

ROBINSON TOWNSHIP PLANNING COMMISSION
March 28, 2023

The regular meeting of the Robinson Township Planning Commission was called to order at 7:05 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie Bill Maschewske Travis Vugteveen Michelle Gillespie Lydia Brown Steve Young Anne Goede	None

Also present were Supervisor Frank Johnson, Township Attorney Ron Bultje, Zoning Administrator Julie Lovelace, Philip Johnson of Resource Planning and Design representing the Clark Farm Class B Earth Change application, Mark Sloothaak, owner of the Clark Farm Earth Change Site, Nate and Kurt Koella of Lakeshore Environmental representing the Clark Farm Earth Change Site, Christine Sloothaak, and approximately 35 members of the public. The attendance sheet is attached.

Approval of Agenda

A motion was made by Michelle Gillespie and seconded by Lydia Brown to approve the meeting agenda as written. The motion carried unanimously.

Adopting of Previous Minutes

A motion was made by Michelle Gillespie and seconded by Lydia Brown to approve as written the minutes of the March 14, 2023 Planning Commission meeting. The motion carried unanimously.

Non-Commission member Inquiries and Questions -- None

Reports and Communications

Travis Vugteveen reported from the Township Board that the Zoning Ordinance amendment regarding Parking and Accessory Buildings was approved.

Announcements – None

New Business

At this time (7:07 PM), Michelle Gillespie recused herself from the Planning Commission and joined the public since her residence was within the notification area for the Clark Farm Earth Change Public Hearing.

An introduction was given by Chairperson Martinie to the public hearing scheduled for the S and M Gravel Clark Farm Class B Earth Change application. The public hearing notice was read by Secretary Maschewske. Chairperson Martinie reviewed the rules of procedure for the conduct of the public hearing and the public hearing was declared open.

A presentation was made by Phil Johnson representing S and M Gravel. He reviewed the history of mining on the site back to 1979. The current plan involves 356 acres plus 25 acres of the S and M Gravel MME site to the east. The current plan involves mining the Clark Farm Site only above the water table. The proposed plan would mine both above and into the water table and add a 276 acre lake to the existing 12.5 acre lake on the MME Site. The arrangement of the Cell Units was explained for both the existing plan and the proposed plan. Phil Johnson noted that the new plan called for not mining in the NE corner of the project or near the Allen Drain. The access for the Clark Farm Site will remain the same and the 108th Ave. access to the MME Site will be closed. It was noted that the scope of mining is actually reduced by 24 acres with the proposed plan compared to what is already approved. Phil Johnson continued by showing the current Clark Farm cell plan and explained the areas where mining was reduced in the NE corner of the project and near the Allen Drain. The proposed footprint of the lake to be created was shown along with the mining progression plan for the site.

Chairperson Martinie and Bill Maschewske – Both requested Phil Johnson to review the cell progression concept of the Earth Change Ordinance for the public.

Phil Johnson continued by explaining that no cell may exceed 20 acres in size and no more than three cells could be opened at any one time. To open a fourth cell, one of the three current open cells must be reclaimed, at least on an interim basis.

At this time, Chairperson Martinie requested questions from the Planning Commission.

Steve Young – Requested that Phil Johnson state the duration of the proposed mining operation.

Phil Johnson – It is estimated to be 28 years dependent upon demand for product.

Anne Goede –

1. Will you close cells 1 and 10?

Phil Johnson – Yes, cells 1 and 10 will be placed in interim reclamation and Cells 7, 6, and 3 will be open and mined.

2. How many homes do you plan to fit around the lake in the end use?

Phil Johnson – Using the Rural Residential lot sizes, there could be approximately 52 lots created.

Phil Johnson noted that the proposed lake size is the result of a residential end use and the location of existing residential wells in the area. The lake size takes into consideration isolation distances to existing residential wells to avoid any negative impacts.

Frank Currier – Inquired if S and M Gravel are finished with the site at 108th Ave and North Cedar (the old S and M Site). Will it be closing?

Phil Johnson – Stated they are processing some material for the Clark Farm Site at the S and M 108th Ave. site. They are proposing to build a new processing plant at the Clark Farm Site.

Clare Nesbitt – Inquired if a traffic study had been done for the area. He noted that he counted traffic several times. Between noon and 1:00 PM., he counted 10 gravel trucks on North Cedar St. past his house. Between 1:00 and 2:00PM, he counted 14 gravel trucks. At this rate (average 12 trucks per hour), this amounts to approximately 96 trucks per day and 576 trucks per week. He feels this will have a negative impact on the value of his home. He noted that he knew there was a mining site present when he bought his house, however, the truck traffic at the time was much less.

