

## ROBINSON TOWNSHIP PLANNING COMMISSION

January 23, 2024

The regular meeting of the Robinson Township Planning Commission was called to order at 7:00 PM at the Robinson Township Hall.

Present	Absent
Shawn Martinie Bill Maschewske Travis Vugteveen Steve Young Michelle Gillespie Lydia Brown Phil Crum	None

Chairperson Martinie introduced new member Phil Crum to the Planning Commission.

Also present were Township Attorney Ron Bultje, Zoning Administrator Julie Lovelace, and applicant Rick Lyons. The attendance sheet is not attached as it included no signatures.

### Approval of Agenda

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

The motion carried unanimously with one member absent.

### Adopting of Previous Minutes

A motion was made by Michelle Gillespie and seconded by Steve Young to approve as written the minutes of the December 12, 2023 Planning Commission meeting.

The motion carried unanimously with all members present.

### Non-Commission Member Inquiries and Questions – None

### Reports and Communications

Travis Vugteveen reported the following from the Township Board.

1. Sarah Matwiejczyk, a candidate for prosecuting attorney, made a presentation of her qualifications.
2. Zoning Ordinance Text amendments regarding Accessory Structures, Special Uses in the B-2 Zoning District, and minimum acreages for PUD were approved.

3. Phil Crum was appointed to fill the vacancy on the Planning Commission.
4. Michelle Gillespie and Bill Maschewske were re-appointed to the Planning Commission for three-year terms.
5. Alternative bathroom facilities at the Township Park were discussed.
6. The Township Board did not act on a request for support of a County-wide Road millage.

Bill Maschewske reported on a Michigan Citizen Planner webinar regarding the new State regulations for Utility Scale Renewable Energy Sources and Storage Facilities. The new law basically takes all control of the siting of such facilities away from local control and gives it to the Public Service Commission.

There was a brief discussion regarding the scheduled February 27, 2024 Planning Commission meeting date to be continued later in the meeting.

Announcements – None

#### New Business

Due to the absence of anyone present to represent the Smeenge Special Use/Site Plan reviews, the next item discussed was the Lyons Class A Earth Change application.

Mr. Lyons was present and made a presentation of his intentions. He noted the area where the pond is proposed was previously stripped for fill for the construction of the home by a former owner. He stated he purchased the property in August of 2023.

Bill Maschewske—How far below grade is the water table?

Mr. Lyons – Approximately 2 feet.

Chairperson Martinie – Are there any wetlands on site?

Mr. Lyons – No.

Travis Vugteveen – How deep is the water well for the house?

Mr. Lyons – 170 ft.

Travis Vugteveen – How close is the neighbors house to the property line?

Zoning Administrator Lovelace showed on GIS that the house was not close to the property line.

Bill Maschewske – Inquired when his house was built.

Mr. Lyons – 2018.

Bill Maschewske – What does the easement at the bottom of the property description describe?

Mr. Lyons – It is the description for 116<sup>th</sup> Ave.

Bill Maschewske – Is the 30 ft. shown on the Site Plan the distance from the property line to the edge of proposed excavation or the water's edge?

Mr. Lyons – It is to the water's edge.

With the 3:1 slope required and the water table two feet below grade, this would make the excavation approximately 24 ft. from the property line.

Bill Maschewske – Noted that no topographic map was included showing areas within 300 ft. of the project site as required.

Bill Maschewske – Inquired of Steve Young if excavation within 24 ft. of the property line would represent any instability to the adjoining property.

Steve Young – No. He noted that the two feet of excavation above the water table would represent an additional 150 cubic yards of excavation.

Travis Vugteveen – Inquired if the applicant planned to irrigate from the proposed pond.

Mr. Lyons – Probably not.

At this time, there were no more questions of the applicant and the Planning Commission reviewed the factors for approval in Article V, Section 3 of the Earth Change Ordinance. The findings of the Planning Commission are in *Italics*.

1. The recommendation of the Planning Commission.

*The recommendation of the Planning Commission is found in the motion that follows.*

2. The zoning of the proposed site.

*The subject property is zoned Rural Residential.*

3. Its proposed reclamation in a manner consistent with the Robinson Township Land Use Plan.

*The excavated material is to be used for fill for a building and the topsoil will be spread and seeded near the pond.*

4. The character of the person in respect to the person's honesty, integrity, and financial responsibility.

*No known issues.*

5. The person's ability to comply with this Ordinance and the probable terms and conditions of a permit, if issued.

*No known problems.*

6. The size, nature, and character of the proposed Earth change activity.

*Compliant with a Class A Earth Change permit.*

7. The scope and duration of the proposed Earth Change activity.

*The scope is compliant with a Class A permit and the duration will be 30 days.*

8. The proximity and effect of the proposed Earth Change activity with respect to adjoining properties and the surrounding neighborhood.

*No concerns. The applicant has submitted written permission from the property owner to the North where the 50 ft. setback will be violated. The neighbor has permitted a setback of 15 feet. There are also numerous ponds in the vicinity that violate the 50 ft. setback requirement.*

9. The relative need or necessity of the proposed Earth Change activity in relation to other possible uses of the property.

*The excavated material will be used for fill for a new building. The excavation site has previously been stripped by a former landowner.*

10. The impact of the proposed Earth Change activity on the environment.

*No adverse effect expected.*

11. All pertinent things concerning the health, safety and general welfare, and the preservation of natural and environmental resources and the prevention of nuisances and hazards.

*No health, safety, or general welfare concerns are expected. The excavation site has previously been stripped.*

12. Shall exercise a reasonable and sound discretion in the premises.

*No concerns.*

It was determined that all factors were satisfactorily met.

