

DRAFT

**VALLEY TOWNSHIP PLANNING COMMISSION**  
**MINUTES OF MEETING HELD ON JANUARY 24, 2017**

A regular meeting was held by the Valley Township Planning Commission on Tuesday, January 24, 2016 beginning at 7:00 p.m. at the Comstock Charter Township Hall.

Members Present: Tim Batchelor  
Harry Smith  
Craig Van Melle  
Kurt Vanderscheer

Members Absent: Tammy Taylor

Also present were Township Attorney Catherine Kaufman , Zoning Administrator Bryan MacCartny and approximately 25 interested people.

Chairman Van Melle called the meeting to order at 7:00 p.m. Roll call was taken and Planning Commissioner Taylor was noted as absent. The Pledge of Allegiance was said.

Mr. Smith made a motion to approve the agenda for the January 24, 2017 meeting. The motion was seconded by Mr. Vanderscheer and the motion passed unanimously.

Mr. Smith made a motion to approve the November 22, 2016 meeting minutes as prepared. Chairman Van Melle seconded the motion and the motion passed unanimously.

Chairman Van Melle said that the first item on the agenda was the Planning Commission's continued review of the rezoning request of S & F Propane for property on 121<sup>st</sup> and M-40. Chairman Van Melle indicated that the Planning Commission had already held the required public hearing on this request. However, given the number of people in attendance, he said that he would move the public comment period ahead on the agenda, to allow public comment at this time, as the majority in attendance was at the meeting regarding this item. The Planning Commission members agreed to move the public comment period up on the agenda.

Clinton Merritts said that many Township citizens were concerned about this rezoning request. Mr. Merritts read a prepared statement opposing the rezoning request into the record, stating that many residents were opposed to the proposed rezoning that would allow a propane filling station on this property and that the rezoning would have a detrimental effect on surrounding properties. Mr. Merritts referenced a number of several propane explosions that have occurred in different states (BLABS explosions): 4/9/88 in Iowa, 2/18/16, 7/30/13, 10/17/86 – in which a 22,000 pound tank in Utah exploded. Mr. Merritts said he (and the neighbors he represents) is

1 concerned with traffic and the proposed placement of a propane tank along M-40, as a  
2 truck may leave the roadway and hit the tank. He said that the road is often icy in the  
3 winter and there would be an increase in trucks using the site. He noted that residents  
4 do not oppose an advertising sign on site. Mr. Merritts also added that there are many  
5 semi trucks, cars, ATVs and school buses on 121<sup>st</sup> Street as well.  
6

7 Mr. Merritts also said that there are high voltage power lines running through the  
8 middle of the property and that these lines need 20 feet of clearance on either side of the  
9 line. Mr. Merritts submitted a petition to the Planning Commission with 126 signatures  
10 opposed to the rezoning. Mr. Merritts urged the Township Board to deny the rezoning  
11 request. Chairman Van Melle accepted the petition for forwarding to the Township  
12 Board.  
13

14 Shirley Nevenzel lives near the existing propane storage facility in the Township.  
15 She said that property has been for sale previously and the site is not maintained. She  
16 said old tanks are left lying around on site. She also said people trespass on the site.  
17

18 Elsie Jones said that there is an industrial park nearby and that the propane  
19 company could run their business from that location. She said that lots of traffic cuts  
20 through the industrial park, so there would be high visibility for the propane business if  
21 it located there. She is not opposed to a sign for advertising on the subject property, but  
22 that neighbors do not want a propane tank in their neighborhood. She noted that the  
23 applicant did not attend the meeting. She also said that the applicant said that they  
24 would work with the Township to follow through with other development options.  
25

26 Attorney Kaufman said that, with the approval of the Township, she had  
27 discussed development options with the applicant, including condition rezoning, zoning  
28 ordinance text amendment to allow propane facilities in a commercial zoning district as  
29 a special use, etc. She also reminded the public that the Planning Commission was only  
30 considering the request to rezone the subject property to Industrial, which would allow  
31 all industrial uses to be developed on the property. She noted that the Planning  
32 Commission was only a recommending body on this request and that the Township  
33 Board would take final action on the rezoning request.  
34