Phil Johnson – Noted that the revision to the plan will not increase the number of trucks per day from the current plan.

Clare Nesbitt – Wants to know what is going to be done to mitigate the effects of the trucks.

Dave Pinder – Stated that the plan is better than he thought it would be, but noted the following concerns.

1. North Cedar St. has essentially become a dirt road because of the residue brought out with the trucks leaving the Clark Farm Site.
2. Inquired why North Cedar St. needs to be the access to the Clark Farm. He suggested the trucks travel east through the Clark Farm Site, across the MME Site, and use 108th Ave. instead to North Cedar St.

Mark Sloothaak – Stated that 108th Ave. is not an all season road. This would severely restrict hauling in the spring. He also noted that they did not leave enough room around the lake in the plan or on the MME Site for an access to 108th Ave. The scale is also by the North Cedar St. entrance.

Dave Pinder – Stated he is looking for concessions on noise and traffic.

Anne Goede – Is there really no area for a road on the existing plan?

Mark Sloothaak – No.

Sherry Bamichlow – With a potential access change, would the trucks go north on 108th Ave.?

Phil Johnson – No

Supervisor Frank Johnson – S and M Gravel have been good for Robinson Township. They have been good on safety and citizen concerns. If necessary, we could get a traffic study done. He feels S and M Gravel are a benefit to the Township.

Ms. Schultz – She is worried about the water table and her well.

Phil Johnson – They have done 42 test borings to scientifically determine how close they can be to surrounding wells with no negative impact. They guarantee surrounding wells if the mining could have caused negative impact. He also explained the hydrogeological study and how it determined the size of the lake and where they could safely mine.

Kurt Koella – They have placed monitoring wells between the mine site and residential wells so that they can measure if any negative impact from mining is present before the residential wells are impacted.

Ms. Schultz – This information makes her feel better about her well.

Dave Pinder – Is the area within the outline of the lake the only place where trees will be removed and mining done?

Phil Johnson – Explained that trees are removed on the slope leading from grade to the water and in the place where the mined material is to be stockpiled. The idea is to not scrape the site clean.

Chairperson Martinie inquired if there were any other questions from the public and there were none. He then requested questions from the Planning Commission.

Anne Goede – Does the applicant know how many trucks go in and out daily?

Mark Sloothaak – Approximately 50 trucks per day.

Anne Goede – Are you aware of the speed of the trucks?

Mark Sloothaak – Double bottoms trucks appear to be going fast.

Anne Goede – Do you do anything to improve the road conditions?

Mark Sloothaak – It is difficult right now with the weather.

Anne Goede – Are you willing to work with citizens?

Mark Sloothaak – Noted they are looking at a wheel wash system to prevent tracking deposits onto North Cedar St. and they are currently missing some asphalt on site at the exit which is aggravating trackout. The asphalt will be repaired.

Chairperson Martinie – This is an open issue that needs to be discussed.

Kurt Koella – Noted that the Bass River Pit had the worst trackout of any site.

Phil Johnson – Discussed methods that could be used to mitigate trackout issues. They will use best management practices. He noted he expects conditions in the permit regarding trackout.

Anne Goede – If the applicants are already doing best management practices, trackout will remain an issue.

Chairperson Martinie requested further comments from either the Planning Commission or the public and there were none.

A motion was made by Lydia Brown and seconded by Travis Vugteveen to close the public hearing.

The motion carried unanimously.

Chairperson Martinie – Would like to see alternative ingress/egress explored plus other mitigating measures for traffic and trackout. He would entertain a motion to approve, deny, or take under advisement.

Travis Vugteveen – What happens when seasonal road limits are in effect?

Mark Sloothaak – The trucks can only haul 40% of their normal load, which either means more trips or lost business.

Chairperson Martinie – Is the trackout on North Cedar?

David Pinder – Yes.

Lydia Brown – Is this a bigger problem in the spring?

Mark Sloothaak – Yes.

Kurt Koella – It is better to use the current ingress/egress than to use 108th Ave to enter North Cedar St. because of the curve in North Cedar St. to the West, which impairs visibility.

Clare Nesbitt – Emphasized he is concerned about the number of trucks and trackout.

Chairperson Martinie – Does moving the access change the application?

Mark Sloothaak – Both the cell progression and the hydrogeological report change if the ingress/egress changes.

Lydia Brown – She is ready to make a decision tonight.

Township Attorney Bultje – Noted that the plan discussed at the last meeting was to not decide tonight but rather write a recommendation for the review at the next regular meeting. This gives the applicant the opportunity to evaluate both the plan and citizen input.

