

MEETING MINUTES OF THE
GRAND HAVEN CHARTER TOWNSHIP PLANNING COMMISSION
FEBRUARY 17, 2014

I. CALL TO ORDER

Chair Redick called the meeting of the Grand Haven Charter Township Planning Commission to order at 7:30 p.m.

II. ROLL CALL

Members present: Redick, Kieft, Robertson, Taylor, Wilson, T. French, Reenders, and LaMourie.

Members absent: Kantrovich

Also present: Cargo and Attorney Bultje

Chair Redick requested that Cargo record the meeting minutes.

III. PLEDGE TO THE FLAG

IV. APPROVAL OF MINUTES

Without objection, the minutes of the February 3, 2014 meeting were approved.

V. CORRESPONDENCE

Reenders shared correspondence regarding proposed changes to the Right-to-Farm Act.

VI. PUBLIC HEARING – Dempsey Special Land Use (Group Child Care)

Redick opened the public hearing at 7:32 p.m.

Cargo provided a brief overview of his memorandum. Cargo also noted that a letter from the Bridgewater household (14891 152nd Avenue) expressed their concern regarding the noise that is being created by this business.

Patricia Dempsey (*14878 Canary Drive*) noted that there would be two employees, she and her husband. The facility is an expansion of the current Day Care facility that operates from their home.

Bultje noted that enforcement of the Noise Ordinance would be complaint driven.

Redick closed the public hearing at 7:37 p.m.

VII. OLD BUSINESS

- a. **Motion** by French, supported by Wilson to approve the Dempsey special land use application, as delineated on the application and material provided. This approval is conditioned upon the following:

1. If the on-site parking for employees and/or the clients is shown in the future to be

inadequate (*e.g., staff are parking in the street*), additional paved on-site parking may be required by the Planning Commission.

2. The residential structure shall be maintained so that it continues to be compatible with the visible characteristics of the other homes in the neighborhood.

This approval is based on an affirmative finding that each of the following standards has been fulfilled:

1. The proposed use is consistent with, and promotes the intent and purpose of this Ordinance.
2. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
3. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
4. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
5. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
6. The proposed use does not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, park and recreational facilities, and other public services.
7. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.
8. The proposed use is consistent with the health, safety, and welfare of the Township.

This approval is based on an affirmative finding that each of the standards in Section 19.07.15, recited in the Superintendent's Memo of February 7, 2014, are met.

And for site plan purposes,

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
2. Safe, convenient, uncontested, and well defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site. Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

3. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the township.
4. Removal or alteration of significant natural features are restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Areas of natural drainage such as swales, wetlands, ponds, or swamps are protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
6. The site plan provides reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Landscaping shall be used, as appropriate, to accomplish these purposes.
7. All buildings and groups of buildings are arranged so as to permit necessary emergency vehicle access as requested by the fire department.
8. All streets and driveways are developed in accordance with the Ottawa County Road Commission specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this ordinance or any other township ordinance.
9. Appropriate measures have been taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions have been made to accommodate storm water, prevent erosion and the formation of dust.
10. Exterior lighting is arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets, and consists of sharp cut-off fixtures.
11. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public streets, are screened.
12. Entrances and exits are provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site.
13. The site plan conforms to all applicable requirements of county, state, federal, and township statutes and ordinances.
14. No fencing is required by the planning commission around the boundaries of the development.

Which motion carried.

- b. Redick noted that he would be allowing additional public comment regarding the NORGC SLU application and noted that Wilson would be leaving the table because of conflict of interest due to membership with the Club.

Cargo provided a brief overview of the cover memorandum.

Curt Walburg (*i.e., the Club Vice-President*) and Steve Woteshek (*i.e., the Club Director of Range Safety*) reviewed each of the Club's responses to the Planning Commission's request for additional information. It was noted that the plans indicate that a baffle has been added to the "nose" of the shooting shed (*i.e., a trellis baffle*).

Adam Twa (13006 Sweetbriar Drive) stated that he believed that the baffle test was insufficient; is concerned that Vargas is not acting in the best interests of the nearby residents; requested that tests be conducted on the soil to ensure that ground baffles and bullet traps are not needed; and, expressed concern with the impact of the lead on the environment and the frequency of mining.