35 Pricilla Massis said that she has owned property in the Township since 1976. She  
36 asked the Planning Commission if they had talked to the Road Commission about this  
37 request, as school buses travel this road four times a day. She said there is already  
38 significant truck traffic from the pit on the road, which do not obey traffic laws. She  
39 asked why the applicant didn't think about the zoning of the property be he/she bought  
40 it? She asked why the applicant did not check the zoning on the property before buying  
41 it. She said many bikers and walkers use 121<sup>st</sup> Street and there is a lot of agricultural  
42 equipment on the road. She said that the Planning Commission and the Township  
43 Board need to be fair to those who have lived here already. She also asked what the  
44 Master Plan showed for the property.  
45

46 Mr. Merritts said that the subject property is small and if another driveway is  
47 placed on the site it will be too close to the stop sign. He said that trucks may have  
48 trouble with the stopping distance. He is concerned about trucks entering and exiting

1 the site so close to the intersection. Mr. Merritts also referenced code requirements for  
2 the installation of a propane storage tank and the required water pressure to handle a  
3 propane fire.

4  
5 Yvonne Reimink said many people live in the area of the proposed rezoning and  
6 are unaware of the request. She also asked who would pay for the installation of  
7 utilities.

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9 Mr. Vanderscheer asked if there was anyone present to represent the applicant.  
10 There was none. Mr. Vanderscheer asked that it be noted for the record that there was  
11 no representative of S & F Propane in attendance at the meeting.

12  
13 Roger Van Dam said that the Planning Commission should not consider the cost  
14 to the applicant when considering the appropriateness of the rezoning.

15  
16 Becky Calvert asked for clarification of what uses are allowed in an industrial  
17 zoning district. Mr. Vanderscheer read the list of permitted uses in the Industrial zoning  
18 district from Section 10.02 of the Zoning Ordinance. Ms. Calvert said she is opposed to  
19 any of those uses being allowed on this site.

20  
21 Pat Van Dam said that there are residential houses located within 500 feet of the  
22 subject property. Mr. Merritts said he believes that a family with young children lives  
23 in the house directly across the street.

24  
25 Elsie Jones said that it is her understanding that this would not be a manned  
26 propane facility (24/7). She said that propane will travel to the lowest spot and could  
27 cause an explosion. Since the station will be unmanned, a leak could be undetected for  
28 hours. Ms. Jones also noted that Brewer Sand and Gravel uses double tandem trucks  
29 on the road, which is tearing up the road. Mr. Brewer helped pay for road repairs. The  
30 gravel pit has reopened after 11 years. She felt that any trucks tearing up the road would  
31 need to help pay for road repairs.

32  
33 There being no further public comment, Chairman Van Melle closed the public  
34 comment period at 7:30 p.m.

35  
36 Chairman Van Melle said that his concerns about the rezoning request include  
37 fire safety and traffic issues. He knows that the speed limit on M-40 may be raised to 65  
38 mph and he is concerned about trucks coming over the hill could be a dangerous  
39 situation. He also feels that industrial parks traditionally have the infrastructure, water  
40 pressure, fire coverage and other support services for this type of industrial use.

41  
42 Mr. Batchelor is very concerned about industrial zoning on this site. Mr.  
43 Vanderscheer said that all the surrounding zoning is agricultural or residential.  
44 Industrial zoning in this area is not in character or style of the existing land uses. It  
45 would be completely out of place for the area and for the surrounding land uses. He  
46 also has safety concerns with industrial uses being in such close proximity to residential  
47 and agricultural uses.

1 Mr. Smith said that the Township Board's thinking years ago was that as the City  
2 of Allegan filled up with businesses and that the Township's tax base was 40% of the  
3 City's, the Township Board appointed a committee to consider areas appropriate for  
4 commercial or industrial uses and mobile homes. The reasoning was to increase the tax  
5 base. The committee recommended the area along M-40 as possible for these land uses.  
6 Mr. Smith also felt that the subject property would not accommodate a propane facility  
7 (because of the parcel size) and that he listened to the extensive public comment.

