highway, but no other permit has been issued for 135th street, even though it has been used as ingress and egress to this site.

Helmrich questioned the access to 135th Street and access. Ihle questioned the future layout of lots and Wells explained she is requesting a site restoration plan after the removal of the sand.

Project Representative(s): Chad Van Horn, aka property owner, Matt Zimmerman, attn., and Phil Johnson represented the project.

Chad thanked the community and planners for being here. Explained he came to the Township before buying the property and explained his intended use for the property. He noted that there have been 4 zoning administrators in the Township since he started the project, and was initially informed he did not have to come before the Board for permitting.

- He explained the access (two track) on 135th existed for many years before he bought the property-
- He said there is a permit from the Allegan Co. Health Department included in our packet-
- Noted there seemed to be Township correspondence last week that he wasn't included in-

Zimmerman, attn. for the project explained the objective of the project so folks could see the end result. He stated they are voluntarily seeking a sand mining permit although the ordinance does not require a permit as it is common usage for recreational and residential activity. See Water Resource Division, Response Summary, Application NO; 2R8-N9W4-J542 and 2PT-ZEK8-QK9H, permit number WRPO1027 v1.and WRPO10189 v.1.0, dated January 26, 2018 and distributed by Zimmerman, attn.

Zimmerman noted that at 6:27 this evening, while driving here, they received the staff report, engineers report and fire district report. He explained that they would have answered many of the concerns if they had the information ahead of time. He further described how well the



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property fits into the surrounding area. He also noted that Mr. Van Horn lives on the property and will be equally impacted by sand movement on the property, and therefore shares concerns about dust et al and will minimize the impact. He addressed the SAU standards, Section 40-693. He explained that soil samples and water samples from 4 different grounds wells have been taken consistently for over two years. There are no additional demands on public services and facilities. He said that EGLE has been on the site and acknowledged that there was some arsenic on the site and the EGLE is satisfied with the way it is being handled. He discussed pond safety, dust control, and limited machinery use. He again explained that the end result is not a sand mining operation but a development for living around a pond. He noted there already is a bond on the roadway to the project.

Johnson, a natural resource designer and planner, spoke about several sand mining sites in Michigan. He explained he looked at the property with Van Horn in 2018 to assure there would be no adverse issues with development and State ordinances noting there are no wetland or habitat issues. He also explained that digging a pond for residential/recreational use does not constitute sand mining. Helmrich questioned the size of the pond and if the intent is to make it a 10 acre pond. Johnson explained that the original concept was two ponds, one for fishing and one for recreation. Johnson reminded the Board that they are here to talk about removing the sand and the end goal is to have residential home sites around the (ski) pond.

Israels declared the Public Hearing Open-

- Glenn Shook- questioned the excavation
- Roy McIlwaine- explained he wrote a letter to the Planning Board stating his concerns and many of those things have been addressed tonight. He questioned transparency about the project and said that sand was moved from the site to the Padnos property without a permit. He also said that there is a profit to be gained from selling the sand.
- Becky Bruns- speaking on behalf of Lori Goshorn, David Swan, and other residents that could not be here. She said the project appears to be something other than what it is, which is a commercial project. She expressed concern for the project and asked the Board to be very careful to assure that several years from now it remains a good use for the land.
- Sandra Randolph- had additional questions about the project design, where the pond and lots are located, and use of the pond. She also questioned increased traffic.
- Bart Webb- expressed displeasure with the property design, sand mining and use of the property. He asked for 'honest answers'.
- Scott Wierenga- disputed that this is really sand mining and not a waterskiing project and there is no comparisons to the North Shore project.
- Terry Shull- Shull owns property on the edge of this property that is dependent on tourism. Expressed concern about the noise factor, dust and who will monitor what really happens on the property. Expressed that the project seems to be commercial to him.



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- Nancy Brehm- new to community and concerned with 'water skiing' on a small pond. Does not believe it is a probability. Asked if it would be for residents on the property or public. Questioned where the Blue Star access will be and where will the removed sand go?
- Israels noted that the Board has received correspondence from Wierenga's expressing opposition to the project, McIlwaine's expressing opposition to the project and the Township Planner has received an email from Bosgraaf expressing support for the project.
- Dennis Shaffer- executive director of the nearby camp and expressed that he is probably most affected by the project through proximity, and believes that the land owner has been very upfront with him and has assured him that he would make it a complimentary environment for the camp. He spoke in favor of the development.
- Roy McIlwaine- Stated that the development of the property did not require having a pond and restated that it does not seem to be transparent.
- Bart Webb- expressed displeasure with the project again.
- Nancy Brehm- Stated this is not a water skiing pond.