Travis Vugteveen – Noted that it would be difficult to regulate trucks on 108th Ave. Additionally, Sleeper St. is to be paved soon, but is not part of a truck route and will probably not be a Class A road.

Chairperson Martinie – We will have Township Attorney Bultje prepare a recommendation and report and give the applicants an opportunity to evaluate other options.

A motion was made by Lydia Brown and seconded by Shawn Martinie to direct the Township Attorney to draft a recommendation of approval for the S and M Gravel Clark Farm Site Class B Earth Change with conditions and to direct the applicants to explore trackout, traffic, and ingress/egress locations for the next regular meeting.
The motion carried unanimously.

The next item on the agenda was the Preliminary Site Plan application for the Timpe/Marshall Special Use. Chairperson Martinie requested the applicant to make a brief presentation. Doug Marshall, the applicant, and his attorney, Jennifer Lynn were present. It was stated that there were two applications included, one for each of the two parcels requested for Special Use. The applicable parcel numbers are 70-04-33-100-004 and -005. The applicants stated that parcel -005 already has a cement pad from a previous mobile home on the site in addition to a septic system, well, and electricity. Parcel -004 only has electricity and water. The updated Site Plan shows where a portable toilet is proposed to be placed to service parcel -004. Parcel -005 would be serviced by the septic system. The request is to permit a recreational vehicle to park on each parcel for up to 100 days per year in accordance with Section 9.3(D) of the Zoning Ordinance as a Special Use.

Anne Goede – Who installed the electrical service?

Doug Marshall – He did but did not know a permit was required. He has since requested a permit after the fact but it has not been inspected yet.

Anne Goede – How many posts with electrical service for recreational vehicles exist on the two parcels?

Doug Marshall – There are two on parcel -004 and one on parcel -005. He wants all three electrical service posts inspected but is only seeking permission for one recreational vehicle per parcel.

Chairperson Martinie – Since this is a Preliminary Application, we should focus on a high level overview. Are these short term rentals?

Township Attorney Bultje – Stated the Zoning Ordinance does not address Short Term Rentals.

Lydia Brown – Would the sites be rented?

Doug Marshall – Possibly, however, he owns three recreational vehicles himself. He noted his parents live in the residence to the east of the subject two parcels.

Township Attorney Bultje – Stated the lots do not meet the current lot size standards. He also noted that normally two adjacent non-conforming lots are required to be combined into one legal lot or at least one less non-conforming lot.

Zoning Administrator Lovelace noted that each lot is 116 ft. wide. Per Section 4.24(A) the lots may be conforming depending upon the date of creation.

Chairperson Martinie – If the lots were created prior to November 25, 1988, they are legal lots and do not need to be combined.

Doug Marshall – Stated his parents purchased the lots in 1985.

Zoning Administrator Lovelace is to verify the date of creation of both lots.

Chairperson Martinie – Assuming the parcels are grandfathered non-conforming, does one recreational vehicle per lot apply?

Township Attorney Bultje – Yes.

Anne Goede – Last summer, the applicant rented kayaks and sold firewood. Do they have a business license? There were trespass issues and cars parked blocking other resident's driveways. Recreational vehicles came and went and were parked blocking her driveway. She noted she lived on the same street.

Chairperson Martinie – Last year is water under the bridge. What is relevant now is processing the Special Use application in front of us, and what the zoning ordinance permits.

Attorney Lynn – Noted that the Zoning Ordinance does not restrict the 100 days to the same recreational vehicle.

Chairperson Martinie – That is correct. However, with a Special Use come conditions.

Bill Maschewske – Is this the appropriate time to ask questions regarding well, septic, and electrical?

Chairperson Martinie – No.

Doug Marshall – Noted that if a portable toilet is used, it would be serviced weekly.

Lydia Brown – Noted that parcel -004 would have electric and water only and there is no sewage facility.

Travis Vugteveen – Noted that State regulations define a campground as 5 or more sites.

Township Attorney Bultje –

1. While Anne Goede lives on the same street as the subject parcels, she is more than 300 ft. from them and is not in the notice area.
2. It does not have to be the same recreational vehicle parked for the 100 days allowed.
3. The Robinson Township Zoning Ordinance does not address short term rentals.
4. The Planning Commission is not required to review Special Uses but does review Site Plans. As an aid to the Township Board, the Planning Commission reviews both the Site Plan and the Special Use and makes recommendations to the Township Board on both and notes any recommended conditions.
5. The Planning Commission can take public comment but since they do not make the decision, they do not hold a public hearing.

Lydia Brown – Can a Special Use be issued on a Private Road?