8  
9 There being no further Planning Commission deliberation, Mr. Vandescbeer  
10 moved to recommend denial of the rezoning request of S & F Propane to rezone vacant  
11 land on M-40 and 121<sup>st</sup> Street from Agricultural to Industrial for the following reasons:

- 12 1. Land uses that would be permitted in the Industrial zoning district are of such  
13 type, character and nature that produce impacts such as noise, odors, fumes,  
14 vibrations and traffic would negatively impact the adjacent existing land uses,  
15 which includes single family homes in close proximity to the property.  
16
- 17 2. The property could not be developed for the proposed propane facility use  
18 without variances, because the required setbacks for such use would not be  
19 satisfied on a parcel of this size and dimensions.  
20
- 21 3. The property is small in size (1.69 acres) and ranges from 111 feet wide in some  
22 points to 168 feet wide at other points. The property is very likely too small to  
23 develop for an industrial use and still insure adequate screening and/or buffering  
24 for adjacent property owners.  
25
- 26 4. There are no public utilities in the area to support an industrial land use on the  
27 property. There are concerns that an industrial use using wells and septic may  
28 cause pollution or other impacts on the ground water.  
29
- 30 5. Because the rezoning request is to Industrial, with no limitations, any permitted  
31 use could locate on the property if rezoned. The Planning Commission has great  
32 concerns regarding possible negative impacts that could arise from an industrial  
33 use on such a small parcel and in such close proximity to existing single family  
34 and agricultural land uses.  
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36  
37 Mr. Smith supported the motion. A roll call vote was taken, with the following  
38 votes: Smith - Yes; Vandescbeer - Yes; Batchelor - Yes; Van Melle - Yes. Absent:  
39 Taylor

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41 Chairman Van Melle said that this matter would be forwarded to the Township  
42 Board for action at its next available meeting.

43  
44 Chairman Van Melle said the next issue was discussion of the proposed Noxious  
45 Weeds ordinance. Attorney Kaufman explained the ordinance and said that it tracked  
46 state law. There was Planning Commission discussion on whether this type of  
47 regulation was needed in Valley Township. Elsie Jones asked why this was being

1 considered in a rural area. Mr. Vanderscheer felt it might be applicable to higher  
2 density residential neighborhoods in the Township.

3  
4 The Planning Commission then reviewed the draft Dangerous Buildings  
5 ordinance. Mr. Vanderscheer had a question regarding the definition of occupied and  
6 noting that there are many seasonal homes in the Township that are not occupied more  
7 than 6 months per year. The Planning Commission directed Attorney Kaufman to  
8 review the language to address this concern. Attorney Kaufman advised that Attorney  
9 Seeber, from her firm, would review the draft ordinance, as she has the most experience  
10 with Dangerous Buildings ordinances and proceedings.

11  
12 Chairman Van Melle then opened a second public comment period.

13  
14 Patricia Massey asked what the zoning of the cemetery was. She also said that  
15 she heard that a hog farm was going to locate on 122<sup>nd</sup>. The Planning Commission had  
16 general discussion regarding agricultural zoning districts, permitted uses and the  
17 potential for a hog farm on 122<sup>nd</sup>. Attorney Kaufman provided an overview of the Right  
18 to Farm Act.

19  
20 Pat Van Dam had a question on the zoning of her property.

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22 There being no further public comment, Chairman Van Melle closed the second  
23 public comment period.

24  
25 Chairman Van Melle introduced the two new planning commissioners: Tim  
26 Batchelor and Kurt Vanderscheer.

27  
28 There being no further business, Mr. Smith moved to adjourn the meeting. Mr.  
29 Vanderscheer seconded the motion and the motion passed unanimously. The meeting  
30 was adjourned at 8:05 p.m.

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35 Tammy Taylor, Secretary

36 Minutes Prepared: February 2, 2017

37 Minutes Approved: \_\_\_\_\_