Jeremy Wilder (15438 Sundew Street) stated he is still concerned with bullets leaving the grounds; noted that the NRA Range Source Book does not address design criteria and that a design professional is still needed; believes that the range should be fully baffled, noting that because the range is partially baffled there should be a fall zone equal to 50% of the range of the largest caliber bullet used; and, that the site plan does not contain sufficient construction details.

Randy Bremmer (13080 Acacia Drive) believes that this is a great opportunity for the Township to amend the Zoning Ordinance with regard to shooting ranges.

Shanna Durand (13075 Acacia Drive) stated that she knew that the Club existed when she purchased her home, but did not understand the danger until a bullet was found in her roof; expressed concern regarding her four boys playing outside; and, believes that the use of the law enforcement training on the range removes the protections of the SSRA.

Jason Durand (13075 Acacia Drive) stated that there is very poor communication from the Club; that he believes the SSRA protections are no longer valid; and, that the current proposal is not a clear and comprehensive solution.

Walburg noted that the cost of the proposed baffle system will be about \$500,000 and that the Club believes it will fully contain any bullets that are fired at the shooting range.

The Planning Commission deliberated and noted that:

1. The property rights under the SSRA are not lost based upon violations that occurred in the past on the range during training of public safety officials;
2. The State of Michigan adopted the NRA Range Source Book as the generally accepted operating practices;
3. It appears that a major purpose of the SSRA was to limit local control and regulation of sports shooting ranges;
4. The static shooting line design appears to be appropriate for a partially baffled "No Blue Sky Design" (*as opposed to a dynamic shooting area that might require a fully baffled system*);
5. There is still no decision in the Idaho case regarding the use of ground baffles;

6. The testimony that the soil conditions (i.e., sandy soil) and the relatively short range length (i.e., 100 yards) mitigate the need for bullet traps;
7. The testimony that the soil conditions (i.e., sandy soil) mitigate the need for ground baffles;
8. The baffles are hit very rarely, as seen in other Michigan shooting ranges that employ baffles;
9. The Club has a protocol for mining the lead and that it acts as a revenue stream; and,
10. The Club will be providing sealed construction prints that will provide additional detail beyond what is contained in the site plan.

Motion by Reenders, supported by French to approve the special land use request to construct a baffle system using a “No Blue Sky Design” for the North Ottawa Rod and Gun Club (“Club”) on parcel number 70-07-11-300-001.

This approval conditioned upon the following:

1. The shooting ranges shall be used only for purposes that are within the purview of the Sport Shooting Ranges Act, Act No. 269 of the Michigan Public Acts of 1989. The shooting ranges shall not be used for purposes of law enforcement training or military training.
2. The baffle system shall be constructed pursuant to sealed plans from C. Vargas & Associates (or another range designer, approved by the Township).
3. Once the baffle system is constructed, an engineer/surveyor shall complete a laser test to certify that the line and grades delineated on the plans were achieved. Further, as-built construction plans shall be provided to the Township and maintained with the building permit file that will be created.
4. The berms, which have been added by the Club shall be maintained at the heights indicated and shall be mined pursuant to the standards contained within the National Rifle Association Range Source Book 2012.
5. The Club shall maintain safety operating procedures. Before any person is allowed to use any of the Ranges operated by the Club, the person must view the Club's safety video and must read and sign the Club's Rules and Regulations.
6. A safety officer shall always be present on any of the Ranges when they are in operation.
7. The Club Range Safety Officer (RSO) duties will include that the opening RSO will walk thru the baffles on the range they are assigned to and inspect back side of baffles for any evidence of a round escaping out the back of any baffle. If there is evidence of penetration, that shooting lane will be shut down until the baffle is fully inspected and/or repaired. Once a month the front side of each baffle will be inspected and if any section is found in need of repair due to the number of hits, that lane will be shut down until repairs are made. The Club shall provide the Township with access to its maintenance records of the ranges upon its reasonable request in order for the Township to verify that maintenance is occurring in accordance with generally accepted practices and the conditions of the special land use.

