

MINUTES OF THE SPARTA TOWNSHIP PLANNING COMMISSION
Regular Meeting of June 9, 2020, 7 PM
Remote Meeting Via Zoom Media, Sparta, Michigan

Present: Chairperson Terry Hartman; Township Clerk Marcy Savage;
Commissioners Linda Anderson, Don Doyle, Tim Driscoll, Ken Humphreys,
and Mark VanderWerff

Also Present: Attorney Cliff Bloom; Fresh Coast Planning Associate Emma Posillico, AICP;
Township Supervisor Dale Bergman; IT Host Gary Glass;
and Recording Secretary Toni Potes

I. / II. Call to Order / Pledge of Allegiance: Chairman Hartman called the meeting to order at 7:02 PM, followed by the Pledge of Allegiance.

III. Additions or Corrections to Agenda: None.

IV. Minutes of February 11, 2020: Motion by Driscoll, second by VanderWerff, to approve the Minutes. Formal roll call vote: Anderson, yea; Driscoll, yea; Doyle, yea; Humphreys, yea; Savage, yea; VanderWerff, yea; Hartman, yea. Motion carried unanimously.

V. Public Comment: The public may participate in the meeting through Zoom access by computer and smart phone using the link below or toll-free number (929) 205-6099:
<https://us02web.zoom.us/j/85619527905?pwd=NzdlU2l3N2tTWfGwV0hndUQ0Q01XUT09> Meeting ID: 856 1952 7905 Password: 584467: No public comment.

VI. Business Items

A. Discussion of South Sparta's LLC's proposed "Hidden Prairie" development at 9029 Alpine Ave. NW, Sparta MI. Parcel #41-05-35-201-002. Revised preliminary plan approved November 2019, public hearing for final plan held February 2020.

1. Consideration of OS PUD rezoning and site plan
2. Consideration of special land use request for mineral extraction required for pond
3. Consideration of private road request
4. Consideration under Site Condominium Ordinance
5. Consideration of proposed PUD rezoning ordinance

Commissioner Savage was excused from the panel for Business Item A. Attorney Bloom clarified that the vote of 3 to 2 in February 2020 did pass. Planner Posillico reviewed the changes requested by the applicant's attorney in the 33-page resolution draft of A Resolution by the Sparta Township Planning Commission Recommending to the Sparta Township Board that the Application for Private Roadways, Site Condominiums, and a Pond by South Sparta, LLC Requesting Approval for an Open Space Planned Unit Development

("OS PUD") Rezoning and Site Plan for Property Commonly Known as 9029 Alpine Avenue NW and as Permanent Parcel No. 41-05-35-201-002 Be Approved and Related Matters.

Also shared was a letter received today from applicant's attorney, Todd Hendricks, stating objections to (1) constructing a fence around the swimming pond, and (2) prohibited use of the paved private road in the initial phase to haul soil from the pond until the private road is completed on phase 2 of the project.

Applicant John Bitely also reviewed and commented on the changes he is requesting:

Page 2: We do not know what the future holds, and the hard number of three years is too firm. He is not sure if three years is for Phase 1 or all three phases. Attorney Bloom stated that the word "approximately" in the document takes care of all of these concerns, whether it takes two years or five years. Attorney Bloom does not think there will be consequences. Applicant is sensitive to the condition, but as long as the Township is okay with it, he is acceptable to leaving it in.

Page 21: Applicant can live with fencing along the south, but a fence around all of it would take away from the pond. The Commissioners' determined the intent of the fence is safety. Without a fence, the grading around the whole pond must be gradual. Insurance must be from day one. Insurance for the association would be secondary insurance—no gap between the builder's insurance ending and the homeowner's association taking it over. Proof is needed that the \$1,000,000 covers the pond. Applicant is against fencing the whole area, but that we're moving in the right direction.

Page 22 & 27: Hours need to be consistent as on the plan. Change page 27 to '7:30 AM to 5:30 PM'. Regarding watering the haul road, applicant stated that use of the paved road instead of a gravel road is a way to control dust. A clause in the buyer's purchase agreement will state that buyers know there is mining going on. Applicant will probably put a finish coat on the road before the end of the phase. Kent County Road Commission may be able to define "excessive" complaints received regarding dust.

Page 27: Item f.3 regarding use of roads with inhabited houses is a concern of the attorney and planner. Attorney Bloom had requested of applicant's attorney specific, alternate language based on Kent County Road Commission standards of when road watering or sweeping for dust is necessary.

Page 28: Under Item k., applicant stated that vacating the home if systems fail may be the County Health Department's area. Attorney Bloom pointed out the word "may" softens this requirement.

Amber Lewis of (2)285 N. Union, Sparta, offered input on septic systems.