Israels declared the Public Hearing Closed.

Board discussion: Rowe expressed that many sentiments and good information was shared and suggests we obtain legal opinion from our attorney about the project. It is an intense project and there is a lot of community involved here. Helmrich expressed that the comparisons to North Shore made it more confusing. He also noted there was a fire on the property and the property owners responded that it was because of Consumers Energy. Ihle asked if the sand is actually going to be sold or just moved off site. The property owner stated that he really just wants to sand moved and willing to sell or give it away. He explained there is no scenario that would recoup the investment he has put into the property by selling sand.

Property owners response: Van Horn explained the lots are one acre parcels. The use is to water ski on the small pond and have residential housing. He is passionate and thrilled to own the property and states he is 'friendly'. He explained the intent is not to mine the whole area. He explained he has not burned on the property without a permit. In closing, Van Horn asked that the Board review his responses to the permit request. He feels he addressed every question on it and is demonstrating good faith through this request. Zimmerman spoke again in favor of this project and explained that any development would create excess sand. Israels questioned a DEQ report, truck traffic and truck size. Other considerations may have to be made relative to traffic flow.

A **motion** was made by Rowe to table the application pending our Townships attorneys' review, recommendation, and presence at the next possible meeting. The motion was seconded by Lozano. The motion passed by unanimous voice vote.



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7. Old Business: (unfinished business)

Helmrich reported follow up from the last meeting. He passed the comments from B. Wasso regarding plowing of a pedestrian area shared by the Township and Saugatuck City to our Township Manager and also reported that there is now a link on the Township Website to access the Allegan Co. website.

8. Public Comments:

No public Comments

9. Township Staff and Board Report

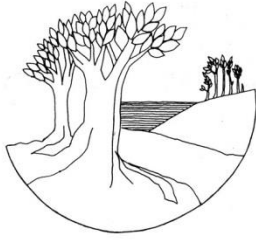
Wells reported that there will be a marijuana facility request at the March meeting

Helmrich summarized Board activity:

- The auditors report presented an overview of the FY 2018-19 and summarized the strong financial position we are in relative to other Townships in the State.
- Public comments at the last Township meeting included the Parks budget and water connection fees, especially for marijuana facilities.
- The treasurer reported on the end of tax season. (February 28)
- There was continued discussion on the ambulance services agreement for the South area of the Township,
- and discussion regarding allowing a marijuana growth facility to pay water connection fees in installments with interest,
- and review of the 2020 board goals adopted by the board—which are also available on the website and by email request to Township Manager Graham.
- The Township approved endorsing the Lower Kalamazoo River Greenway Plan,
- and reviewed new financial and administrative policy drafts from the Township Manager Graham,
- and agreed to join the Tri-Community Recycling Committee; making appointments to that group in March.
- Helmrich complimented Wells noting she has been working to formalize processes and procedures for permitting relative to zoning.
- The Board voted to have legal counsel and Manager Graham draft comments to the USACE regarding historical review of the North Shore property to submit by Friday, February 28, which is an extension date granted to the Gun Lake Tribal groups.
- Next official Township Board meeting is Wed., March 11, 2020 at 6:00 p.m.

10. Adjourn

Next P.C. meeting: March 23, 2020 7:00p.m



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A **motion** by Rowe, pending no objections, to adjourn the meeting at 8:10 p.m. Seconded by Helmrich. Motion passed by unanimous voice vote.

Respectfully,
R. Israels, P.C. Sec.

Motions: 02/24/20

1. **Motion** by Rowe to approve the agenda. Seconded by Ihle. Motion passed by unanimous voice vote.
2. **Motion** by Rowe to approve the minutes of 01/27/20 as amended. Seconded by Lozano. Motion passed by unanimous voice vote.
3. **Motion** by Rowe to recommend support of the conditional rezoning request to the Township Board. Seconded by Lozano. Motion passed by unanimous voice vote.
4. **Motion** was made by Rowe to approve the Special Approval Use and the site plan review to include the 13 conditions listed in the Township Planners' memo of February 18, '*SAU and Site Plan review for a provisioning center and marijuana retailer at 3577 64th.*' Seconded by Helmrich. Motion passed by unanimous voice vote.
5. **Motion** was made by Rowe to table the application pending our Townships attorneys' review, recommendation, and presence at the next possible meeting. The motion was seconded by Lozano. The motion passed by unanimous voice vote.
6. **Motion** by Rowe, pending no objections, to adjourn the meeting at 8:10 p.m. Seconded by Helmrich. Motion passed by unanimous voice vote.