

**GRATTAN TOWNSHIP PLANNING COMMISSION**  
**Regular meeting of July 6, 2011**

**1. Call to Order/Roll Call**

Chairperson Alan Rumbaugh called the regular meeting of the Grattan Township Planning Commission to order at the Grattan Township Hall at 12050 Old Belding Road at 7:00 p.m. Members present: A. Berry, J. Proos, S. Miller, L. Sostecke, S. Christians D. Heffron and A. Rumbaugh. Members absent: none. Township Supervisor Frank Force, Township Attorney Jim Brown and Township Zoning Administrator Gregg Converse also attended the meeting.

**2. Pledge of Allegiance**

A. Rumbaugh led the Pledge of Allegiance.

**3. Approval of Agenda**

L. Sostecke moved and S. Miller seconded to approve the agenda as presented. All ayes. The motion carried.

**4. Approval of Minutes**

L. Sostecke, A. Berry and A. Rumbaugh noted corrections to the minutes. L. Sostecke moved and A. Berry seconded to approve the minutes of the June 1, 2011 regular meeting as amended. All ayes. The motion carried.

**5. Public Comments**

There were no public comments.

**6. Public Hearing-Deidre Sharp- 12175 Woodland Park Drive- Swimming Pool**

L. Sostecke moved and S. Christians seconded to open the public hearing. All ayes. The motion carried.

There were no public comments.

S. Miller moved and L. Sostecke seconded to close the public hearing. All ayes the motion carried.

J. Proos read a letter signed by 11 neighbors in support of installation of the swimming pool.

L. Sostecke said the proposal meets the findings of facts set forth in the resolution.

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L. Sostecke moved and S. Miller seconded to adopt resolution PC 2011-002 approving a special land use for a swimming pool at 12175 Woodland Park Drive. Roll call vote: Ayes: A. Rumbaugh, S. Miller, L. Sostecke, J. Proos, S. Christians, A. Berry and D. Heffron. Nays: none. The motion carried 7-0.

Township Zoning Administrator reminded Commissioners and the applicant that special land uses expire after one year if significant progress has not been made on the project.

**7. Public Hearing- Brian Heethuis- Private Road Request/Special Land Use (Second Plan)**

A. Rumbaugh said the Planning Commission will be considering Brian Heethuis' private road/special land use request to use a sewer access road at 12001 Woodland Park Drive to access his adjacent property. A. Rumbaugh said if this request is denied Commissioners will put B. Heethuis' previous request back on the table for discussion.

S. Christians moved and L. Sostecke seconded to open the public hearing. All ayes. The motion carried.

Dan Lamoureux, neighbor, was opposed to allowing B. Heethuis use of the sewer access road to access his property. He said the current road is at best 20' from his bedroom windows and if the road is widened it will be even closer.

A. Rumbaugh said the current plan is that the road will not to impose any further onto adjacent property. If the special land use ~~beginning~~ BEING considered at this meeting is approved, B. Heethuis must request a variance for the reduced road ~~with~~ WIDTH from the Zoning Board of Appeals.

Tom Langland, neighbor, said the existing access road is a 9-10' wide two track, approximately 780' long and did not see how that road could be considered for a private road. He was also concerned about fire safety, the roads effect on wetlands and the safety of children near the road. He said if B. Heethuis' request is approved, improvements to the sewer access road will benefit the township. He was opposed to this proposal.

Linda Sheldon, neighbor, was also concerned about use of the narrow road. She said there are springs in that area making it too wet at times to mow. Floyd Sheldon asked if any Planning Commission members had visited the site. A. Rumbaugh said Commissioners walked the site.

Jeffrey Marsh, Lessiter Avenue, said B. Heethuis' first proposal will cause him to lose 2 acres of land to that proposal's road. He said the proposal being discussed will have the least amount of impact on wetlands in the area.

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S. Miller moved and D. Heffron seconded to close the public hearing. All ayes. The motion carried.

L. Sostecke said she was opposed to this special land use request. She said it will adversely affect adjacent properties, create fire truck issues, is not harmonious with the Master Plan and will set a precedent. She said she was opposed to both proposals submitted by B. Heethuis.

D. Heffron said a letter from the Fire Department noted problems with vehicles being unable to pass or reach a dwelling located on narrow private roads in emergency situations. L. Kirkbride's letter said fire trucks technically need 20' just to pass without any clearance. D. Heffron said the proposed road is too narrow and fire trucks will get stuck there in the spring. He also was opposed to having the land owner in charge of road maintenance and using township property. He said he was not in favor of this proposal.

A. Berry said there are pros and cons with both of B. Heethuis' proposals to access his property.

S. Miller said 90% of existing private roads in the township have issues with fire truck access. She said if B. Heethuis complies with township standards she would not be opposed to this proposal. She asked who would pay taxes on this road. J. Brown said the property is township owned and tax exempt. She wanted to make sure the township would not be liable.

J. Proos read a letter from Michael & Kristie Jacobs, 12023 Woodland Park Drive out loud. The Jacobs were not in favor of allowing B. Heethuis to use the sewer access road to access his property. J. Proos agreed with S. Miller's concern about township liability. Township Attorney Jim Brown said the township has insurance coverage on all property the township owns. He also said any accidents resulting from activities of the Fire Department are considered a governmental function and are immune.