8. The Club's Outdoor Range Maintenance Checklist will include an annual laser check of baffle alignment.
9. The stone material within the baffles will be replaced or refilled, as needed.
10. The rifle range shall be limited to twelve (12) rifle positions.
11. The two pistol shooting ranges shall be limited to eighteen (18) firing positions.
12. Only static firing will be allowed at the Ranges, specifically at the firing line.
13. Prone shooting will only be allowed if the pistol range is designed for prone shooting. Or if it is done at a pistol range or rifle range done at bench height with the use of an adapter.
14. No metal targets will be used on the Ranges unless the target is contained within a target shed.
15. The hours of the Club's ranges shall be 9:00 a.m. to sunset.
16. All ammunition used at the Ranges shall be standard sporting and hunting rounds and shall specifically exclude 50 caliber BMG and high arching rounds. These limitations on ammunition allowed shall be delineated in the Outdoor Range Rules.
17. Bullets shall be contained on the Club property.
18. All previous listed operational rules and requirements shall be made part of the Outdoor Range Rules. Further, the range standard operating procedures manual must be submitted to the Township for review and approval by the Township Attorney, and the Special Land Use shall not be effective until the SOP manual is approved.

This approval is based on an affirmative finding that each of the following standards has been fulfilled:

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2. The proposed use is of such location, size, density, and character as to be compatible with adjacent uses of land and the orderly development of the district in which situated and of adjacent districts.
3. The proposed use does not have a substantially detrimental effect upon, nor substantially impair the value of, neighborhood property.
4. The proposed use is reasonably compatible with the natural environment of the subject premises and adjacent premises.
5. The proposed use does not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
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7. The proposed use is such that traffic to, from, and on the premises and the assembly of persons relating to such use will not be hazardous, or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood, considering, among other things: safe and convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main thoroughfares and to streets and intersections, and, the general character and intensity of the existing and potential development of the neighborhood.
8. The proposed use is consistent with the health, safety, and welfare of the Township.

This approval is based upon an affirmative finding that each of the following standards has been met:

1. The enlargement or increase or extension is reasonable based upon a consideration of the area of the original non-conforming use.
2. The enlargement or increase or extension shall not substantially interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned, or with the use of such other properties in compliance with the provisions of this Ordinance.
3. The enlargement, increase or extension shall not significantly compromise the ability of the Township to effectuate the goals and purposes of its Master Plan. The Planning Commission shall consider the extent of the incompatibility of the enlargement, increase or extension with the Master Plan and shall, if it grants an enlargement, increase or extension at all, use the extent of the incompatibility for determining the percentage of allowable enlargement, increase or extension. A correspondingly lesser percentage of enlargement, increase or extension may be granted when the extent of incompatibility is greater. A correspondingly greater percentage of enlargement, increase or extension may be granted (but no more than 25 percent) when the extent of incompatibility is less.

And for site plan purposes,

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Which motion carried as indicated by the following roll call vote:

Ayes: Reenders, French, Robertson, Taylor, Redick, LaMourie

Nays: Kieft

Absent and/or Not Voting: Kantrovich, Wilson

Wilson returned to the table.

- c. Cargo noted that LIAA provided a presentation last Tuesday of the proposed planning program at the City of Grand Haven's Planning Commission meeting. GHT had five representatives at the meeting (*i.e., Planning Commission members Reenders, Robertson, and LaMourie, Trustee Hutchins and Cargo*). After the presentation, the City Planning Commission unanimously recommended participation in the project.

The next step will be for the Township Board to consider and approve a joint project agreement with the City of Grand Haven and the LIAA.

VIII. NEW BUSINESS

None

IX. REPORTS

- a. Attorney Report

None.

- b. Staff Report

- None
- c. Others
- None.

X. EXTENDED PUBLIC COMMENTS PERTAINING TO NON-AGENDA ITEMS
None.

XI. ADJOURNMENT

Without objection, the meeting adjourned at 9:47 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W D Cargo". The signature is written in a cursive, somewhat stylized font.

William D. Cargo
Acting Recording Secretary