A motion was made by Shawn Martinie and seconded by Michelle Gillespie to recommend to the Township Board approval of the Lyons Class A Earth Change application for 13077 116<sup>th</sup> Ave. to create a pond. The recommendation is based upon review of the factors in Article V, Section 3 of the Earth Change Ordinance with the findings noted above. The following conditions apply.

1. Compliance with the application and all statements of the applicant as recorded in the minutes.

2. Compliance with all Federal, State, County, and Township Ordinances.

The motion carried unanimously with all members present.

At 7:40 PM., the Smeenge Special Use and Site Plan applications were reviewed and discussed. There was no one present to represent the applications.

Chairperson Martinie noted the following:

1. The details of the 11 x 17 plans were too small to review.
2. All plans were only for the existing building. The two new buildings were not included.

Travis Vugteveen – Noted there was no minimum square footage specified in the Zoning Ordinance for a dwelling in the B-2 Zoning District.

Bill Maschewske – Questioned the legality of the Special Use Application, the Power of Attorney document, and the ownership given the dates on the documents.

Township Attorney Bultje – Stated these documents need to be clarified/revised to make sure they reflect the current owners wishes.

Chairperson Martinie –Noted the Special Use application states more dwellings per building than permitted.

A list of deficiencies/questions was started as follows.

1. The property ownership on the Special Use Application needs to be corrected.
2. The Special Use Application needs the number of dwelling units corrected.
3. The number of parking spaces on the Site Plan does not appear to meet the requirements of Chapter 22 of the Zoning Ordinance.
4. The proposed dock infrastructure is not included in the Site Plan.
5. Internal connectivity on-site between buildings and the docks is not shown.

At this time, it became apparent to the Planning Commission that between missing information and the difficulty in reading the applicants Site Plan that it would be best to systematically go through the Detailed Site Plan Requirements in Section 31.7 of the Zoning Ordinance and try to identify deficiencies. The lettered items below follow Section 31.7 of the Zoning Ordinance requirements.

- A. The details and lettering on the Site Plan are too small to realistically be read.
- B. Larger drawings need to be submitted by the applicant to enable adequate review.
- C. Larger drawings need to be submitted by the applicant to enable adequate review.
- D. Acceptable except for scale size.
- E. The uses across the street are considered adjacent and are not identified. The Neighborhood Drawing is too small to be read.
- F. No elevation views, floorplans, or heights are included for the new buildings.

- G. Acceptable.
- H. Believe this is shown but difficult to see because of size.
- I. Existing utilities are not shown for electric, water, and sewer. Was the previous septic system removed or filled and what was its location?
- J. A vicinity map is included.
- K. Included.
- L. A legend is needed to identify drainage components. No identification of the green line.
- M. Shown on page C3.
- N. Shown.
- O. The docks are not shown. No air conditioning units are shown.
- P. Included.
- Q. None.
- R. No fixture details in the Planning Commission packets. The map needs to include lighting intensity at the property lines and some parking areas do not meet the minimum requirements.
- S. Shown but violates the side yard requirements on the West side.
- T. Nothing identified?
- U. Shown.
- V. No proof of property ownership included.
- W. The number of bedrooms not identified for the new buildings. There are no details on the new buildings.
- X. Shown on Sheet C3.
- Y. An impact statement is required. The statement in the Special Use Application does not answer the question.
- Z. Included.
- AA. Shown
- BB. A letter of credit or a letter of deposit from the bank is required.
- CC. A revised or new Special Use Application should be submitted with the correct owners and number of dwellings per building. Additionally, the Master Deed and By-Laws for the development need to be submitted for review.

This concluded the review for completeness of the Smeenge Site Plan and Special Use applications. In general, the content of the responses was not evaluated for compliance with the Zoning Ordinance.

A motion was made by Travis Vugteveen and seconded by Lydia Brown to table the Smeenge Special Use and Site Plan Applications pending complete and readable applications. The motion carried unanimously.

### Old Business

At 9:23 PM., an 11 by 17-inch map was distributed by Zoning Administrator Lovelace showing those parcels North of North Cedar St. with Grand River frontage that were not included in a subdivision as requested by the Planning Commission at the last meeting. Following review, it appeared that approximately 30 parcels matched the criteria. This criteria was specified for identifying parcels to be considered for Short Term Rentals (STR).

The Planning Commission inquired if this was enough parcels to be reasonable. Township Attorney Bultje responded that if, by research of the Zoning Administrator the Township only has three STR at this time, then 30 to 35 parcels would seem reasonable.

Methods of identifying all existing STR were discussed, included a survey and/or advisory public hearing to be announced by notation in tax bills.

Township Attorney Bultje – Noted that regardless of the area of the Township in which STR would be allowed, the Planning Commission could work on draft language for both the Zoning Ordinance text amendment and the associated Police Power Ordinance for discussion at an advisory public hearing.

Chairperson Martinie – Stated he favors the use of a survey and two notes in tax bills or assessment notices.

The consensus of the Planning Commission was in favor of directing Township Attorney Bultje to prepare draft documents of both the STR Zoning Ordinance text amendment and Police Power regulations for review. The Zoning Administrator is to check on the use of Survey Monkey to poll the Township residents regarding STR.

#### Pay Bills

A motion was made by Michelle Gillespie and seconded by Travis Vugteveen to pay salaries for the January 23, 2024 Planning Commission meeting (Seven members present).  
The motion carried unanimously.

#### Any and All Other Business That May Come Before the Board

Discussion continued regarding the date of the next regular Planning Commission meeting. It was agreed to reschedule the meeting for 7:00 PM. on February 21, 2024.

#### Adjournment

A motion was made by Travis Vugteveen and seconded by Steve Young to adjourn the Planning Commission meeting at 10:13 PM.  
The motion carried unanimously.

Respectfully submitted,

Bill Maschewske, Secretary  
Robinson Township Planning Commission

Attachments: None