Attorney Lynn – It is actually just an easement.

Township Attorney Bultje – In answer to the Lydia Brown question, yes, there can be a Special Use on a Private Road.

Anne Goede – Can the applicants advertise the parcels for rental?

Doug Marshall – Stated he did not know he needed a permit for this. The only complaint he got was last year was about garbage that was on the neighbor's property.

He also noted that because of the location of the property, he asks renters to park at the intersection of Limberlost and 120th Ave. to wait for him to guide them to the site. This caused vehicles to be parked in front of resident's driveways.

Chairperson Martinie – How many vacant lots are there on Limberlost?

Dennis Berens – There are three owned by FEMA, four owned by MDOT, two owned by the Township, eight owned by residents, and three owned by the applicant.

Chairperson Martinie – Stated there appears to be no issue at the Preliminary Sketch Plan level.

Travis Vugteveen – If this is a non-conforming private easement, does the Special Use require an upgrade of the access.

Zoning Administrator Lovelace – Reviewed Section 4.9(B) of the Zoning Ordinance and stated since no building permit was required, no upgrade was required.

A motion was made by Lydia Brown and seconded by Michelle Gillespie to accept the Preliminary Sketch Plan and authorize the applicant to proceed to the Detailed Site Plan and Special Use Application for the Timpe/Marshall Special Use.
The motion carried unanimously.

Chairperson Martinie opened the meeting to public comment.

Mike Slezak – He is concerned about a commercial business in this location and asked if it is acceptable to use a private easement for access.

Township Attorney Bultje – It is a private road of some sort. It is usable conditioned on the terms of the easement.

Attorney Lynn – Stated she did a title search back to 1966 and could not find the terms of the easement.

Dennis Berens – Who keeps track of the 100 day limit for recreational vehicle occupancy of the lots?

Township Attorney Bultje – It will be policed by complaints from the public.

Doug Marshall – The use will be seasonal only, probably from June to September.

Dennis Berens – Concerned about two electrical posts on one lot.

Anne Goede – Will the Special Use be for recreational vehicles only?

Chairperson Martinie – It will be according to the definition of recreational vehicle in the Zoning Ordinance.

Attorney Lynn – If there is anything you see now that is deficient for the Detailed Site Plan, please tell us now.

Township Attorney Bultje – The questions are self-explanatory. Just go through the requirements for Detailed Site Plan and Special Use and make sure you answer everything.

Attorney Lynn – Is an approved electrical permit required for the next meeting?

Chairperson Martinie – No, an approved permit could just be a condition in the recommendation to the Township Board.

Doug Marshall – He will pursue getting the electrical permit & inspection, septic inspection, and the second inspection of the drinking water well by the next meeting.

There were no further questions from the applicants, public, or the Planning Commission at this time. Chairperson Martinie stated that the detailed Site Plan Review will be conducted at the next regular meeting.

Old Business – None

Pay Bills

A motion was made by Travis Vugteveen and seconded by Lydia Brown to pay salaries for the March 28, 2023 Planning Commission meeting (all members present).
The motion carried unanimously.

Any and All Other Business

Chairperson Martinie questioned the by-laws of the Planning Commission in that formality was required that was not required by State law for public hearings.

A motion was made by Michelle Gillespie and seconded by Anne Goede to have the Township Attorney review the Planning Commission Rules of Procedure to update and revise as necessary.
The motion carried unanimously.

Chairperson Martinie questioned the “Rezoning Criteria” review questions the Planning Commission uses for evaluating rezoning requests. He noted that planners review based upon the 3C’s (Compliance, Consistency, and Compatibility). Discussion ensued and it was determined that the criteria questions used to date are accomplishing essentially the same review, just with more definition. It was decided that the Planning Commission would continue to use the current criteria format for evaluating rezoning requests.

Adjournment

A motion was made by Michelle Gillespie and seconded by Lydia Brown to adjourn the Planning Commission meeting at 9:48 PM.
The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission

Attachment: Sign In Sheet for Planning Commission March 28, 2023 meeting.



SIGN IN SHEET
Regular Meeting of the
Planning Commission
March 28, 2023 at 7:00 pm

PRINT NAME	SIGNATURE
Dennis Berens	
Chris Sloothaak	
Mark Sloothaak	
Jon Currier	
FRANK Parkier	
Ray Valentovich	
Judy Olson	
Kenneth Rake	
DAVID MATHISON	
DAVID PINDER	
Nate Koella	
Kurt Koella	
Phil Johnson	
Michael Sherry Barnickler	
Tom Schae	
Jennifer Lynn	
Dore Marshall	
David Bash	
Joel & Lesley Ryde	