S. Christians questioned why certain sections were included in the proposed resolution and asked that they be removed. Commissioners discussed and agreed to remove Sections 4f and 6f of the proposed resolution. He agreed with D. Heffron about fire truck clearance. He did not believe all Grattan fire trucks are 20' wide.

A. Rumbaugh said there are several approvals required to allow use of the sewer access road. He said this proposal was a better alternative than Mr. Heethuis' first ~~alternative~~ PROPOSAL.

Township Zoning Administrator asked if the Planning Commission's decision will be based on the June 7, 2011 drawing submitted by B. Heethuis. A. Rumbaugh asked B. Heethuis to clarify specifics about road construction. He

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asked that the road be maintained all the way down to the pump station and that the cul-de-sac be located at the access point down to the sewer pump station. B. Heethuis said he will construct and maintain the road however the township decides. G. Converse said the approved drawing should also note that front yard setbacks are 30' from the high water mark of the lake, not the property line. He also said it should be clarified that neighbors who spoke earlier at this meeting will not have curb cuts along the private road.

B. Heethuis said he will upgrade the existing road all the way down to the pump station and include a proper sized turnaround at the pump station. Commissioners discussed sizes of vehicles driving down to the pump station. L. Sostecke asked for clarification on how the road to the pump station would be built. J. Brown said that road will be required to be built to the same specifications as the private road. It was noted that the special land use would expire within one year. L. Sostecke said if approved this request will require other approvals. It was noted that B. Heethuis can request an extension if needed.

B. Heethuis noted at the end of the proposed resolution, under compliance with resolution; expiration, it references paragraph 3(l). J. Brown said that was a typographical error and has been corrected to show paragraph 4(j).

G. Converse said if a survey is required it should be noted who is responsible for that survey. B. Heethuis said the property has already been surveyed. J. Brown said the township would not be responsible for any surveys. L. Sostecke asked if ~~that~~ language to that effect should be added to the resolution. J. Brown said it did not have to be added to the resolution.

There was a discussion about the size of the cul-de-sac. B. Heethuis said plans must be approved by the Township's engineer. J. Brown said language stating the plans are subject to approval of both the township engineer and the Supervisor acting for the Sewer system.

J. Proos asked for clarification regarding when B. Heethuis will be responsible for maintenance and plowing of the proposed private road if approved. J. Proos said once the road is constructed, B. Heethuis must begin maintenance and snowplowing. B. Heethuis said if and when all required approvals are granted he will begin construction of the road. D. Heffron said after 12 months an extension of the special land use may be required. B. Heethuis said he did not foresee the need for an extension. J. Brown said language to that effect will be added to the resolution. B. Heethuis agreed.

D. Heffron asked what recourse the township has if the road is not properly maintained and plowed. J. Brown said B. Heethuis and any subsequent owners of the property will be required to maintain the road and plow the road. Commissioners discussed requiring insurance or a performance bond. J. Brown said owners of a private road in the township are required by township ordinance

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to provide an indemnity. J. Brown said if the road is not maintained and plowed, the property owner would be in violation of the special land use. If that occurred the property owner would be notified by the township and if needed a lawsuit would be filed. He said typically a court order to comply within a specified time would be issued. Commissioners discussed and agreed not to require a bond.

J. Proos read the finding of facts out loud and Commission members discussed.

S. Christians moved and S. Miller seconded to approve the resolution for a special land use for private road to serve two parcels of land at 7496 Lessiter and Woodland Park Drive with changes noted at this meeting.

Roll call vote: Ayes: A. Rumbaugh, J. Proos, S. Miller and S. Christians. Nays: L. Sostecke, D. Heffron, A. Berry. The motion carried 4-3.

#### **8. Public Hearing- Medical Marijuana Ordinance**

L. Sostecke moved and D. Heffron seconded to open the public hearing. All ayes. The motion carried.

There were no public comments.

L. Sostecke moved and A. Rumbaugh seconded to close the public hearing. All ayes. The motion carried.

Township Attorney Jim Brown reviewed the proposed ordinance to amend the zoning ordinance for medical marijuana provisions. He said there are currently several bills regarding medical marijuana being considered by the State legislature. Planning Commission members reviewed and discussed the proposed ordinance amendment.

L. Sostecke moved and J. Proos seconded to recommend approval of the proposed ordinance ~~amendment~~ to amend the zoning ordinance for medical marijuana to the Township Board. Roll call: Ayes: S. Miller, J. Proos, L. Sostecke, A. Berry, A. Rumbaugh and D. Heffron. Nays: S. Christians. The motion carried 6-1.

#### **9. New Business**

There was no new business.

#### **10. Old Business**

There was no old business.

#### **11. Discussion**

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There was no discussion.

**12. Adjournment**

There being no further business, A. Rumbaugh declared the meeting adjourned at 9:12 p.m. The next regular meeting will be held on August 3, 2011 if needed.

Respectfully submitted,

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John Proos, Secretary, GTPC

Diane Timmons  
Recording Secretary