

Charter Township of Gun Plain  
Planning and Zoning Commission  
Minutes of August 21, 2024

Members present; Sullivan, Bennett, Novick, McHugh, Gustafson, Albertson-Stowell, Webber

**Motion** by Sullivan 2<sup>nd</sup> Novick to approve the minutes of July 17, 2024 Approved

**Motion** by McHugh 2<sup>nd</sup> Sullivan to approve the Agenda as written Approved

**New Business**

**Public Hearing, Special Land Use for High Grade Materials**

Parcel #03-08-023-001-10

**Motion** by Webber 2<sup>nd</sup> McHugh to close the regular meeting and open the Public Hearing Approved

Tom Lockwood 206 106<sup>th</sup> Ave was present and submitted a letter (attached) with concerns about the effect on his well.

Dave Brown 470 3<sup>rd</sup> St., States that there was an odor with his water which he had tested about 1 month after excavation. There was no effect on potability or pressure; he has not had it retested.

**Motion** by Albertson-Stowell 2<sup>nd</sup> McHugh to close to the Public and open the regular meeting. Approved

Chip Tokar Natural Resources Management, LLC gave a presentation.

Hours of operation 7:00am -6:00pm Monday -Friday 7:00am -1:00pm Saturday  
no Sundays or Holidays

Must notify High Grade for an inspection, go thru training and be escorted by a miner.

Fencing-only if we require or a variance is granted by the ZBA

Lake size could be different based on geological findings.

Lori Castello, AICP, Planner/Zoning Administrator, PCI reviewed the information and submitted her findings to the Board.

We went through the Standards for Granting Special Use Approval (attached)

**Motion** by Sullivan 2<sup>nd</sup> Novick to Table the final vote for a Special Use for High Grade Materials 35 106<sup>th</sup> Ave, Parcel # 03-08-023-001-10 until the following issues are addressed:

1. A Bond of \$234,000 will be required. This Bond will be reviewed annually in the month of October. This review will be requested by the Gun Plain Township Supervisor or PCI, along with an annual inspection of necessary reclamation progress.

2. A fence will be constructed along 106<sup>th</sup> Ave to begin approximately at 2<sup>nd</sup> St. going to the NE corner of the High Grade property line.
  3. Approval of the project must be contingent upon the ZBA granting approval of not installing a fence around the entire perimeter of the quarry.
  4. A sworn statement that the applicant has never defaulted on any previous financial guarantee to insure performance in connection with any previous sand or gravel mining or any related mining and/or construction activity: or, if applicant has defaulted on any such financial guarantee, a brief description of the circumstances surrounding the default including the name of the financial guarantor, date of default and any remedial action which was taken.
- Bennett, Sullivan, McHugh, Gustafson, Webber, Novick-yes  
Albertson Stowell-No  
**Motion is Tabled**

**Site Plan for High Grade Materials 35 106<sup>th</sup> Ave Parcel # 03-08-023-001-10**

We went through the Criteria for Granting Site Plan Approval

**Motion** by Albertson-Stowell 2<sup>nd</sup> Sullivan to approve the site plan for High Grade Materials 35 106<sup>th</sup> Ave Parcel #03-08-023-001-10 contingent upon the Zoning Board of Appeals granting a variance to not install a fence around the entire perimeter of the quarry. The Criteria for Granting Site Plan approval is attached.

Sullivan, Gustafson, Albertson-Stowell, Bennett and Webber- Yes  
Novick -No  
**Motion approved**

**Public Comment**

Everett Albee 660 2<sup>nd</sup> St. would like to request an environmental impact statement and water quality testing.

Brian Crandall 293 10<sup>th</sup> Ave has been a resident for 27 years, lives across the street from the gravel pit and has concerns about noise and resale value of his home. He states that they would likely take shortcuts at an annual inspection.

Old Business will be discussed next month.

**Motion** by Albertson-Stowell 2<sup>nd</sup> Webber to adjourn Approved

D.Webber

High Grade Materials  
35 106<sup>th</sup> Ave  
03-08-023-001-10

33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

#### SECTION 20.05 CRITERIA FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. *OK* All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- B. *OK* The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.
- C. *OK* The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials. *Fence.*
- E. *N/A* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access. *Contingent upon ZBA variance for*
- F. *N/A* There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. *N/A* All streets shall be developed in accordance with the Township Subdivision Regulations and the Allegan County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to accommodate the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that as specified by the Township. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.
- H. *N/A* Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of

the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.

- I. *N/A* All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this Ordinance.
- J. *N/A* Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets. All exterior lighting shall be recessed within the fixture or structure in which it is attached.
- K. *N/A* Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- L. *OK* Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- M. *OK* *Contingent on* An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.
- N. *N/A* It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.

O. A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.

P. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.

Q. All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

**SECTION 20.06 REVIEW AND APPROVAL** Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township Superintendent may secure comments from the Township Building Inspector, Allegan County Road Commission, Sheriff's Department, and the Township or consultant Engineer and Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and other applicable ordinances. When the Planning Commission approves a site plan with conditions from the applicant, the Township Superintendent shall require a revised site plan with a revision date, indicating said conditions on the site plan.
- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Gun Plain Charter Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk's office.
- D. **Final Site Plan.** When a site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission, the Township Superintendent or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Zoning Official and the Applicant.

**SECTION 20.07 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL**

High Grade Materials  
35 106<sup>th</sup> Ave  
#03-08-023-001-10

**D. Planning Commission Determination.**

Following the public hearing, the Planning Commission shall review the application for the special land use permit, together with the public hearing findings and reports and recommendations of Township staff, consultants and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to the approval.

Performance guarantees may be required by the Planning Commission, in accordance with Section 22.02, to insure compliance with special approval conditions.

**E. Standards for Granting Special Use Approval.**

Approval of a special land use permit shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including site plan review criteria set forth in Chapter 20. In addition, the following standards shall be met:

1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
3. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Gun Plain Charter Township Master Plan and shall promote the intent and purpose of this Ordinance.
4. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
5. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
  - The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
  - The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.

- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses. *M-F 7-6 S 7-1 No Holidays or Sunday*

*N/A* 6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:

- Proximity and access to major thoroughfares.
- Estimated traffic generated by the proposed use.
- Proximity and relation to intersections.
- Location of and access to off-street parking.
- Required vehicular turning movements.
- Provision for pedestrian traffic.

*N/A* 7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.

*OK* 8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.

*?* 9. The proposed use shall be compatible with the natural environment.

F. **Recording of Planning Commission Action.** Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

G **Effective Duration of Special Use Approval.** Special use approvals shall run with the owner/operator granted permission and may be issued for specified periods based upon the impacts of the proposed use to surrounding property. The sale, transfer or conveyance of the property on which the special land use is located shall nullify the special use approval. Any new proposed owner or operator shall be required to submit and be approved by the Township Planning Commission for a new special use permit in order to continue said operation or activity

H. **Amendments to Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing Special Use Permit shall not nullify or cause to prohibit the



applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) Special Use Permit approval.

- I. **Revocation of Special Land Use Approval.** Approval of a special land use permit and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Township Superintendent shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

## SECTION 22.02 PERFORMANCE GUARANTEES

- A. **Purpose.** To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Township to insure the faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities. (Amended 4/22/09)
- B. **Scope of Requirement.** The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.
- C. **General Requirements.** A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:
  1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Township as a condition of site plan approval.
  2. To ensure the completion of the common elements of site plan affecting two or more parties.
  3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Township or the health, safety, or welfare of residents, project users, or the general public.

- D. **General Conditions.**