Applicant stated there is a reserve area that out buildings cannot exist because of future septic sites. Well and septic reports are provided in the closing documents.

Page 30: (Item q.) Applicant stated his offences of the review. Attorney Bloom pointed out the standards are pretty high. Applicant was concerned about the specifics. Regarding Item r.i., applicant stated loaded trucks have a hard time getting speed up; 7mph is too slow. He proposed 15mph. Doyle recommended inspections on the trucks themselves—applicant does not own any trucks; he contracts it out. Applicant suggests one sign posting speed for cars, one sign for trucks, and "no-engine braking" signs may solve any engine braking problem. Regarding Item r.ii., applicant asked what 'debris' justifies this

occurrence. Attorney Bloom wants the Road Commission's quantifiable language put in the document.

At 8:14 PM, Chairman Hartman opened for public comment. There was no public comment.

Vote on each item of concern:

Page 2: It was the consensus of the Commissioners to leave in the provision of approximately three years. Applicant wants the Commissioners to know it may take approximately three years.

Page 21: Attorney Bloom is concerned about no fencing around the pond; applicant offered to fence the south property line. Doyle said the south and west side would be sufficient. The language must be changed so there will always be insurance—no gap: "If insurance is not in place and effective, then a fence is needed, or the swimming area is closed and a fence is installed." Roll call vote on the proposed language: Anderson, nay; Driscoll, yea; Doyle, yea; Humphreys, yea; VanderWerff, yea; Hartman, yea. Addition of the language carried 5 to 1, with Anderson opposing.

Page 22: Attorney Bloom is waiting on Kent County Road Commission standards to be provided by applicant's attorney.

Page 27: Item f.1. times will be adjusted (7:30 AM to 5:30 PM) to be consistent in the document. Regarding f.3, roll call vote as to leave as written: Anderson, nay; Driscoll, nay; Doyle, nay; Humphreys, yea; VanderWerff, nay; Hartman, nay. Leaving in f.3. as written failed 1 to 5, with Anderson, Driscoll, Doyle, VanderWerff and Hartman opposing.

Applicant suggested the following compromise: "When 20 homes are occupied in Phase 1, shift then to Phase 2. Mining is done when 24 homes are occupied in Phase 2."

Attorney Bloom and Planner Posillico will work on the language. Roll call vote on the arrangement: Anderson, yea; Driscoll, yea; Doyle, yea; Humphreys, yea; VanderWerff, yea; Hartman, yea. The change carried 6 to 0.

Page 28: Regarding failing systems in Item k., roll call vote as to leave as written: Anderson, yea; Driscoll, nay; Doyle, yea; Humphreys, yea; VanderWerff, nay; Hartman, yea. Leaving Item k. in as written carried 4 to 1, with Driscoll and VanderWerff opposing.

Page 30: Regarding Item q., annual review of mining operation, roll call vote as to leave as written: Anderson, yea; Driscoll, yea; Doyle, yea; Humphreys, yea; VanderWerff, yea; Hartman, yea. Leaving Item q. in as written carried 6 to 0. Regarding Item r.i., roll call vote as to leave as written (speed limit 7mph): Anderson, nay; Driscoll, nay; Doyle, nay; Humphreys, nay; VanderWerff, nay; Hartman, nay. Leaving Item q. in as written failed 0 to 6, with all six Commissioners opposing. Roll call vote to change Item r.i. to fifteen miles per hour (15mph): Anderson, yea; Driscoll, yea; Doyle, yea; Humphreys, yea; VanderWerff, yea; Hartman, yea. Changing the speed limit to 15mph carried 6 to 0.

Clarification on watering and cleaning the roads is needed yet; Attorney Bloom is waiting on language from the Kent County Road Commission.

Applicant requested a special meeting before the next regular meeting: June 23 with a backup of June 30, either Zoom meeting or live will be determined.

B. Discussion of Planning Commission By-Laws (2015, 1995): Attorney Bloom, Planner Posillico, and Township Clerk Savage will come up with an updated version combining the 2015 and 1995 versions. All Commissioners were in agreement.

C. Old Business: None.

D. Public Comment: John Bitely thanked the Commissioners; he appreciates the community, Attorney Cliff Bloom and Planner Emma Posillico. Planner Posillico requested the chats be saved for public record.

VII. Adjournment: Motion by Driscoll, second by VanderWerff, to adjourn at 9:15 PM. Motion carried unanimously. A special meeting of the Sparta Township Planning Commission will be held June 23, 2020, at 7 PM (location to be determined). The next regular meeting of the Sparta Township Planning Commission will be Tuesday, July 14, 2020, at 7 PM.

Respectfully submitted,

—Toni Potes, Recording Secretary